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F.C.A. §§ 453, 454, 459, Art.5-B;
C.P.L.R.5242; S.S.L. § 111-g
[NOTE: Personal Information Form 4-5/5-1d,
containing social security numbers of parties and
dependents, must be filed with this Petition]

[Type here]

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Form 4-12
(Petition-Violation
of Support Order)
3/2018

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding under
Article (4)(5-B) of the Family Court Act

Docket No.

(Commissioner of Social Services, Assignee
on behalf of ,Assignor)

PETITION
(Violation of
Support Order)

Petitioner,

-against-

Respondent.

.....
**WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE
ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.**

Notice to Payor: This petition states that you did not obey a support order. It asks a court to find you in contempt. The court must hold a hearing to decide if you are obeying the order. If not, the Court must decide if your failure to pay was willful. A failure to pay is willful if you were able to pay, but did not. If the Court decides that you had the ability to follow the order but did not, you can go to jail for up to six months. If you can show that you were unable to pay support, the Court will not make a finding of willfulness and will not send you to jail. So, it is important that you give the Court information about your ability to pay. You have the right to have a lawyer at the hearing. If you cannot afford to hire a lawyer, you can ask the Court to provide a lawyer for free.

TO THE FAMILY COURT:

The Petitioner respectfully alleges that:

1. a. Petitioner, [check box]: an individual, is related to the child(ren) as follows [specify]:
and resides at [specify]:¹
 assignee agency, has its place of business at [specify]:
- b. [Applicable where Petitioner is assignee]: Assignor resides at [specify]:²
- c. Respondent resides at [specify]:³

.....
¹ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form GF-21a (available at www.nycourts.gov).

² See note 1.

³ See note 1.

2. The name(s) and date(s) of birth of the child(ren) involved are:

<u>CHILD'S NAME</u>	<u>DATE OF BIRTH</u>

3. By order of this Court, dated _____, _____, the Respondent was ordered to pay for the support of the above-named child(ren) and was directed to pay the sum of \$ _____ weekly every two weeks monthly twice per month quarterly to the Petitioner Support Collection Unit NYS Office of Temporary and Disability Assistance.

4. (Upon information and belief) a) Respondent has failed to obey the order of this Court in that [specify provision(s) of order alleged to be violated and nature of violation(s)]:

b) As a result of Respondent's violation of the support order, Respondent owes \$_____.

5. Petitioner (or Assignor, if Petitioner is Commissioner): [check applicable box]:
 has applied for child support services with the local Department of Social Services.
 is now requesting child support services by the filing of this Petition.⁴
 has continued to receive child support services after the public assistance or care case has closed.
 does not wish to make application for child support services.
 is not eligible for child support enforcement services). [Petitioners seeking only spousal support are ineligible.]

6. Respondent had did not have a prior order of support that was payable through the Support Collection Unit.

7. YOU ARE HEREBY NOTIFIED that Petitioner may amend this Petition to include any additional arrears which shall have accrued from the commencement of this proceeding up to the date of the hearing or disposition.

8. No previous application has been made to any judge or court, including a Native American tribunal, or is presently pending before any judge or court, for the relief requested in this petition (except

WHEREFORE, Petitioner requests an order granting Petitioner relief as set forth in Section 454 and 458-a, 458-b of the Family Court Act and Section 5242 of the Civil Practice Law and Rules, together with such other

⁴Pursuant to Section 111-g of the Social Services Law, signing this petition is deemed to be an application for child support enforcement services.

or further relief as the Court may deem just and proper.

NOTE:⁵ (1) A COURT ORDER OF SUPPORT RESULTING FROM A PROCEEDING COMMENCED BY THIS APPLICATION (PETITION) SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. SUCH COST OF LIVING ADJUSTMENT SHALL BE ON NOTICE TO BOTH PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THE RIGHT TO BE HEARD BY THE COURT AND TO PRESENT EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH SECTION FOUR HUNDRED THIRTEEN OF THE FAMILY COURT ACT, KNOWN AS THE CHILD SUPPORT STANDARDS ACT.

(2) A PARTY SEEKING SUPPORT FOR ANY CHILD(REN) RECEIVING FAMILY ASSISTANCE SHALL HAVE A CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED BY THE SUPPORT COLLECTION UNIT, WITHOUT FURTHER APPLICATION BY ANY PARTY. ALL PARTIES WILL RECEIVE A COPY OF THE ADJUSTED ORDER.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS TO WHICH AN ADJUSTED ORDER CAN BE SENT AS REQUIRED BY SECTION 443 OF THE FAMILY COURT ACT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ADJUSTED ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

Dated:

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

⁵Not applicable to out-of-state orders entered in New York State for enforcement purposes only.