

F.C.A. §§ 433, 453, 454, ART.5-B; C.P.L.R § 5242
(TO BE USED WHEN PERSON BEING SUMMONED
IS NOT A NEW YORK STATE RESIDENT)

Form 4-12a-2
(Violation of Support Order-
Non-Resident)
8/2010

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF _____

In the Matter of a Proceeding for Support under
Article _____ of the Family Court Act

Docket No. _____

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

Petitioner,

SUMMONS
(NON-RESIDENT)
(Violation of Support
Order)

-against-

Respondent.

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO THE ABOVE-
NAMED RESPONDENT: _____
who resides or is found at _____

A petition having been filed alleging that you have failed to obey the support order dated _____, _____ made by this Court under Article _____ of the Family Court Act, a copy of the petition being annexed hereto;

YOU ARE HEREBY SUMMONED to appear before this Court, located at _____, New York on _____, _____, at _____ o'clock in the _____ noon of that day to answer the petition and show cause why you should not be dealt with in accordance with Section 454 of the Family Court Act and Section 5242 of the Civil Practice Law and Rules.

Dated: _____, _____ .

BY ORDER OF THE COURT

Clerk of the Court

NOTICE: YOUR FAILURE TO APPEAR OR TO TESTIFY BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS MAY RESULT IN YOUR IMMEDIATE ARREST OR MAY RESULT IN SUSPENSION OF YOUR DRIVER'S

LICENSE, STATE-ISSUED PROFESSIONAL, OCCUPATIONAL AND BUSINESS LICENSES; AND RECREATIONAL AND SPORTING LICENSES AND PERMITS. YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, YOU HAVE THE RIGHT TO ASK THE COURT TO ASSIGN A LAWYER. IF, AFTER HEARING, THE JUDGE FINDS THAT YOU WILLFULLY FAILED TO OBEY THE ORDER, YOU MAY BE IMPRISONED FOR A TERM NOT TO EXCEED SIX MONTHS FOR CONTEMPT OF COURT.

NOTICE TO NON - NEW YORK STATE RESIDENTS: SECTION 580-316 OF THE FAMILY COURT ACT OF THE STATE OF NEW YORK PROVIDES THAT THE COURT MAY PERMIT A PARTY OR WITNESS RESIDING IN ANOTHER STATE¹ TO BE DEPOSED OR TO TESTIFY BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS AT A DESIGNATED TRIBUNAL OR OTHER LOCATION IN THAT STATE. IF YOU ARE UNABLE TO APPEAR IN PERSON YOU MAY APPLY FOR PERMISSION TO TESTIFY BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. IF YOU WISH TO REQUEST THIS PERMISSION YOU MUST RETURN THE ATTACHED "ELECTRONIC TESTIMONY APPLICATION" TO THIS COURT EITHER BY CERTIFIED MAIL OR TELEPHONE FACSIMILE (FAX No. :) IN ORDER FOR IT TO BE RECEIVED BY THIS COURT NOT LATER THAN THREE DAYS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, IN ADVANCE OF THE HEARING DATE ON THIS SUMMONS. IF YOUR APPLICATION IS DENIED YOU WILL BE SO NOTIFIED. YOUR FAILURE TO APPEAR IN PERSON OR BY COURT-APPROVED ELECTRONIC TESTIMONY MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU.

NOTICE: Family Court Act §154(c) provides that petitions brought pursuant to Articles 4, 5, 6, 8 and 10 of the Family Court Act, in which an order of protection is sought or in which a violation of an order of protection is alleged, may be served outside the State of New York upon a Respondent who is not a resident or domiciliary of the State of New York. If no other grounds for obtaining personal jurisdiction over the Respondent exist aside from the application of this provision, the exercise of personal jurisdiction over the Respondent is limited to the issue of the request for, or alleged violation of, the order of protection. Where the Respondent has been served with this summons and petition and does not appear, the Family Court may proceed to a hearing with respect to issuance or enforcement of the order of protection.

¹ FCA Section 580-101(19) defines "State" as a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes: (i) an Indian tribe; and (ii) a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Article, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.