

F.C.A. §§ 413, 415, 416, 422, 440, 514, 545, 571
S.S.L. §§ 101, 102; 111-g; 366
C.P.L.R. §§ 5241

(CSS/DSS 04/13)
(Co-Petitioners
Support and Medical
Support)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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

, Petitioner/Assignor
S.S. #

and
Commissioner of Social Services, Petitioner/Assignee
on behalf of the Assignor

– against –

, Respondent
S.S. #

Family File No.
Docket No.
New York Case Identifier
WMS Case ID

**PETITION FOR SUPPORT
AND MEDICAL SUPPORT
(Individual/Commissioner)**

.....
TO THE FAMILY COURT:

The undersigned Petitioners respectfully allege that:

1. The Petitioner/Assignor is who resides at¹

,

in the County of , State of New York, and is authorized to originate this proceeding pursuant to the
Family Court Act

; and the Petitioner/Assignee is the Commissioner of Social Services whose official address is

,

in the County of , State of New York, and is authorized to originate this proceeding (as
Assignee) pursuant to the Social Services Law and the Family Court Act.

2. Upon information and belief, the Petitioner/Assignor, , is the in this proceeding.

¹ Unless the court has ordered the address to be confidential or an Address Confidentiality Affidavit (application for confidentiality) is made herewith pursuant to Family Court Act §154-b.

3. Upon information and belief, the Petitioner/Assignor, , is a recipient of child support services and has assigned medical support rights to the local Department of Social Services.
4. Upon information and belief, the Respondent, , is the in this proceeding and resides at²

 ,
- 5.
6. Upon information and belief, the following dependent child(ren) became eligible for medical assistance effective :
7. Upon information and belief, the Respondent has a legal responsibility to provide child support for the child(ren), retroactive to the date of the filing of the petition, and medical support for the child(ren), retroactive to the date of the filing of the petition or the date for which the child(ren) became eligible for medical assistance, whichever is earlier.
8. Upon information and belief, the Respondent, on or about , and subsequent thereto, has failed to provide fair and reasonable child support and medical support for the child(ren) according to Respondent's means and earning capacity.
9. Upon information and belief, as a source of income the Respondent has an employer or income payor as defined in CPLR 5241(a), with the following name and address:³

 ,
10. Upon information and belief, no previous application has been made to any court or judge, including a Native American tribunal, or is presently pending before any court, for the relief herein requested

WHEREFORE, Petitioners pray for an order for support pursuant to the provisions of Section 413 of the Family Court Act, directing the Respondent to furnish such support as shall be deemed fair and reasonable effective retroactive to the date of the filing of the petition, and for medical support effective

² See Note 1.

³ See Note 1.

retroactive to the date of the filing of the petition or the date for which the child(ren) became eligible for medical assistance, whichever is earlier, and that such support be payable to the SCU;

; and for such other and further relief as the law provides.

NOTE: (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, AS REQUIRED BY SECTION FOUR HUNDRED FORTY THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, 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 Signature

Print or Type Name

Commissioner of Social Services
(or Designee for Commissioner) Signature

Print or Type Name

Service of all pleadings and legal papers upon Petitioner/Assignor in response to this petition should be directed to:

☐ Office of the IV-D Attorney

Attorney, if any (Print or Type Name)

_____, _____

Attorney's Address and Telephone Number