

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF .....

In the Matter of a Proceeding for Paternity Under  
the Family Court Act

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

Commissioner of Social Services, Petitioner/  
Assignee, on behalf of

, Assignor  
S.S. #:

– against –

, Respondent  
S.S. #:

**PETITION FOR PATERNITY  
BY PERSON OTHER THAN A PARENT  
(Commissioner)**

.....  
TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. Petitioner 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 of the State of New York.

The assignor is authorized to originate a paternity proceeding but has assigned her right to do so to the  
Commissioner of Social Services pursuant to the Social Services Law of the State of New York. In the  
event the assignment ends, the assignor may seek an order of filiation and order of support.

2. Upon information and belief, the Assignor, \_\_\_\_\_ is the \_\_\_\_\_ in this proceeding and resides at<sup>1</sup>  
\_\_\_\_\_,

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<sup>1</sup> 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 Respondent, , resides at<sup>2</sup>

; and who is employed at

4. Upon information and belief, the mother, , who resides at<sup>3</sup>

5. The name, social security number, and date of birth of the child involved is:

6. Upon information and belief, the above-named Respondent, , is the of the child.

7. Upon information and belief, the Respondent

8. Upon information and belief, at the time of conception of the child, the mother

9. Upon information and belief, the aforesaid child is a public charge on the of , New York. The child became eligible for public assistance and/or care effective .

10. Upon information and belief, no individual has been adjudicated father of this child, either in this court, or any other court, including a Native American court; and no individual has signed an Acknowledgment of Paternity in New York State or under another state's law admitting paternity for this child

11. Upon information and belief, the subject child is a Native American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

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<sup>2</sup> See Note 1.

<sup>3</sup> See Note 1.

12. 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, Petitioner prays that the court issue a summons or warrant requiring the Respondent to show cause why the court should not enter an order of filiation pursuant to Section 542 of the Family Court Act; and further, Petitioner prays for an order of support pursuant to the provisions of Sections 413 and 545 of the Family Court Act, directing the Respondent to furnish such support as shall be deemed fair and reasonable retroactive to the date of the filing of the petition for the order of filiation or the date for which the child(ren) became eligible for public assistance and care, whichever is earlier, and that such support be payable to the Support Collection Unit or, in the event the assignment ends, payable to the ex-assignor;

; 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:

\_\_\_\_\_  
Commissioner of Social Services  
(or Designee for Commissioner), Petitioner Signature

\_\_\_\_\_  
Print or Type name

Service of all pleadings and legal papers upon Petitioner 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

