

F.C.A. § 522, 523

S.S.L. § 111-g

[Note: Nassau County Family Court (NCFC) Information Sheets containing the Social Security #'s of the parties and the dependents must be filed with this petition]

Form 5-1

Paternity

10/2012

NCFC 9/2013

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

.....
In the Matter of a Paternity Proceeding

PETITION for Paternity
(Individual)

Petitioner _____
First M.I. Last

-AGAINST-

Respondent _____
First M.I. Last
.....

FILE # _____
DOCKET # _____
(Court use only)

TO THE FAMILY COURT:

The undersigned petitioner respectfully alleges that:

1. Check one box only:

I am the petitioner and I am the birth mother of the child who is the subject of this petition. I am submitting this petition to request an order declaring the respondent to be the father of the child.

I am the petitioner and I am pregnant with the child who is the subject of this petition. I am submitting this petition to request an order declaring the respondent to be the father of the child.

I am the petitioner and I am the father of the child who is the subject of this petition. I am submitting this petition to request an order declaring me to be the father of the child.

I am the petitioner and I may be the father of the child who is the subject of this petition. I am submitting this petition to request an order determining the paternity of the child.

2a. Petitioner's Information:

Name: _____

Date of Birth: _____

*Address: _____

2b. Respondent's Information:

Name: _____

Date of Birth: _____

Address: _____

* If address is confidential, print the word **CONFIDENTIAL** above and print your address on the NCFC Information Sheet only.

3. The petitioner had sexual intercourse with the above-named respondent during a period of time beginning on or about _____ and ending on or about _____ .
4. a. The petitioner respondent gave birth to a male female child out of wedlock on [specify date] _____ .
- or**
- b. The petitioner respondent is now pregnant with a child who is likely to be born out of wedlock.
5. I am the petitioner and I am I am not requesting an order for genetic testing to determine the paternity of the child.
6. At the time the child was conceived, the mother:
- was not married (child born out of wedlock),
- or**
- was married to: Name: _____
Address: _____

7. The name of the person who is or may be the father of the child is _____ .
- a. He has acknowledged paternity in writing.
- b. He has acknowledged paternity by furnishing support.
- c. He is the petitioner and acknowledges paternity by the filing of this petition.
- d. none of the above.
8. The child's information, specify: Name: _____
Date of Birth: _____
Sex: Male Female
- The birth certificate is attached [it must be attached if the petitioner is the mother].
- or**
- The birth certificate is unavailable, because _____ .
- 9a. Has any other person been named the father of this child by this court or any other court, including a Native American court?
- Yes No
- If yes, specify: Name of Court (include county & state): _____
Docket Number: _____
Names on the Case: _____ .

9b. Has any other person signed an acknowledgment of paternity for this child?

Yes, _____ has signed an acknowledgment of paternity.

No

10. Has there been an application made in any court for the relief herein requested?

Yes No

If yes, specify: Name of Court (include county & state): _____

Docket Number: _____

Names on the Case: _____

11. Does the child live with you?

Yes No

If yes, check one box below.

I have made application for child support services with the local department of social services.

I hereby make application for child support enforcement services by filing this petition.

I do not wish to make application for child support services.

12. Is the child a Native American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C.

§ § 1901-1963)? Yes No

Pursuant to F.C.A. § 545, upon the entry of an order of filiation, the court shall, upon application of either party, enter an order of support for the subject child.

WHEREFORE, the petitioner requests that this court issue a summons or warrant requiring the respondent to show cause why the court should not enter a declaration of paternity, an order of support and such other and further relief as may be appropriate under the circumstances.

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 [sign name]

Petitioner [print name]

.....
VERIFICATION

STATE OF)
COUNTY OF) :ss.:

being duly sworn, says that (s)he is the petitioner in the above-named proceeding and that the foregoing petition is true to (his) (her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

Petitioner [sign name before a notary]

Sworn to before me this _____
day of _____, 20__

Notary Public