

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding for Support
under Article 4 of the Family Court Act

Docket No.

(Commissioner of Social Services, Assignee)

FINDINGS OF FACT

Petitioner,

- against -

Respondent.
.....

....., being the Support Magistrate to whom the issues of support in the above-entitled proceeding were referred for determination, makes the following findings of fact [check applicable boxes]:

1. Petitioner and Respondent were:

- married on [specify date]: _____, and
- are still husband and wife were divorced on [specify date]: _____
- never married to each other.

2. The following children were born of this marriage [specify]:

There are no children born of this marriage.

3. a. Respondent is liable for the support of the following child(ren): [specify]:

<u>Name of Child</u>	<u>Child's Date of Birth</u>	<u>Child's Soc. Sec. (Last 4 Digits)</u>
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b. The basis of, or reason for, Respondent's liability is [specify]:

Respondent is not liable for the support of the children.

4. a. The following child(ren) [state name(s)]:
reside with Petitioner.

b. The following child(ren) [state name(s)]:
reside with Respondent.

5. a. Petitioner: filed a net worth statement or financial disclosure affidavit.

did not file a net worth statement or financial disclosure affidavit and did did not have good cause for not filing.

b. Respondent: filed a net worth statement or financial disclosure affidavit.
 did not file a net worth statement or financial disclosure affidavit and did did not have good cause for not filing.

6. The basic child support obligation for support of the following child(ren) [specify name(s)]: _____ is \$ _____ weekly every two weeks monthly twice per month quarterly.

7. The mother is the custodial non-custodial parent, whose pro rata share of the basic child support obligation is [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

8. The father is the custodial non-custodial parent, whose pro rata share of the basic child support obligation is [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

9. a. Petitioner has available health insurance coverage under [specify plan]:

This plan: covers the following children [specify]:

with the following contribution or premium paid by Petitioner [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

can be extended to cover the following children [specify]: with the following contribution or premium paid by Petitioner [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

This plan contains the following benefits: medical major medical/hospital dental optical prescription drugs other [specify]:

b. Respondent has available health insurance coverage under [specify plan]:

This plan: covers the following children [specify]:

with the following contribution or premium paid by Petitioner [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

can be extended to cover the following children [specify]: with the following contribution or premium paid by Petitioner [specify]: \$ _____ weekly every two weeks monthly twice per month quarterly.

This plan contains the following benefits: medical major medical/hospital dental optical prescription drugs other [specify]:

c. Neither Petitioner nor Respondent have available health insurance coverage.

10. a. Health insurance coverage for the children is ordered as follows:

- Petitioner is directed to continue the health insurance coverage for the following child(ren) [specify]:
with costs to be allocated between the parties as follows [specify]:
- Petitioner is directed to enroll the following child(ren) [specify]:
in the above-named health insurance plan, effective [specify date]:
with costs to be allocated between the parties as follows [specify]:
- Respondent is directed to continue the health insurance coverage for the following child(ren) [specify]:
with costs to be allocated between the parties as follows [specify]:
- Respondent is directed to enroll the following child(ren) [specify]:
in the above-named health insurance plan, effective [specify date]:
with costs to be allocated between the parties as follows [specify]:
- The custodial parent [specify]: shall immediately apply to enroll the child(ren) in the NYS "Child Health Plus Program" or the New York State Medical Assistance Program or the publicly funded health insurance program in the State where the custodial parent resides, it is hereby. If the children are accepted into the "Child Health Plus Program," the cost of the premiums or family contribution shall be allocated among the parties as follows:

b. The allocation between the parties of costs of medical premiums or contributions in ¶a :
 is prorated in the same proportion as each parent's income is to the combined parental income.

OR

- is not prorated in the same proportion as each parent's income is to the combined parental income, because that would be unjust or inappropriate for the following reason(s) [specify]:
The following factors were considered in determining the allocation in ¶a [specify]:

11. The custodial parent's pro rata share of the basic child support obligation is:

- ordered without deviation;

OR

- would be unjust inappropriate, based upon consideration of the following factor(s) in Family Court Act §413(1)(f) [specify factor(s) and reason(s)]:

13. [Applicable only where the parties have agreed or stipulated to an order of child support, pursuant to Family Court Act §413(1)(h)]:

- The parties have voluntarily stipulated to child support for the following child(ren)[specify]:
payable by [specify]: to [specify]:
in the amount of \$ _____ weekly every two weeks monthly
 twice per month quarterly, such stipulation having been entered into the record and reciting, in compliance with Section 413(1)(h) of the Family Court Act that:
a. The parties have been advised of the provisions of Section 413(1) of the Family Court

Act;

b. The unrepresented party, if any, has received a copy of the child support standards chart promulgated by the Commissioner of the New York State Office of Temporary and Disability Assistance pursuant to Section 111-i of the Social Services Law;

c. The basic child support obligation as defined in Family Court Act Section 413(1) presumptively results in the correct amount of child support to be awarded; and

d. The parties' reason(s) for agreeing to child support in an amount different from the basic child support obligation (is) (are)[specify]:

14. [Applicable to determinations of petitions for wilful violation under F.C.A. §454]:

a. Respondent willfully failed to obey the order of this Court as follows [specify]:

OR

Respondent did not willfully fail to obey the order of this Court.

b. Respondent showed the following good cause for failing to make application for relief from the judgment or order directing payment of support prior to the accrual of the alleged arrears: [set forth facts and circumstances constituting good cause; *see* F.C.A. §451]:

Respondent did not show good cause for failing to make application for relief from the judgment or order directing payment of support prior to the accrual of the alleged arrears.

c. The request for the following relief [specify]:
is denied for the following reasons(s) [specify; *see* F.C.A. §454]:

15. [Applicable in petitions for modification]:

The following facts constitute a change of circumstances [specify]:

No change in circumstances has been found.

16. The following appendices are attached and made a part of these Findings of Fact:

Appendix A Appendix B Other [specify]:

17. The following are additional findings of fact:¹

Dated:

Support Magistrate

¹ These may include, among others: potential for support; other child support obligations; support payments previously made; efforts to supplement income; efforts to find employment; and findings regarding child care, educational expenses and accident and life insurance.

Appendix A
**Itemization of Income and Deductions of Custodial
and Non-Custodial Parents**
[Family Court Act §§413(1)(b), 413(1)(c), 413(1)(f), 416]

CUSTODIAL PARENT

Mother Father

Gross (Total) Income

- 1. Gross (total) income (as should have been or should be reported in most recent federal income tax return) _____
- 2. Investment income (not already included in item 1), reduced by sums expended in connection with the investments _____
- 3. Income or compensation voluntarily deferred or income from the following sources (not already included in items 1 or 2)
 - a. deferred compensation _____
 - b. worker's compensation _____
 - c. disability benefits _____
 - d. unemployment insurance benefits _____
 - e. social security benefits _____
 - f. veterans benefits _____
 - g. pensions and retirement benefits _____
 - h. fellowships and stipends _____
 - I. annuity payments _____
- 4. Income based upon former resources or income _____
- 5. Self-employment deductions (not already included in items 1 or 2)
 - a. depreciation deduction _____
 - b. entertainment and travel allowances _____

6. Other² _____

7. GROSS INCOME \$ _____

Deductions

8. Unreimbursed employee business expenses (except to extent expenses reduce personal expenditures) _____

9. Alimony or maintenance actually paid to non-party spouse pursuant to court order or agreement _____

10. Alimony or maintenance actually paid or to be paid to party-spouse pursuant to court order or agreement _____

11. Child support actually paid pursuant to court order or agreement for non-party child _____

12. Family assistance _____

13. Supplemental social security income _____

14. N.Y.C. or Yonkers taxes _____

15. Federal Insurance Contributions Act (FICA) taxes _____

16. TOTAL DEDUCTIONS \$ _____

Health Insurance: Insurance available? yes no

17. CUSTODIAL PARENT'S NET INCOME \$ _____

²See S413, subd. 1(b)(5)(iv) and (v)

NON-CUSTODIAL PARENT
 Mother Father

Gross (Total) Income

- 18. Gross (total) income (as should have been or should be reported in most recent federal income tax return) _____

- 19. Investment income (not already included in item 1), reduced by sums expended in connection with the investments _____

- 20. Income or compensation voluntarily deferred or income from the following sources (not already included in items 1 or 2) _____
 - a. deferred compensation _____
 - b. workers compensation _____
 - c. disability benefits _____
 - d. unemployment insurance benefits _____
 - e. social security benefits _____
 - f. veterans benefits _____
 - g. pensions and retirement benefits _____
 - h. fellowships and stipends _____
 - I. annuity payments _____

- 21. Income based upon former resources or income _____

- 22. Self-employment deductions (not already included in items 1 or 2) _____
 - a. depreciation deduction _____
 - b. entertainment and travel allowances _____

- 23. Other³ _____

- 24. GROSS INCOME \$ _____

Deductions

- 25. Unreimbursed employee business expenses (except to extent expenses reduce personal
-

³See §413, Subd. 1(b)(5)(iv) and (v)

- expenditures) _____
- 26. Alimony or maintenance actually paid to non-party spouse pursuant to court order or agreement _____
- 27. Alimony or maintenance actually paid or to be paid to party-spouse pursuant to court order or agreement _____
- 28. Child support actually paid pursuant to court order or agreement for non-party child _____
- 29. Family assistance _____
- 30. Supplemental social security income _____
- 31. N.Y.C. or Yonkers taxes _____
- 32. Federal Insurance Contributions Act (FICA) taxes _____
- 33. TOTAL DEDUCTIONS \$ _____

Health Insurance: Insurance available? yes no

- 34. NON-CUSTODIAL PARENT'S NET INCOME \$ _____
- 35. COMBINED PARENTAL INCOME (Line 17 plus line 34) \$ _____

Child Support Standards Act child support percentages [Family Court Act §§413(1)(b)(3), 413(1)(c)]:
 17% of the combined parental income for one child;
 25% of the combined parental income for two children;
 29% of the combined parental income for three children;
 31% of the combined parental income for four children;
 No less than 35% of the combined parental income for five or more children.

Combined parental income up to \$80,000 [Effective 1/31/2010: \$130,000] to be multiplied by the appropriate child support percentage and pro rated in the same proportion as each parent's income bears to the combined parental income.

Appendix B

**Itemization of Income and Deductions of Custodial
and Non-Custodial Parents
[FCA §§413(1)(a), 413(1)(b), 413(1)(c), 413(1)(f)]**

1. Petitioner's weekly monthly expenses are: [itemize]:

2. Petitioner's weekly monthly sources of income are: [itemize]:

3. Respondent's weekly monthly expenses are: [itemize]:

4. Respondent's weekly monthly sources of income are: [itemize]:

5. The weekly monthly needs of the following children are: [itemize as to each child]: