

F. C. A. §§ 522, 523

S.S.L. §111-g

[NOTE: Personal Information Form 4-5/5-1-d, containing social security numbers of parties and dependents, must be filed with this Petition]

Form 5-1

(Paternity Petition- Individual)

10/2016

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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

Docket No.

Petitioner,

PATERNITY
PETITION
(Individual)

-against-

Respondent

.....
TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

1. [check applicable box(es)]:

I am the [check one]: birth mother of pregnant with the child who is the subject of this petition and am submitting this petition to request an order declaring Respondent to be the father of the child.

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

Upon information and belief, I may be the father of the above-named child and am submitting this petition to request an order determining the paternity of the child.

2. a. I reside at [specify]:¹

b. Respondent resides at [specify]:²

3. I had sexual intercourse with the above-named Respondent during a period of time beginning on or about the _____ day of _____, _____, and ending on or about the _____ day of _____

¹ Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an unreasonable risk to the health or safety of the petitioner: *see* forms GF-21 and 21a, available at www.nycourts.gov.

² Unless ordered confidential pursuant to Family Court Act § 154-b, because disclosure would pose an unreasonable risk to the health or safety of the respondent: *see* forms GF-21 and 21a, available at www.courts.gov.

4. [Check applicable box]:

a. I OR Respondent gave birth to [specify name of child]: _____,
a male female child out of wedlock on [specify date]: _____

b. I OR Respondent is now pregnant with a child who is likely to be born out of wedlock.

5. [Check box, if applicable; if not, SKIP to ¶6]: I am requesting an order for genetic testing to determine the paternity of the child.

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

was not married.

was married to [specify]: _____, whose last known address is [specify]: _____

7. [Check applicable box(es), if any; if not, SKIP to ¶8]:

I have acknowledged paternity: in writing by furnishing support.

Respondent acknowledged paternity: in writing by furnishing support.

8. 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 admitting paternity for this child, (except) [specify]: _____

9. I am hereby applying for child support services from the Support Collection Unit (the IV-D program pursuant to Title 6-A of the Social Services Law) through the filing of this Petition, unless [Check a box only if applicable]:

I have already applied for child support services from the Support Collection Unit (the IV-D program pursuant to Title 6-A of the Social Services Law)

I do not need to apply now because I have continued to receive child support services after the public assistance or care case, or foster care case, for my family has closed.

I do not wish to apply for child support services.

I am not eligible to apply for child support services because I am petitioning for spousal support only.

10. 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.

11. Upon information and belief, the subject child is is not a Native American child who may be subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

12. No previous application has been made to any court or judge for the relief herein requested (except [specify]): _____

WHEREFORE, I am requesting 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.

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

Dated: , .

VERIFICATION

STATE OF NEW YORK)
): ss.:
COUNTY OF)

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

Petitioner

Sworn to before me this
day of , .

(Deputy) Clerk of the Court
Notary Public