

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....

In the Matter of a Proceeding under Article 5 of the  
Family Court Act,

DOCKET NO.

Petitioner

ORDER ON MOTION  
TO VACATE  
FOR LACK OF SERVICE

-against-

Respondent

.....

**IF THIS ORDER WAS ENTERED BY A JUDGE**, THE ORDER MAY BE APPEALED  
PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT. THAT SECTION  
PROVIDES THAT AN APPEAL FROM THAT ORDER MUST BE TAKEN WITHIN 30 DAYS  
AFTER RECEIPT OF THE ORDER BY APPELLANT IN COURT, 30 DAYS AFTER SERVICE  
BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, OR 35  
DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK  
OF THE COURT, WHICHEVER IS EARLIEST.

**IF THIS ORDER WAS ENTERED BY A SUPPORT MAGISTRATE**, SPECIFIC WRITTEN  
OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF  
THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF  
THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE  
ORDER.

A motion having been made by [specify]:  
for an order vacating the [check applicable box(es)]:  Order of Filiation  Order of Child  
Support, entered by this Court by default on [specify date]:  
on the ground that the defaulting party had not been served, and the matter having duly come on to  
be heard before this Court;

NOW, after examination and inquiry into the facts and circumstances of the motion, and  
[delete if inapplicable]: after hearing the proofs and testimony; it is therefore

ORDERED that [check applicable box]:  
 The motion to vacate the [check applicable box(es)]:  Order of Filiation  Order of  
Child Support, is GRANTED and the matter shall be set down for a new hearing on [specify date  
and time]:

**OR**

The motion to vacate the  Order of Filiation  Order of Child Support is DENIED

and the Order(s) shall continue in full force and effect.

AND IT IS FURTHER ORDERED that [specify]:

Dated:

ENTER

\_\_\_\_\_  
Judge of the Family Court/ Support Magistrate

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: \_\_\_\_\_
- Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_