

How to File for Child and/or Spousal Support

How do I get Child or Spousal Support?

You file a Support Petition in Family Court. For first-time child support, you will need a document establishing the legal father of the child, such as an Acknowledgement of Paternity, a Birth Certificate or an Order of Filiation. If you do not have this, you can file a Paternity Petition and ask for Child Support in that petition.

Where can I get help to get an Order of Support, or to change or enforce a support?

You can apply for our services by filling out an application to see if we can assist you. However, many people are “pro se,” or represent themselves, in support actions. You can also hire a private attorney by calling the Erie County Bar Lawyer Referral Service, or obtain assistance from the Volunteer Lawyers Help Desk staffed at the Family Courts.

Can I represent myself?

Yes. You can file a petition and represent yourself in Family Court in a support action, many people do.

What happens after the petition is completed and filed?

A court date will be scheduled, and you will likely get the notice in the mail. On the scheduled date, appear at the assigned Courtroom promptly. Be prepared with your arguments and evidence. If the other party has a lawyer and you feel unable to present your side adequately, you can ask the Support Magistrate for time to get a lawyer.

What should I bring to court?

You will be required to fill out a Financial Affidavit and provide your most recent tax returns and pay stubs. You can also bring anything that proves your income, childcare costs, and other uninsured expenses.

What if I need support right away?

If you need support right away, ask the Support Magistrate for a temporary Order of Support at your first appearance. The temporary Order will be in effect until the Support Magistrate makes a final decision on your support petition.

After I get an Order of Support, how do I collect it?

You can ask the court to issue an order directing that child support be paid through Child CSCU) to you. The Child Support Collection Unit can also seize tax refunds, freeze bank accounts, and suspend driver's licenses when a payor falls behind. Most people believe that the most reliable way to collect support is through the Support Collection Unit. It is important to note that if the order is only for spousal support, that cannot be collected through the CSCU. But if the support is a combination of Child Support and Spousal Support then it may all be collected through CSCU.

Are there any other options to get paid?

You can ask the Court for an Income Deduction Order. An Income Deduction Order directs an employer to deduct support payments from the payor's paycheck and send the money to you. You may instead ask that the payor pay you directly if you trust them to do so.

Where do I file:

Erie County:

Petition Processing, on the 4th Floor of Family Court, 1 Niagara Plaza, Buffalo NY 14202.

Niagara County:

Niagara Falls – 775 3rd Street, Niagara Falls NY 14301, Petition processing is located on the 1st floor.
Lockport – 175 Hawley St., Lockport NY 14094, Petition processing is located on the 2nd floor.

What if I think I need a private attorney?

You can retain a lawyer of your own choosing. You may consider contacting the Erie County Bar Association, Lawyer Referral Program at 716-851-3100 and ask for referral to a private attorney.