NEIGHBORHOOD LEGAL SERVICES INC.
EQUAL JUSTICE FOR ALL

Support Actions in Family Court

Where can I get help to get a support order, or to change or enforce a support?

You can apply for our services by filling out an application. However, many people are pro-se, or represent themselves in support actions. You can also high a private attorney by calling the Erie County Bar Lawyer Referral Service.

Can I represent myself?

Yes. You can file a petition and represent yourself in Family Court in a support action.

How do I file an action?

Go to Petition Processing, Family Court, One Niagara Plaza, 4th Floor, Buffalo, New York. Take a copy of any document that establishes the legal father of your child/children. This could be an Acknowledgement of Paternity, a Birth Certificate or an Order of Filiation, you will need to attach it to the petition. You should also bring any previous orders by any other Court, such as a Divorce Judgment, or the order you are attempting to modify. It is also helpful to take the name, address, Social Security Number and place of employment of the person from whom you are seeking support.

A clerk may help you prepare the Petition, or will review a petition which you have prepared yourself, and will schedule the case before a Support Magistrate.

What happens after the petition is completed?

A court date will be scheduled. 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 an adjournment so that you can get a lawyer.

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 that the support money be sent to the Support Collection Unit and that the SCU then send the money onto you. The 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.

Are there any other options?

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 him or her to do so.

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What if I think I need a private attorney?

In a Support Action, the Court can order the other party to pay legal fees. If you think the other party can afford to pay your legal fees, call the Erie County Bar Association, Lawyer Referral Program at 851-3100 and ask for referral to a private attorney. This attorney should take your case with little or no retainer fee on the expectation that the Court will order the other party to pay your legal fees. The Bar Association may require that you have $20.00 available to pay the lawyer for your initial review.

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