

F.C.A. §451

Form 4-26
(Child Support –Order on Motion
to Vacate for Lack of Service)
(1/2026)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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

DOCKET NO.

Petitioner

ORDER ON MOTION
TO VACATE
FOR LACK OF SERVICE

S.S.#: xxxx-xx-_____
-against-

Respondent

S.S.#: xxxx-xx-
.....

IF THIS ORDER WAS ENTERED BY A JUDGE, PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL MUST BE TAKEN WITHIN THIRTY DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, THIRTY-FIVE DAYS FROM THE MAILING OR ELECTRONIC TRANSMISSION OF THE ORDER TO THE APPELLANT BY THE CLERK OF THE COURT, OR THIRTY DAYS AFTER SERVICE BY A PARTY OR ATTORNEY FOR THE CHILD UPON THE APPELLANT, 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 OR ELECTRONIC TRANSMISSION, WITHIN 35 DAYS OF THE MAILING OR ELECTRONIC TRANSMISSION OF THE ORDER.

A motion having been made by [specify]:

for an order vacating the Order of 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 Order of 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 Support is DENIED and the Order 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 or electronically transmitted on [specify date(s) and to whom sent]:

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