

_____ County

In The General Court Of Justice
District Court Division

Name And Address Of Petitioner

VERSUS

Name And Address Of Respondent

**MOTION AND NOTICE OF HEARING
FOR RELIEF FROM
CHILD SUPPORT OBLIGATION
DUE TO DISESTABLISHMENT OF PATERNITY**

G.S. 50-13.13

My child support order is based on the mistaken belief that I am the father of the child. I am required to pay child support by agreement or under an order entered by a North Carolina court.

I request the court to set aside the Order Voluntary Support Agreement to pay child support for
(list name(s) and birth date(s) of child(ren)) _____

to (name of custodial parent) _____

The Order Voluntary Support Agreement to pay child support was signed on (date) _____ and
filed in the _____ County District Court. A copy of the Order Voluntary Support Agreement is attached.

- 1. This motion is filed within one year of the date that I became aware of the fact that I am not the father of the child(ren) listed above or should have reasonably known that I am not the father of the child(ren) listed above, or the motion is filed prior to January 1, 2013.
- 2. I do not believe that I am the father of the child(ren) listed above because: (state the specific reasons why you believe you are not the father of the child(ren))

- 3. a. I have not acknowledged paternity of the child(ren) listed above.
 b. I have acknowledged paternity of the child(ren) listed above without knowing that I was not the child(ren)'s biological father.
(Note: Check one only)
- 4. I have not adopted the child(ren) listed above.
- 5. I have not legitimated the child(ren) listed above.
- 6. I am not the child(ren)'s legal father through artificial insemination.
- 7. I have not acted to prevent the child(ren)'s biological father from asserting his parental rights regarding the child(ren).
- 8. I am am not listed as the father on the birth certificate(s) of the child(ren) named above.

- I further request the court to suspend the payment of child support while this motion is pending because the child support I am currently paying is: (Note: Your child support obligation cannot be suspended while this motion or claim is pending before the court if the support is being paid to the mother of the child.)
 - 1. being paid on behalf of the child to the State.
 - 2. being paid to assignee of child support, because the child(ren) is in the custody of the State.
 - 3. being paid because I am an obligor in a IV-D case as defined in G.S. 110-129(7).

VERIFICATION

I, the undersigned being first duly sworn, verify that the information stated above is true, correct and complete to the best of my knowledge and belief.

SWORN/AFFIRMED SUBSCRIBED TO BEFORE ME

Date

<i>Date</i>	<i>Signature</i>	<i>Signature Of Petitioner</i>
<i>Title Of Person Authorized To Administer Oaths</i>		<i>Name Of Petitioner (Type Or Print)</i>
<input type="checkbox"/> Notary	<i>Date My Commission Expires</i>	
SEAL	<i>County Where Notarized</i>	

NOTICE OF HEARING

NOTICE TO: *(Name of party(ies) to be served)* _____

You are notified to appear at the date, time and location shown below to answer the above Motion and Notice of Hearing for Relief from Child Support Obligation.

<i>Date Of Hearing</i>	<i>Time Of Hearing</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location Of Hearing</i>
<i>Date Of Notice</i>	<i>Signature</i>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

INSTRUCTIONS TO THE PETITIONER:

1. A copy of the Order or Agreement requiring you to pay child support **MUST** be attached to this Motion and Notice of Hearing.
2. After receiving a hearing date from the clerk of superior court, **you** must serve a copy of this Motion and Notice of Hearing on the other party to the Order or Agreement requiring you to pay child support. (**Note:** If you serve the Motion and Notice of Hearing by certified mail, you must prepare and file an affidavit of service.)
3. **You** must serve the local child support enforcement agency if the agency has been involved in the establishment of paternity or the payment of child support for the child(ren) named in your motion.
4. **You** will need to appear in court on the date and time provided in the Notice of Hearing.

CERTIFICATE OF SERVICE

I certify that this Motion and Notice Of Hearing was served as follows:

PARTY

<i>Date</i>	<i>Name Of Person Served</i>
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- By depositing a copy of this Motion and Notice enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed to the person named above at the address shown on reverse.
- By delivering to the person named above a copy of this Motion and Notice.
- By leaving a copy of this Motion and Notice at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy of this Motion and Notice to the attorney of record for the person named above.
- Other: *(specify)*

<i>Signature</i>	<i>Name Of Person Serving Notice (Type Or Print)</i>	<i>Title</i>
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IV-D AGENCY

Date

Name Of IV-D Agency

By depositing a copy of this Motion and Notice enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed to the county manager, a county commissioner or the clerk to the board of county commissioners named below.

Name, Title And Address Of Person Served

Other: (specify)

Signature

Name Of Person Serving Notice (Type Or Print)

Title