

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name And Address Of Petitioner

VERSUS

Name And Address Of Respondent

**ORDER**  
 **GRANTING**  **DENYING**  
**RELIEF FROM**  
**CHILD SUPPORT OBLIGATION**

G.S. 50-13.13

A hearing was held on (date) \_\_\_\_\_ to address petitioner's Motion to Set Aside Child Support filed on (date) \_\_\_\_\_. All parties were present, represented, or received proper notice of the hearing. Based on the record and the evidence presented, the Court makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The petitioner served the respondent with his Motion to Set Aside Child Support on (date) \_\_\_\_\_.
2.  a. Genetic testing **was** ordered pursuant to G.S. 8-50.1.
  - i. The test results establish that the probability of the petitioner's parentage is less than eighty-five percent (85%).
  - ii. The test results establish that the probability of the petitioner's parentage is between eighty-five percent (85%) and ninety-seven percent (97%).
  - iii. The test results establish that the probability of the petitioner's parentage is ninety-seven percent (97%) or higher.
- b. Genetic testing **was not** ordered in this case because paternity has been set aside pursuant to G.S. 49-14 or G.S. 110-132.
3.  a. The petitioner **has not** acknowledged paternity of the child(ren).
- b. The petitioner **has** acknowledged paternity without knowing that he was not the child(ren)'s biological father.
- c. The petitioner **has** acknowledged paternity by \_\_\_\_\_.
4. The petitioner is named as the father on the birth certificate(s) of the following child(ren) named in his Motion to Set Aside Child Support: (name of the child(ren))  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
5.  a. Petitioner **did** file his Motion to Set Aside Child Support prior to January 1, 2013.
- b. Petitioner **did** file his Motion to Set Aside Child Support within one year of discovering that he is not the biological father of the child(ren) named in his motion.
- c. Petitioner **did not** file his Motion to Set Aside Child Support within one year of discovering that he is not the biological father of the child(ren) named in his motion.
6. Other Findings:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**CONCLUSIONS OF LAW**

1. This matter is properly before the Court and the Court has jurisdiction over the parties and the subject matter.
2. Genetic testing  **does**  **does not** establish that the petitioner is the biological father of the child(ren) named in petitioner's Motion to Set Aside Child Support.
3. The petitioner **has not** acknowledged paternity of the child(ren) named in his Motion to Set Aside Child Support.
4. The petitioner **has** acknowledged paternity of the child(ren) named in his Motion to Set Aside Child Support without knowing that he was not the child(ren)'s biological father.
5. The petitioner **has** acknowledged the child.
6. The Court concludes by clear, cogent and convincing evidence that the petitioner is not the biological father of the child(ren) named in his Motion to Set Aside Child Support.
7. Other Conclusions:

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**ORDER**

It is **ORDERED** that:

1. The petitioner's Motion to Set Aside Child Support is **granted**.
2. The petitioner pay unpaid child support due prior to the filing of the Motion to Set Aside Child Support in the amount of \$ \_\_\_\_\_.
3. The petitioner's obligation to pay future ongoing child support in this case is terminated.
4. The  **petitioner**  **respondent** pay the costs of the expenses for genetic testing.
5. The  **petitioner**  **respondent** pay the appropriate fee required by the State Registrar to amend the birth certificate of the child(ren) named in petitioner's Motion to Set Aside Child Support.

**Note:** You must send the fee required by the State Registrar (Vital Records) to have the birth certificate(s) of the child(ren) named in your motion amended. The contact information for Vital Records is below:

NC Vital Records  
1903 Mail Service Center  
Raleigh, NC 27699-1903  
919.733.3000

6. The Clerk of Superior Court shall notify the State Registrar of this court's order pursuant to G.S. 130A-118(b)(2).3.
7. The petitioner's Motion to Set Aside Child Support is **denied**.

<i>Date</i>	<i>Name Of Presiding Judge (Type Or Print)</i>	<i>Signature Of Presiding Judge</i>
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**(Note to Clerk:** Use AOC-CV-672 (Notice of Non-Paternity Determination) to notify the State Registrar of the court's order.)