

agreement, etc.)

4. A previous determination of paternity naming this Plaintiff as the biological father of the minor children at issue here, _____, has been set aside pursuant to either G.S. § 49-14, G.S. § 110-132, or G.S. § 50-13.13.

5. When the child support order was entered certain acts were committed by the Defendant which constituted fraud in that (s)he:

_____.

OR

When the child support order was entered the Defendant signed the _____ under duress in that:

_____.

OR

When the child support order was entered the Plaintiff and the Defendant erred and committed mutual mistake in that

_____.

OR

When the child support order was entered the Plaintiff erred by committing excusable neglect in that he:

_____.

6. The Plaintiff filed this complaint on _____ (date) _____.

7. The Plaintiff first knew or became aware that he was not the biological father of the child(ren) on _____ (date) _____.

8. The Plaintiff first knew or became aware that he was not the biological father of the child(ren) because:

_____.

9. On _____, 20__, this Court entered an order that genetic testing be conducted of the Plaintiff, the Defendant, and the minor child(ren).

10. The genetic test results were reviewed by this Court on _____,

20__.

11. The genetic test results excluded the Plaintiff from being the biological father of the minor child(ren).

OR

The genetic test results failed to exclude the Plaintiff from being the biological father of the minor child(ren) and established that the probability of parentage for the minor child(ren) here at issue is _____%.

12. This Court finds by clear, cogent and convincing evidence that: _____(findings why the Court believes that the Plaintiff is not the biological father)

_____.

13. The Plaintiff acknowledged paternity of the minor child(ren) in that he:

_____.

14. However, at the time that the Plaintiff acknowledged paternity of the minor child(ren), he did not know that he was not the biological father of the child(ren) in that:

_____.

15. The Plaintiff has not adopted the minor child(ren) here at issue.

16. The Plaintiff has not legitimated the minor child(ren) here at issue.

17. The Plaintiff did not provide for the birth of the minor child(ren) by means of heterologous insemination in accordance with G.S. § 49A-1.

18. The Plaintiff has not prevented any other man from asserting his paternal rights in regard to the minor child(ren) here at issue.

19. The Plaintiff, upon the filing of this complaint, owes child support arrears in the total amount of \$_____ .

20. The Plaintiff shall pay the above-referenced child support arrears by making monthly payments, due and payable on the first day of each month, in the amount of \$_____ until said arrears are paid in full.

BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. This Court has jurisdiction over the parties and the subject matter in this action.
2. Genetic test results excluded the Plaintiff from being the biological father of the minor child(ren).

OR

Genetic test results failed to exclude the Plaintiff from being the biological father of the minor child(ren) and established that the probability of parentage for the minor child(ren) here at issue is _____%.

3. This Court concludes by clear, cogent and convincing evidence that the Plaintiff is not the biological father of the minor child(ren) here at issue.
4. The child support order in this matter was entered as a result of (Pick the appropriate one and place in the sentence - fraud, duress, mutual mistake or excusable neglect).
5. The Plaintiff's claim seeking relief from the child support order entered by this Court on _____, _____ should be granted.
6. This order does not set aside the child support order as to arrears due and owing as of the date of the filing of this complaint.
7. As of the date of the filing of this complaint the Plaintiff owed unpaid child support in the total amount of \$_____.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE COURT ORDERS THE FOLLOWING:

1. The Plaintiff's complaint requesting that he be granted relief from the child support order entered in __ CVD __ on _____, ___ ordering that he pay ongoing child support for the minor child(ren), _____, is hereby granted effective, _____, 20__.
2. The Plaintiff owed child support arrears in the amount of \$_____ as of _____, the date the Plaintiff filed this complaint.
3. The Plaintiff shall pay the child support arrears in the amount of \$_____ per month effective _____, 20__ until said arrears are paid in full. Except for the obligation to pay ongoing monthly child support, all terms and enforcement remedies related to the collection of child support arrears as ordered in this Court's previous child support orders in file number(s) _____ remain in effect.
This the ___ day of _____, 20__.

District Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document, an Order Granting Relief From A Child Support Order, on all parties to this action by depositing a copy of same in the United States mail, postage prepaid, addressed to (pick those that are applicable):

1. IV-D Attorney
On behalf of _____ County
Defendant

2. (Custodial parent, if a party)

3. Plaintiff

This the ___ day of _____, 20__.

IV-D Attorney
On behalf of _____ County
Defendant

OR
Plaintiff/Plaintiff's Attorney

