

APPENDIX

The following documents are reproduced in the Appendix to this petition and are incorporated herein by reference:

Tab	Document
App. A	Summary Order, Francois v. Richman, No. 25-1237-cv (2d Cir. Mar. 27, 2026)
App. B	Memorandum and Order, Francois v. Richman, No. 24-cv-05223, 2025 WL 1207659 (E.D.N.Y. Apr. 24, 2025)
App. C	Findings of Fact and Order, Onady v. Francois, Docket F-15846-22/24A (Kings Cty. Fam. Ct. June 13, 2024) (Richman, S.M.)
App. D	Memorandum and Order, Onady v. Francois, Docket No. 2018-04821 (Mont. Cty. Pa. Ct. Common Pleas, Family Div. May 3, 2019) (Bertin, S.J.)
App. E	Department of Veterans Affairs Apportionment Due Process Letter to Wilkenson Francois (March 21, 2022), File No. 055825921
App. F	Department of Veterans Affairs Final Apportionment Decision (May 26, 2022), File No. 055825921 — granting \$450/month apportionment to Erin Onady, 1883 Lukens Ave., Willow Grove, PA
App. G	UIFSA-11, Notice of Registration of Out-of-State Support Order, Docket No. F-15846-22 (Kings Cty. Fam. Ct. Aug. 23, 2022)
App. H	UIFSA-12, Petition to Vacate Registration of Out-of-State Support Order (Kings Cty. Fam. Ct. Sept. 1, 2022)
App. I	Conduent Incorporated, Annual Report (Form 10-K), Exhibit 21.1 — Subsidiaries of Conduent Incorporated (Feb. 22, 2023), SEC Accession No. 0001677703-23-000011
App. J	Form DOS-1690-f, "State Employee Statement in Lieu of Oath Pursuant to Civil Service Law § 62" filed by Gabriella F. Richman with the New York Department of State (April 18, 2019)

App. A

25-1237

Wilkenson Francois
Apartment #4B
130 Humboldt Street
Brooklyn, NY 11206

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: March 27, 2026
Docket #: 25-1237
Short Title: Francois v. Richman

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 1:24-cv-5223
DC Court: EDNY (BROOKLYN)
DC Judge: Trial Judge - Lashann
Monique Dearcy Hall

NOTICE OF CASE MANAGER CHANGE

The case manager assigned to this matter has been changed.

Inquiries regarding this case may be directed to 212-857-8541.

25-1237-cv

Francois v. Richman

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of March, two thousand twenty-six.

PRESENT:

DENNIS JACOBS,
RICHARD C. WESLEY,
BETH ROBINSON,
Circuit Judges.

Wilkenson Francois,

Plaintiff-Appellant,

v.

No. 25-1237

Gabriella F. Richman, Support Magistrate,

*Defendant.**

* The Clerk of Court is respectfully directed to amend the caption as reflected above.

FOR PLAINTIFF-APPELLANT:

Wilkenson Francois, pro
se, Brooklyn, NY.

FOR DEFENDANT:

No appearance.

Appeal from a judgment of the United States District Court for the Eastern District of New York (DeArcy Hall, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is **AFFIRMED.**

Wilkenson Francois, proceeding *pro se*, appeals from the district court's judgment dismissing his claims on its own initiative. Francois sued the support magistrate that presided over his family court proceedings, generally alleging that she improperly entered child support orders against him. Francois initiated this suit before the time to appeal the most recent contested child support enforcement had expired. The district court dismissed the complaint as seeking monetary relief against a defendant who is immune from that relief, pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii), and without leave to amend. The court concluded that Francois's claims were barred by judicial immunity, and that abstention under *Younger v. Harris*, 401 U.S. 37 (1971), or domestic relations abstention may also be warranted. *Francois v. Richman*, No. 24-cv-5223, 2025 WL 1207659 (E.D.N.Y. Apr.

24, 2025). We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

We review without deference a district court's dismissal of a complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). *Milan v. Wertheimer*, 808 F.3d 961, 963 (2d Cir. 2015). Because Francois has represented himself throughout this action, "his pleadings and other filings are interpreted to raise the strongest claims they suggest." *Shakirov v. Philips Medical Systems MR, Inc.*, 103 F.4th 159, 166 (2d Cir. 2024).¹

Francois argues that the support magistrate was not entitled to judicial immunity because she was a non-judicial officer performing administrative duties. We disagree.

In the New York court system, the chief administrator of the courts appoints support magistrates "to hear and determine support proceedings." N.Y. Fam. Ct. Act § 439(a).² They are authorized to "hear, determine and grant any relief within the powers of the court" in the context of certain types of proceedings, and can

¹ In quotations from caselaw, this summary order omits all internal quotation marks, footnotes, and citations, and accepts all alterations, unless otherwise noted.

² Though the New York Legislature has recently and frequently amended this statute, nothing relevant to our analysis has changed since at least 2021.

“hear and decide motions and issue summonses and subpoenas to produce persons” in certain proceedings. *Id.* In short, they function as judicial officers within the court system. *Cf. Santman v. Satterthwaite*, 238 A.D.3d 1156 (N.Y.A.D. 2d Dept. 2025) (referring to magistrate of child support proceedings as judicial officer throughout).

Francois’s claims for damages all concern alleged procedural issues with the support magistrate’s child support-related findings of fact and orders. Because Francois challenges actions taken “pursuant to [the support magistrate’s] judicial power and authority,” she is entitled to judicial immunity from his damages claims. *Dieujuste v. Sin*, 125 F.4th 397, 399 (2d Cir.) (granting absolute immunity from damages suit to New York Support Magistrate), *cert. denied*, 146 S. Ct. 119 (2025).

In addition, the Support Magistrate is also entitled to immunity to the extent that Francois’s claims can be read to seek injunctive relief. Francois’s claims are brought pursuant to 42 U.S.C. § 1983,³ which provides that, “in any action

³ Francois also alleges that the Support Magistrate violated criminal statutes, 18 U.S.C. §§ 242 and 245, but as the district court correctly held, these are criminal statutes that do not create private rights of action. *See Robinson v. Overseas Military Sales Corp.*, 21 F.3d 502, 511 (2d Cir. 1994) (holding there is no private right of action for § 242); *Compton v. Pavone*, No. 21-931, 2022 WL 1039966, at *1 (2d Cir. Apr. 7, 2022) (summary order) (holding there is no private right of

brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." Francois has not alleged that the magistrate violated any declaratory decree or that declaratory relief is unavailable.

The district court correctly denied leave to amend as futile. *See Hill v. Curcione*, 657 F.3d 116, 123 (2d Cir. 2011) (denying leave to replead a claim where repleading would not be able to overcome the defects in the claim). Because judicial immunity bars Francois's claims, we need not reach arguments about the other bases for the district court's dismissal.

Accordingly, we **AFFIRM** the judgment of the district court.⁴

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "NEW YORK, N.Y." at the bottom.

action for § 245).

⁴ We deny as moot Francois's motion to reverse the district court's decision.

App. B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
WILKENS ON FRANCOIS,

Plaintiff,

MEMORANDUM AND ORDER

-against-

24-CV-05223 (LDH) (JRC)

GABRIEL F. RICHMAN,

Defendant.
-----X

LaSHANN DeARCY HALL, United States District Judge:

Plaintiff Wilkenson Francois, appearing pro se, brings this action against Gabriella F. Richman,¹ a Support Magistrate in the Kings County Family Court, for violations of 18 U.S.C. §§ 242, 245 and 42 U.S.C. § 1983 ("Section 1983"). (See Compl., ECF No. 1.) Plaintiff filed the complaint in the United States District Court for the Southern District of New York, which transferred the matter to this Court. (See ECF No 5.) Plaintiff's request to proceed *in forma pauperis* ("IFP"), (see ECF No. 2), is granted. For the reasons stated below, Plaintiff's complaint is dismissed.

BACKGROUND

This action arises from Plaintiff's proceeding in Kings County Family Court. (See generally, Compl.) Plaintiff alleges that Support Magistrate Richman violated his constitutional rights by entering a monetary judgment against him for the collection of child support. (See Compl. at 92-96.) According to Plaintiff, Support Magistrate Richman's "findings and orders suffer from procedural inaccuracies and incomplete evidence consideration." (*Id.* at 9.) Plaintiff

¹ The Court notes that Plaintiff refers to Support Magistrate Richman as both Gabriel and Gabriella and that the attached family court documents indicate that the Support Magistrate is Gabriella F. Richman.

requests that the Court vacate the support order and modify the terms of payment of his child support obligations. (*Id.* at 6.)

STANDARD OF REVIEW

A complaint “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when the alleged facts allow the court to draw a “reasonable inference” of a defendant’s liability for the alleged misconduct. *Iqbal*, 556 U.S. at 678. While this standard requires more than a “sheer possibility” of a defendant’s liability, *id.*, “[i]t is not the [c]ourt’s function to weigh the evidence that might be presented at trial” on a motion to dismiss. *Morris v. Northrop Grumman Corp.*, 37 F. Supp. 2d 556, 565 (E.D.N.Y. 1999). Instead, “the [c]ourt must merely determine whether the complaint itself is legally sufficient, and in doing so, it is well settled that the [c]ourt must accept the factual allegations of the complaint as true.” *Id.* (internal citation omitted).

Moreover, where, as here, a plaintiff is proceeding *pro se*, their pleadings “must be construed liberally and interpreted to raise the strongest arguments that they suggest.” *Sykes v. Bank of Am.*, 723 F.3d 399, 403 (2d Cir. 2013) (quoting *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)). A *pro se* complaint, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Boykin v. KeyCorp*, 521 F.3d 202, 213–14 (2d Cir. 2008) (quoting *Erickson v. Pardus*, 55 U.S. 89, 94 (2007) (per curiam)). This is “particularly so when the *pro se* plaintiff alleges that [their] civil rights have been violated.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 191 (2d Cir. 2008). Still, “even *pro se* plaintiffs asserting civil right claims cannot withstand a motion to dismiss unless their pleadings contain factual allegations sufficient to raise a ‘right to relief above the

speculative level.” *Jackson v. NYS Dep’t of Labor*, 709 F. Supp. 2d 218, 224 (S.D.N.Y. 2010) (quoting *Twombly*, 550 U.S. at 555)).

Nonetheless, a district court may dismiss a *pro se* action *sua sponte*, even if the plaintiff has paid the Court’s filing fee, if it determines that the action is frivolous or that the Court lacks subject matter jurisdiction. See *Fitzgerald v. First East Seventh Street Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (affirming *sua sponte* dismissal of frivolous *pro se* complaint where *pro se* plaintiff had paid the required filing fee). An action is frivolous when “either (1) ‘the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy;’ or (2) ‘the claim is based on an indisputably meritless legal theory.’” *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (quoting *Nance v. Kelly*, 912 F.2d 605, 606 (2d Cir. 1990) (per curiam)). A finding of frivolousness is appropriate “when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

DISCUSSION

A. Claims Brought Under Criminal Statutes

Plaintiff seeks to invoke the Court’s federal question jurisdiction by bringing claims under the criminal statutes 18 U.S.C. §§ 242 and 245. However, it is well-settled that “crimes are prosecuted by the government, not by private parties.” *Hill v. Didio*, 191 F. App’x 13, 15 (2d Cir. 2006) (citing *Connecticut Action Now, Inc. v. Roberts Plating Co.*, 457 F.2d 81, 86-87 (2d Cir. 1972); see also *Leeke v. Timmerman*, 454 U.S. 83, 85 (1981) (holding that a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another). As such, Plaintiff’s claims must be dismissed because 18 U.S.C. §§ 242 and 245 do not provide a private

right of action. *See, e.g., Compton v. Pavone*, No. 21-931, 2022 WL 1039966, at *1 (2d Cir. Apr. 7, 2022) (noting that there is not a private right of action under 18 U.S.C. § 245); *Sheehy v. Brown*, 335 F. App'x 102, 104 (2d Cir. 2009) (“[C]laims based on the violation of federal criminal statutes, such as 18 U.S.C. §§ 241–242 . . . are not cognizable, as federal criminal statutes do not provide private causes of action.”); *Jimenez v. Chung*, No. 22-CV-3090, 2023 WL 2561789, at *3 (E.D.N.Y. Mar. 17, 2023) (noting that there is not a private right of action under criminal statutes 18 U.S.C. §§ 241 and 242); *Foskey v. Corp. State of New York*, No. 22-CV-2546, 2022 WL 3228271, at *3 (E.D.N.Y. Aug. 10, 2022) (same).

B. Claims Under Section 1983

U.S.C. § 1983, provides, in relevant part, that:

Every person who, under color of any statute, ordinance regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .

42 U.S.C. § 1983. To maintain a Section 1983 action, a plaintiff must show that the defendant (1) acted under color of state law (2) to deprive the plaintiff of a right arising under the Constitution or federal law. *Cornejo v. Bell*, 592 F.3d 121, 127 (2d Cir. 2010) (citing *Pitchell v. Callan*, 13 F.3d 545, 547 (2d Cir. 1984)). To the extent Plaintiff seeks monetary damages under 42 U.S.C. § 1983 against Support Magistrate Richman, any such claim is barred by judicial immunity. That is, judges have absolute immunity from suit for judicial acts performed in their judicial capacities. *Mireles v. Waco*, 502 U.S. 9, 11 (1991) (*per curiam*) (“[J]udicial immunity is an immunity from suit, not just from the ultimate assessment of damages.”) (citation omitted); *Bliven v. Hunt*, 579 F.3d 204, 209 (2d Cir. 2009) (“It is well settled that judges generally have

absolute immunity from suits for money damages for their judicial actions.”). This absolute judicial immunity extends to Support Magistrates in Family Court. *See Lomtevas v. Cardozo*, No. 05-CV-2779, 2006 WL 229908, at *5 (E.D.N.Y. 2006); *see also Hart v. Thompson*, 23-CV-3289, 2023 WL 3949041, at *5 (S.D.N.Y. 2023).

Plaintiff's claims under Section 1983 against Support Magistrate Richman arise from her alleged actions and rulings during Plaintiff's Kings County Family Court proceedings. (*See generally*, Compl.) Plaintiff fails to allege any facts showing that, in taking those actions and making such rulings, Support Magistrate Richman acted beyond the scope of her judicial responsibilities or outside her jurisdiction. *See Mireles*, 509 U.S. at 11–12. Therefore, Plaintiff's claim is barred by absolute immunity and deemed frivolous. *See Montero v. Travis*, 171 F.3d 757, 760 (2d Cir. 1999) (“A complaint will be dismissed as ‘frivolous’ when ‘it is clear that the defendants are immune from suit.’” (*quoting Neitzke v. Williams*, 490 U.S. 319, 327 (1989))).

Moreover, to the extent that Plaintiff asserts a claim for injunctive relief under Section 1983 against Support Magistrate Richman, this claim is also precluded. Section 1983, as amended in 1996, provides that “in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.” 42 U.S.C. § 1983; *see also Fontil v. Swain*, No. 23-CV-5528, 2023 WL 4897056, at *2 (S.D.N.Y. Aug. 1, 2023). Plaintiff does not allege that Support Magistrate Richman violated a declaratory decree or that declaratory relief is unavailable.

C. The *Younger* Abstention Doctrine

In addition, to the extent that Plaintiff's child support proceedings are pending in the state court, this Court may not intervene in the pending proceedings. The Supreme Court in *Younger*

v. Harris held that that federal courts are forbidden from “stay[ing] or enjoin[ing] pending state court proceedings except under special circumstances,” such as circumstances where Plaintiff makes a showing of bad faith, harassment, or immediate irreparable injury. *See Younger v. Harris*, 401 U.S. 37, 41, 43, 49 (1971). Plaintiff has not alleged any facts showing bad faith, harassment, or irreparable injury that is both serious and immediate has occurred with respect to his Kings County Family Court child support proceedings. Thus, to the extent that Plaintiff asks this Court to intervene in those pending proceedings, the Court dismisses his claims under the *Younger* abstention doctrine.

D. The Domestic Relations Abstention Doctrine

Federal courts must abstain from exercising federal question jurisdiction over claims involving domestic relations issues, such as child support. *Donahue v. Pataki*, 28 F. App’x 59, 60 (2d Cir. 2002) (summary order) (affirming the district court’s conclusion that “it lacked jurisdiction to invalidate or otherwise review the state court’s decision affirming the modification of [Plaintiff’s] child support payments”); *see also Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (holding that the domestic relations exception to federal jurisdiction “divests the federal courts of power to issue divorce, alimony, and child custody decrees”). Here, to the extent that Plaintiff challenges the enforcement of his child support obligations, this Court lacks jurisdiction under the domestic relations abstention doctrine.

CONCLUSION

For the reasons stated above, Plaintiff’s complaint, filed *in forma pauperis*, is dismissed as barred by absolute judicial immunity. *See* 28 U.S.C. § 1915(e)(2)(B)(iii). The Court declines to grant leave to amend as it finds that amendment would be futile. *Hill v. Curcione*, 657 F.3d 116, 123 (2d Cir. 2011) (affirming district court decision to dismiss *pro se* complaint without

leave to amend where amendment would be futile); *see also* *Dixon v. Raymat*, No. 22-CV-10910, 2023 WL 2917309, at *5 (S.D.N.Y. Apr. 11, 2023) (denying pro se plaintiff leave to amend where plaintiff's claims were barred by judicial immunity).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed enter judgment in each case, close each case and mail a copy of this Order to Plaintiff.

SO ORDERED.

/s/ LDH

LaSHANN DeARCY HALL
United States District Judge

Dated: Brooklyn, New York
April 24, 2025

App. C

**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

In the Matter of a **Support** Proceeding**File #:** 307699**Docket #:** F-15846-22/24A**Erin E Onady,**

Petitioner,

CSMS #: PC34320X1

- against -

FINDINGS OF FACT**Wilkenson Francois,**Respondent.

Gabriella F. Richman, being the Support Magistrate before whom the issues of support in the above-entitled proceeding were assigned for determination, makes the following findings of fact:

Erin E Onady filed a petition on March 25, 2024 which alleges that Wilkenson Francois violated an order dated April 2, 2015 which provides for the support of the following children:

<u>Name</u>	<u>Date of Birth</u>
Esme Francois	September 8, 2018
Genevieve Francois	September 6, 2014

The following children reside with Erin E Onady: Genevieve Francois and Esme Francois.

Wilkenson Francois willfully failed to obey the order of this court, namely:

The parties first appeared before the undersigned on April 23, 2024. The custodial parent resides outside this jurisdiction and her appearance was excused. The Initiating Jurisdiction was represented by the Office of the Corporation Counsel (Joshua Lieberman, Esq.). Respondent waived his right to counsel and appeared pro se throughout these proceedings, despite the fact that he was informed he could obtain assigned counsel through the court. Respondent admitted service of the Summons and Petition and submitted to the Court's jurisdiction. Issue was duly joined. Petitioner asserted its rights under Family Court Act Section 454(3) and sought a finding of willfulness. Accordingly, this matter was scheduled for a hearing.

A hearing was commenced on June 6, 2024, was adjourned and continued on June 12, 2024, when it was concluded. On the hearing dates, the custodial parent also appeared and waived her right to counsel.

The court took judicial notice of the Notice of Registration dated August 23, 2022, the Registration packet dated August 11, 2022, and the Order of Support dated May 3, 2019 (Court of Common Pleas of Montgomery County, PA Family Division Docket #2018-04821), which continues an order dated April 2, 2028 obligating Respondent to pay \$1246 per month as and for child support. Additionally, the court received a Certified Support Collection Unit Account Statement dated May 29, 2024, showing arrears due and owing in the amount of \$101,081.14. Petitioner rested.

Respondent then testified and produced the following exhibits:

RESP A - Montgomery County County CSE showing payment of \$239.00 in March 2024. – No objection

RESP B - Partial payments from VA benefits – No objection

RESP C - IRS NOTICE OF CLAIM – No objection

RESP D - Notice regarding tax refund offset – no objection

RESP E - letter re: Drivers license suspension - no objection

RESP F - divorce decree – no objection

RESP G - ID ONLY - Letter Navy Federal - 2020

RESP H - JOB SEARCH – no objection

RESP I - SCU notice of income withholding – no objection

RESP J - NYC Tech letter May 22, 2024 – no objection

RESP K - Medical records - hearing aid – no objection

RESP L - ID ONLY - Background check

RESP M - US JUSTICE DEPT "LETTER" - ID ONLY

RESP N - VA benefit award letter – no objection

Respondent's testimony lacked credibility. He averred that he is currently unemployed and is a student at NY City Tech, full time. He is pursuing a BA degree in Education. He further acknowledged that he obtained a BA degree in Information Science and Technology from Temple University in 2017. He has a history of working in the IT field, where he has previously earned \$75,000 per annum. Respondent's only current sources of income are VA benefits, as well as income from a Work/Study program through his NY City Tech. He receives \$1639.88 monthly in VA benefits. The subject children receive \$450 per month as an "apportionment" of Respondent's VA benefits award. Although Respondent characterized these payments as "child support", this court views the "apportionment" as derivative benefits, and not child support. *See, Graby v. Graby*, 87 N.Y.2d 605 (1996). With respect to Work/Study, Respondent testified that he earns \$20/hour, and that he works approximately 4 hours per week.

Respondent claimed that medical condition(s) prevent him from working full time. He produced medical records which indicate that he has issues with his hearing and has been prescribed a hearing aid. He did not produce any competent medical proof setting forth a diagnosis, prognosis, or whether he is able or unable to work. With respect to finding employment commensurate with his background and experience, neither Respondent's testimony, nor his evidentiary submission, establish that he has diligently sought any form of employment. He avers he was rejected for various jobs because of his bad credit score, and for other reasons, all related to the various administrative enforcement remedies imposed by the Support Collection Units in NY and PA. He complains that his situation makes it very difficult for him to obtain employment, but the court notes that the Respondent would not be in this position had he kept current on his child support payments. His situation is of his own making.

While it is commendable that Respondent is seeking to further his education, the court notes that

Respondent already has a degree in IT and that he is capable of earning at least \$75,000 annually, by his own admission. Although a parent's decision to pursue further education may ultimately benefit his or her children that is not the case here. Respondent provided no evidence with respect to why he cannot continue employment in the IT sector, made no claim that his educational objective—a teaching **degree**—would lead to greater financial reward, and advanced no reason why he could not pursue that education on a part-time basis. As such, this court finds that Respondent's full-time education was not undertaken in good faith and that his children are not required to forego support in order to underwrite that education. *See, Ferlo v. Ferlo*, 152 A.D.2d 980 (4th Dept. 1989).

Finally, Respondent averred that pursuant to the terms of the parties' judgment of divorce, he was to have received a credit towards arrears upon transferring the deed to the marital residence to the custodial parent. However, there was not evidence presented as to whether this actually took place. Accordingly, this court declines to apply a credit.

After a hearing and upon review of the evidence this Court finds that Respondent's failure to comply with the order of support in this matter was **willful**.

For this Court to find that the Respondent has willfully failed to comply with an order of support, the Petitioner must establish four facts by clear and convincing evidence. The Petitioner must prove that (1) there is a valid support order in place; (2) that the Respondent had knowledge of the support order; (3) that the Respondent failed to make payments pursuant to the terms of the support order; and (4) that the Respondent had the means to make payments under the order.

This Court is making a finding of a willful violation because the Petitioner has made the requisite showing and Respondent has not met his burden to show an inability to fully comply with the provisions of the order of support in this matter and therefore has not rebutted the statutory *prima facie* evidence of his willful failure to comply.

First, Respondent was subject to a valid court order at all times at issue in these proceedings. No evidence was presented to show that said order was ever modified, appealed, or changed in any way, therefore, the order remains valid. Second, this Court finds that Respondent knew of the provisions set forth in the Order of Support. This is demonstrated by the fact that Respondent sought (and was denied) modification of the order by the Court in Pennsylvania, and that he also sought to modify the order in this jurisdiction. Third, the Respondent has failed to make all of the payments required by the Order of Support. This is established by the fact that there is a delinquent amount. There would be no arrears or delinquent amount had the Respondent made his payments in compliance with the terms of the order of support. Fourth, the Respondent had the means to make the payments required under the support order. Although no financial disclosure form was produced, Respondent testified that he currently resides with his mother and that he contributes \$600 monthly for rent and has minimal expenses. He did not produce income tax returns for the 2023 tax year, and could not recall his total income for 2023. The court is therefore unable to determine that he does not have the means to pay support as ordered.

The law presumes that a Respondent has sufficient means to support his or her own children, and failure to pay court-ordered support is *prima facie* evidence of a willful violation. Once the Petitioner has established a lawful order of support and that the Respondent has failed to pay said order, the burden shifts to the Respondent to present evidence of his or her inability to pay (Family Court Act §§ 437 and 454; *Matter of Powers v. Powers*, 86 NY2d 63 [1995]). Here, the Respondent has not demonstrated a legally sufficient basis regarding his inability to pay the order of support. He has

failed to demonstrate that he suffers from a disability, and admitted that enrolling in his current degree program is informed by his choosing to change his career path, and he has failed to establish that he is otherwise unable to make the payments.

Family Court Act §§ 454, 458, and 471 provide numerous remedies, including income deduction, undertaking, sequestration, suspension of driving privileges, suspension of state profession or business license, and suspension of a recreational license. Upon a finding of a willful violation, Family Court Act § 454(3) provides the additional remedies of rehabilitation programs, probation, or incarceration for a period no longer than six (6) months or until a specified portion of the arrears are paid which would purge the Respondent's contempt of court. Family Court Act § 454(1) states, "The court has the power to use any or all enforcement powers in every proceeding brought for violation of a court order under this part regardless of the relief requested in the petition."

Respondent requires supervision, both in terms of seeking and obtaining employment commensurate with his prior earnings and experience, as well as in terms of making regular, consistent, payments. Here, the court is placing Respondent on Probation for a period of 18 months on the following terms and conditions:

Respondent shall report to the NYC Department of Probation once per month;

Respondent shall diligently seek and secure full time, permanent employment commensurate with his background and experience

Respondent shall participate in the Parent Support Program for assistance with obtaining full time, permanent employment commensurate with his background and experience

Respondent shall make consistent payments to the Support Collection Unit towards his ongoing support obligation as well as payments towards outstanding arrears

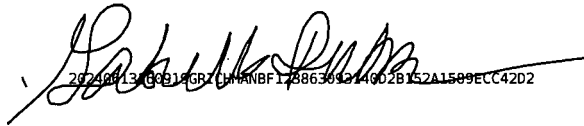
Respondent shall notify the Support Collection Unit of any current or future employer;

If Respondent fails to comply with the above terms, the Department of Probation shall file a violation petition and this court shall refer the Respondent for incarceration.

The Court is ordering Respondent to participate in the Parent Support Program, where he can be assisted in finding employment and remove any barriers that currently prevent him from achieving full time employment. In addition, the court is ordering the Support Collection Unit to effectuate an income execution on Respondent's Veteran's Administration benefits. Veteran's Benefits are defined as "income" pursuant to Family Court Act Section 413(1)(b)(5)(iii)(E). As such, an income execution is appropriate.

Finally, this court shall enter a Money Judgment in the amount of \$101,081.14, plus statutory interest, payable to the Petitioner through the Support Collection Unit (See, Certified Account Statement dated May 29, 2024).

Dated: June 13, 2024



287248713100814GRZLNHNBFI7886364214602B152A1589ECC42D2

Gabriella F. Richman, Support Magistrate

Appendix A
**Itemization of Income and Deductions of Custodial
and Non-Custodial Parents**
[FCA 413(1)(b), 413(1) (c), 413(1)(f), 416]

File: **307699**
Docket: **F-15846-22/24A**
Petitioner: **Erin E Onady**
Respondent: **Wilkenson Francois**

Dated: 6/13/2024
CSMS: **PC34320X1**

App. D

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
FAMILY DIVISION

ERIN E. ONADY : DOCKET NO. 2018-04821
vs. : PACSES NO. 173116973
WILKINSON FRANCOIS :

May 3, 2019

BERTIN, S.J.

MEMORANDUM AND ORDER

The parties entered into an agreed child support order on April 2, 2018 in the amount of \$1,373 per month, broken down \$1,246 per month, plus \$125 per month on arrears, effective March 12, 2018.

On July 9, 2018, father filed a petition to modify that agreed order in a form supplied to him by the Domestic Relations Office, requesting a "decrease" in the agreed order, alleging as a "material and substantial change(s) in circumstances", as follows, at paragraph 2 of said petition:

"Because it is on file that 29 work days less of pay prorated of which 10 of those show that I was paid accrued sick and vacation hours as that would lessen my gross income upon which a support order could be based. Besides, Erin Onandy has initiated a contract with a new nanny ("Shy Care" for \$225/week while she'd work \$70/hour per 15 hour/week and of which would put her at approximately \$4,200/month in income."

A support hearing before Support Hearing Officer Coacher was scheduled on father's aforesaid petition for January 24, 2019.

On the day of the hearing, on January 24, 2019, mother filed a petition to modify, requesting a "reinstatement" in that father did not allege a change of circumstances in his July 9, 2018 petition but if the support hearing officer were to "consider" father's petition, mother wanted relief, as stated in paragraph 2 of her petition, as follows:

“My prior petition for alimony *pendente lite*/spousal support was resolved via defendant’s request that he pay the mortgage and auto expenses in lieu of spousal support/APL. If defendant’s modification request filed 7/2018 is *considered* (despite no change of circumstances in 7/2018), I am requesting reinstatement of my claim for APL retroactive to defendant’s modification date.” (Emphasis added).

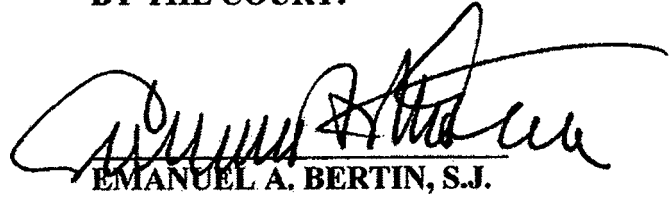
ORDER

AND NOW, this 3rd day of May, 2019, after review of the record, consideration of briefs, and oral argument on April 30, 2019, the following is ORDERED:

1. Father’s July 9, 2018 petition to modify is DISMISSED for failure to allege and prove a substantial and material change in circumstances.
2. Mother’s January 24, 2019 petition to modify and reinstate is DISMISSED as moot, because father did not allege or prove a substantial change in circumstance to disturb the agreed order.
3. The order of February 8 2019 is VACATED.
4. The agreed order of April 2, 2018 is in full force and effect.
5. This order is without prejudice to father to file a new petition to modify to allege, with specificity, what he feels may be a substantial change of circumstances since the agreed order, such as issues concerning his separation from the Army Reserves; unemployment compensation; loss of employment with his civil employer, not related to the Army, VA benefits; medical condition; search for employment; his reasonable earning capacity; and mother’s reasonable earning capacity.
6. This order is without prejudice to mother to fully defend any issues specifically raised by father to attempt to modify the agreed order.
7. Should father file such a petition, this case is hereby certified as “complex” and the support hearing officer shall schedule significant time to hear the same, assuming a

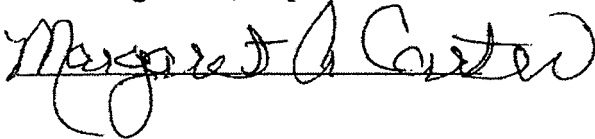
conference officer cannot settle the case at the Domestic Relations Office conference which will be scheduled on the case after father files said petition.

BY THE COURT:



EMANUEL A. BERTIN, S.J.

Copy of the above to the following on May 3, 2019:
Hon. Carolyn T. Carluccio, Designated Judge
Kimberly Kelly, Domestic Relations
Patricia A. Coacher, Esquire, Support Hearing Officer
Vanessa Zeppadoro, Domestic Relations
Cheryl Leslie, Family Division
Karen Baxter-Lee, Family Division
Carol S. Sharp, Esquire
Justin Highlands, Esquire



App. E



DEPARTMENT OF VETERANS AFFAIRS

March 21, 2022

WILKENSON FRANCOIS
130 HUMBOLT ST, APT 4B
BROOKLYN NY, 11206

In reply, refer to:
320/BEST1/LAJ
File Number: 055825921
FRANCOIS,
WILKENSON

IMPORTANT -- reply needed

Dear Mr. Francois,

We have received a request for an apportionment of your VA benefits from ERIN ONADY for herself and on behalf of your dependent children GENEVIEVE FRANCOIS and ESME FRANCOIS. This request is for a portion of your check to support your dependents not living with you. So, we need for you to send us the following information to help us decide how much of your benefits, if any, to award for support of your dependents.

What We Need You To Send Us

Please complete and return the enclosed VA Form 21-0788, Information Regarding Apportionment of Beneficiary's Award, as well as provide the following information:

1. A list of your monthly income from all sources. Identify each source.
2. A list of all your property and their value, such as stocks, bonds, bank accounts or real estate owned by you.
3. A list of the average monthly expenses for yourself and for all dependents living with you.
4. A statement of the average monthly amount you give to support your spouse and/or children who do not live with you.
5. If you are not contributing to the support of the claimant, please provide a statement explaining the reason for not making any contributions.
6. A statement of your spouse's monthly income if you have remarried.
7. A statement as to the amount and frequency of any support or contributions being made to or on behalf of the claimant or an explanation of the reasons for non-support.
8. Proof of contributions such as canceled checks or any receipts.
9. An explanation of any hardship that would be created or experienced if an apportionment is granted.

File Number: 055825921
FRANCOIS, WILKENS

What We Are Doing Now

We are initially withholding \$450.00 from your monthly check beginning June 1, 2022, while we review the apportionment request. We are withholding this amount to reduce any potential overpayment to you that will result if we grant the apportionment request.

What We Propose To Do

If we allow the apportionment of your benefits, we will reduce your monthly check beginning April 1, 2022. We will determine the final amount of the reduction based on the evidence you and the claimant send us.

If you continue to accept payments at the present rate until the date shown above and we grant the apportionment, you will have to repay a part of these benefits. However, if you agree with the proposed apportionment, you can send us, in addition to the evidence requested above, a statement that you agree and request immediate adjustment of your payments. If you want to avoid the chance of being overpaid, you can request an immediate adjustment. If you do, and we don't grant an apportionment, we will pay you the monies we withheld.

When and Where Do You Need To Send The Information?

We strongly encourage you to send any information or evidence as soon as you can. If we do not hear from you, we may make a decision on your claim after 60 days.

Please note that the quickest, easiest, and most secure way to submit any documents to us is via the eBenefits website. Just visit www.eBenefits.va.gov to register. Please also refer to the 'What is eBenefits?' section of this letter for more information.

You can also send what we need to the appropriate address listed on the attached Where to Send Written Correspondence chart.

How to Obtain a Personal Hearing

If you desire a personal hearing to present evidence or argument on any point in your claim, notify this office and we will arrange a time and place for the hearing. You may use the enclosed VA Form 21-4138, *Statement in Support of Claim*, for this purpose. If you want, you may bring witnesses and their testimony will be entered in the record. VA will furnish the hearing room and provide hearing officials. VA cannot pay for any other expenses of the hearing since a personal hearing is held only on your request. Please see the enclosed VA Form 21-0790, *Your Rights to Representation and a Hearing (Potential Overpayment)*, for more information.

If within 30 days from the date of this notice VA receives your hearing request, we will not make any adjustments to your award until we have held your hearing and reviewed the testimony. You may request a hearing after 30 days; however, we may continue with our proposed action.

File Number: 055825921
FRANCOIS, WILKENS

How to Obtain Representation

An accredited representative of a veterans' organization or other service organization recognized by the Secretary of Veterans Affairs may represent you, without charge. An accredited agent or attorney may also represent you. However, an accredited agent or attorney may only charge you for services performed in support of your decision review, either a notice of disagreement, supplemental claim, or higher-level review. If you desire representation, let us know and we will send you the necessary forms. If you have already designated a representative, no further action is required on your part.

If You Have Questions or Need Assistance

Website	www.va.gov/
VA Forms	www.va.gov/vaforms
Frequently Asked Questions	iris.custhelp.va.gov/app/answers/list
Submit a Question: <i>Include your full name and VA file number</i>	iris.custhelp.va.gov/app/ask
Mailing Address: <i>Include your full name and VA file number on the inside of mailed correspondence (not on envelope)</i>	U.S. Department of Veterans Affairs Claims Intake Center PO Box 4444 Janesville, WI 53547-4444
Toll Free Number	1-800-827-1000
TTY, Federal Relay	711
Veterans Crisis Line	1-800-273-8255 and press 1
VA Regional Office Location	www.va.gov/find-locations

In all cases, be sure to refer to your VA file number, 055825921 .

If you are looking for general information about benefits and eligibility, you should visit our website at <http://www.va.gov> or search the Frequently Asked Questions (FAQs) at <https://iris.custhelp.va.gov>.

We sent a copy of this letter to , whom you have appointed as your representative. If you have questions or need assistance, you can also contact your representative.

Sincerely yours,

Regional Office Director

Enclosures: Where to Send Written Correspondence
VA Form 21-4138
VA Form 21-0788

Page 4

File Number: 055825921
FRANCOIS, WILKENS ON

VA Form 21-0790

cc: NEW YORK DIVISION OF VETERANS AFFAIRS



Department of Veterans Affairs

VA DATE STAMP
(DO NOT WRITE IN THIS SPACE)

INFORMATION REGARDING APPORTIONMENT OF BENEFICIARY'S AWARD

INSTRUCTIONS: All or part of a veteran's disability award may be apportioned (paid) to the veteran's spouse, child, or dependent parent. A surviving spouse's award may also be apportioned for the veteran's child or children. Print all answers clearly. If an answer is "none" or "0," write that or line through the space provided. For additional space, attach a separate sheet, indicating the item number to which the answers apply. Make sure to write the veteran's name and VA claim number on any attachments to the form.

IMPORTANT: If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage, or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(c)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>.

1. FIRST, MIDDLE, LAST NAME OF VETERAN		2. VA FILE NUMBER (If known) C/CSS-	
3A. FIRST, MIDDLE, LAST NAME OF PERSON COMPLETING THIS FORM (If other than veteran)		3B. MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code)	
3C. TELEPHONE NUMBER (Include Area Code)		3D. E-MAIL ADDRESS (If applicable)	
Daytime		Evening	
4A. WHO ARE YOU REQUESTING AN APPORTIONMENT FOR? (List first, middle, and last names)		4B. WHAT IS HIS/HER RELATIONSHIP TO THE VETERAN?	
5A. HOW MUCH IS THE VETERAN OR VETERAN'S SURVIVING SPOUSE CONTRIBUTING TO THE PERSON(S) FOR WHOM AN APPORTIONMENT IS BEING CLAIMED? \$		5B. HOW OFTEN ARE THE CONTRIBUTIONS MADE?	
6. IF THE SPOUSE IS CLAIMING AN APPORTIONMENT, IS HE/SHE LIVING WITH ANOTHER PERSON AND HOLDING HIMSELF/HERSELF OUT OPENLY TO THE PUBLIC AS THE SPOUSE OF THE OTHER PERSON? ☐ YES ☐ NO (If "Yes," provide an explanation):		7. HAS THE VETERAN'S CHILD(REN) BEEN LEGALLY ADOPTED BY ANOTHER PERSON? ☐ YES ☐ NO	

PART I - INCOME AND NET WORTH

Report all income and net worth. Report the gross amounts before you take out deductions for taxes, insurance, etc. If you do not receive income or net worth from a particular source, write "0" or "none" in the space provided. Do not leave the space blank. Note: If you are the veteran or surviving spouse, report only your income and net worth. If you are the claimant or are filing on behalf of the claimant(s), report all income and net worth for all persons for whom an apportionment is being claimed. If you are claiming an apportionment as the custodian of the veteran's child or children, report your income and net worth and the income and net worth of the child(ren).

MONTHLY INCOME

SOURCE	VETERAN OR SURVIVING SPOUSE	CUSTODIAN	PERSON APPORTIONMENT IS CLAIMED FOR	PERSON APPORTIONMENT IS CLAIMED FOR
1A. GROSS WAGES FROM ALL EMPLOYMENT	\$	\$	\$	\$
1B. SOCIAL SECURITY				
1C. RETIREMENT OR ANNUITIES				
1D. SUPPLEMENTAL SECURITY INCOME (SSI) / PUBLIC ASSISTANCE				
1E. OTHER INCOME (Show source)				
1F. OTHER INCOME (Show source)				

NET WORTH

SOURCE	VETERAN OR SURVIVING SPOUSE	CUSTODIAN	PERSON APPORTIONMENT IS CLAIMED FOR	PERSON APPORTIONMENT IS CLAIMED FOR
2A. CASH/NON-INTEREST-BEARING BANK ACCOUNTS	\$	\$	\$	\$
2B. INTEREST-BEARING BANK ACCOUNTS				
2C. IRAS, KEOGH PLANS, ETC.				
2D. STOCKS, BONDS, MUTUAL FUNDS, ETC.				
2E. REAL PROPERTY (Not your home)				
2F. ALL OTHER PROPERTY AND ASSETS				

PART II - MONTHLY LIVING EXPENSES

Show your monthly living expenses, including any monthly installment payments. If you do not have expenses from a particular source, write "0" or "none" in the space provided. Do not leave the space blank.

Note: If you are the veteran or surviving spouse, report only your expenses. If you are the claimant or are filing on behalf of the claimant(s), report expenses for all persons for whom an apportionment is being claimed. If you are claiming an apportionment as the custodian of the veteran's child or children, report your expenses and the expenses of the child(ren).

SOURCE	VETERAN OR SURVIVING SPOUSE	CUSTODIAN	PERSON APPORTIONMENT IS CLAIMED FOR	PERSON APPORTIONMENT IS CLAIMED FOR
1A. RENT OR HOUSE PAYMENT	\$	\$	\$	\$
1B. FOOD				
1C. UTILITIES (Water, gas, electricity)				
1D. TELEPHONE				
1E. CLOTHING				
1F. MEDICAL EXPENSES				
1G. SCHOOL EXPENSES				
1H. OTHER EXPENSES (Show source)				
1I. OTHER EXPENSES (Show source)				

PART III - CERTIFICATION AND SIGNATURE

I CERTIFY THAT the foregoing statements are true and correct to the best of my knowledge and belief.

8. SIGNATURE OF VETERAN OR CLAIMANT

9. DATE SIGNED

PENALTY - The law provides severe penalties which include fine or imprisonment or both, for the willful submission of any statement or evidence of a material fact, knowing it is false, or fraudulent acceptance of any payment to which you are not entitled.

PRIVACY ACT INFORMATION - The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA 21/22/28, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN - We need this information to determine whether an apportionment of VA disability or death benefits may be made (38 U.S.C. 5307). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 30 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at www.reginfo.gov/public/do/PRAMain. If desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.



You have some important rights in your claim with VA. You don't have to handle your case by yourself, and you don't have to deal with us only through the mail. On this page we'll tell you about your right to have your own representative. We'll also explain your right to a personal hearing.

WHAT IS A REPRESENTATIVE?

A representative is a person who helps you tell us your side of the story. The representative can help you with written materials you send us. He or she can also go with you to a hearing if you decide you want one.

WHO CAN BE MY REPRESENTATIVE?

There are three kinds of representatives. Each is explained below:

- You can choose an employee of a veteran's organization or other service organization which is recognized by VA. On page 2 of this form we have a list of some service organizations that could represent you free of charge.

OR

- You can get a lawyer. The lawyer might work in private practice or for Legal Aid.

OR

- You can get an agent. An agent is anyone other than a lawyer or a service organization who is authorized by VA to speak for you or help you tell your side of the story.

If you don't have a representative and would like one, tell us who you want to represent you. Then we'll send you the forms and information you'll need to name your representative.

WHAT IS A PERSONAL HEARING?

A personal hearing is a meeting where you can talk to us about a decision we have made or a decision we are going to make. In most cases, the person who "hears" your claim will be the person who makes the decision. You should bring evidence to help us understand your side of the story.

CAN I BRING SOMEONE TO THE HEARING?

Yes. Besides your representative, you can bring witnesses. A witness is anyone who has personal knowledge about your claim and can give us useful information. If you don't want a representative, but still want someone to help you at the hearing, one of our Veterans Services Representatives (VSRs) can go to the hearing with you. However, you will need to tell us ahead of time so that the VSR can study your case.

WHAT DOES VA PROVIDE FOR THE HEARING?

Generally the hearing is held at the Regional Office which has your records. We'll provide the room and tape the hearing. Where available, your hearing can also be held at a local VA hospital through a closed circuit TV system. These services are free. ***We will not be able to pay for your travel, meals, or other expenses.***

HOW CAN I REQUEST A HEARING?

If you'd like a personal hearing, simply write to us and tell us you want one. You can request a hearing by writing to your Regional Office of Jurisdiction (ROJ). To find your local office go to the following website:

www.benefits.va.gov/benefits/offices.

Click on the state in which the veteran resides to find the address of the benefits office.

WHEN MUST I REQUEST A HEARING?

If we receive your request for a hearing **within 30 days** from the date of our letter, we will not make any decisions until we hold the hearing and review the hearing testimony and any evidence presented. **After 30 days** you may request a hearing, but we may have already made a decision as explained in our letter.

WILL THERE BE AN OVERPAYMENT?

By continuing to pay you at the current rate, we may be overpaying you. If you request a hearing but wish to reduce the possible overpayment, immediately send us a statement asking that we reduce or suspend your benefits as soon as possible.

RECOGNIZED SERVICE ORGANIZATIONS

Here is a list of national organizations which are approved to help people with their VA claims. You don't have to belong to one of these organizations to get their help, and they won't charge you a fee. If you're looking for one of these organizations and you can't find them in your phone book, you can call us toll free at 1-800-827-1000.

African American PTSD Association	Military Officers Association of America (MOAA)
American Defenders of Bataan and Corregidor, Inc.	National Amputation Foundation, Inc.
American Legion	National Association for Black Veterans, Inc.
American Red Cross	National Association of County Veterans Service Officers, Inc.
American Veterans Committee	National Veterans Legal Services Program
AMVETS	National Veterans Organization of America
American Ex-Prisoners of War, Inc.	Navy Mutual Aid Association
American GI Forum, National Veterans Outreach Program	Paralyzed Veterans of America, Inc.
Armed Forces Services Corporation	Polish Legion of American Veterans, U.S.A.
Army and Navy Union, USA	Swords to Plowshares, Veterans Rights Organization
Army and Air Force Mutual Aid Association	The Retired Enlisted Association
Associates of Vietnam Veterans of America	The Veterans Assistance Foundation, Inc.
Blinded Veterans Association	The Veterans Coalition
Catholic War Veterans of the U.S.A.	The Veterans of the Vietnam War, Inc.
Disabled American Veterans	United Spanish War Veterans of the United States
Eastern Paralyzed Veterans Association	United Spinal Association, Inc.
Fleet Reserve Association	Veterans of Foreign Wars of the United States
Gold Star Wives of America, Inc.	Veterans of World War I of the U.S.A., Inc.
Italian American War Veterans of the United States, Inc.	Veterans of the Vietnam War, Inc. & the Veterans Coalition
Jewish War Veterans of the United States	Vietnam Era Veterans Association
Legion of Valor of the United States of America, Inc.	Vietnam Veterans of America
Marine Corps League	Wounded Warrior Project
Military Order of the Purple Heart	

Although agency titles vary, the following States and possessions maintain veterans service agencies which are recognized to help people with their claims. You can look in the **state government** pages of the phone book under "veterans" to see if your state has a Department of Veterans Affairs or Veterans Affairs Commission.

Alabama	Illinois	Nebraska	Puerto Rico
American Samoa	Iowa	Nevada	Rhode Island
Arizona	Kansas	New Hampshire	South Carolina
Arkansas	Kentucky	New Jersey	South Dakota
California	Louisiana	New Mexico	Tennessee
Colorado	Maine	New York	Texas
Connecticut	Maryland	North Carolina	Utah
Delaware	Massachusetts	North Dakota	Vermont
Florida	Michigan	Northern Mariana Islands	Virginia
Georgia	Minnesota	Ohio	Virgin Islands
Guam	Mississippi	Oklahoma	Washington
Hawaii	Missouri	Oregon	West Virginia
Idaho	Montana	Pennsylvania	Wisconsin
			Wyoming

Points to Remember:

- If you want a representative, you should let us know who you want. We can send you the necessary forms to appoint your representative.
- If you want a personal hearing, you should write and tell us.

**VA DATE STAMP
(DO NOT WRITE IN THIS SPACE)**

INSTRUCTIONS: Before completing this form, read the Privacy Act and Respondent Burden on page 2. Use this form to submit a statement to support a claim. For more information, contact us at <https://iris.custhelp.va.gov>, or call us toll-free at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal relay number is 711. VA forms are available at www.va.gov/vaforms. After completing the form, mail to: **Department of Veterans Affairs, Evidence Intake Center, P.O. Box 4444, Janesville, WI, 53547-4444.**

NOTE: You may complete the form online or by hand. If completed by hand, print the information requested in ink, neatly and legibly, and insert one letter per box to help expedite processing of the form.

[illegible]

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Month Day Year

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[illegible][illegible][illegible]

State/Province			Country			ZIP Code/Postal Code					-				
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SECTION II. REMARKS
(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)

VETERAN'S SOCIAL SECURITY NO. - -

SECTION II: REMARKS (Continued)

(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)

SECTION III: DECLARATION OF INTENT

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

9. SIGNATURE OF VETERAN/BENEFICIARY (Required)

10. DATE SIGNED

Month Day Year
 - -

PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.

PRIVACY ACT INFORMATION: The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA Programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. VA uses your SSN to identify your claim file. Providing your SSN will help ensure that your records are properly associated with your claim file. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. The VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We need this information to obtain evidence in support of your claim for benefits (38 U.S.C. 501(a) and (b)). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at www.reginfo.gov/public/do/PRAMain. If desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.

Where to Send Your Correspondence

Documents may be submitted by mail, in person at a VA regional office or electronically. However, VA recommends submitting correspondence electronically as this is the fastest method of receipt.

VA provides several tools to assist in electronic submission. To learn more about how to submit documents and claims electronically, visit www.va.gov/disability/upload-supporting-evidence. You can also go directly to access.va.gov to digitally upload any correspondence using Direct Upload.

By visiting www.va.gov you can also check your claim status and learn about other VA benefits.

If you need assistance, you can find a local, accredited representative at <https://www.benefits.va.gov/vso/>

If you prefer to mail your correspondence, please use the related mailing address below:

Compensation Benefits Department of Veterans Affairs Compensation Intake Center P.O. Box 4444 Janesville, WI 53547	Pension & Survivors Benefits Department of Veterans Affairs Pension Intake Center P.O. Box 5365 Janesville, WI 53547
Board of Veterans' Appeals Department of Veterans Affairs Board of Veterans' Appeals P.O. Box 27063 Washington, DC 20038 Toll Free Fax: (844) 678-8979	Fiduciary Department of Veterans Affairs Fiduciary Intake Center P.O. Box 95211 Lakeland, FL 33804

These addresses serve **all United States and foreign locations.**



You can also send a text message to 838255 to receive confidential support
24 hours a day,
7 days a week, 365 days a year.
For more information, visit www.veteranscrisisline.net

App. F



DEPARTMENT OF VETERANS AFFAIRS

May 26, 2022

WILKINSON FRANCOIS
130 HUMBOLDT ST
APT 4B
BROOKLYN, NY 11206

In Reply Refer To: 320/BEST2/NBC
File Number: 055825921
FRANCOIS, WILKINSON

Dear Mr. Francois:

We have carefully considered the claim from Erin Onady for an apportioned share of your VA benefits for herself and your children, Genevieve and Esme Francois.

What Did We Decide

We have granted an apportionment to Erin Onady for \$450.00 per month, \$150.00 for herself and \$150.00 for each child, effective April 1, 2022, the first of the month following the date we received the request for an apportionment.

The apportionment for Genevieve Francois will terminate on September 6, 2032, her 18th birth date, reducing the total apportionment to \$300.00.

The apportionment for Esme will terminate on September 8, 2034, her 18th birth date, reducing the total apportionment to \$150.00.

Should Genevieve or Esme remain in school after their 18th birth date, they may request an apportionment in their own right by submitting a VA Form 21-0788 *Information Regarding Apportionment of Beneficiary's Award* and VA Form 21-674 *Request for Approval of School Attendance*.

How Did We Make Our Decision

In order for a claimant to receive an apportionment of the Veterans benefits, the claimant must live apart from the primary beneficiary and demonstrate a need for benefits, per the requirements of 38 CFR 3.451 or not receive a reasonable level of support from the primary beneficiary, as stated in 38 CFR 3.450.

The claimant, Erin Onady, has demonstrated a financial need for an apportionment. Erin, Genevieve, and Esme reside apart from you and are not receiving financial support. You did not provide any evidence to indicate that an apportionment would cause undue hardship. Therefore, the apportionment is granted at \$450.00 per month beginning April 1, 2022, and reduced as per the schedule above.

File Number: 055825921
FRANCOIS, WILKINSON

What Do You Owe

We've reviewed evidence in your case and found that we've overpaid your benefits. A separate letter will tell you more about the overpayment. VA's Debt Management Center will also send you a letter explaining how much you've been overpaid, as well as how to repay this debt. We know managing a new debt can be difficult, but we'd like to work with you on some options that can help. We encourage you to visit www.mymoney.gov and www.consumer.gov for helpful financial information.

What Evidence Did We Use

In reaching this decision, we considered the following evidence:

- VA Form 21-0788, Information Regarding Apportionment of Beneficiary's Award, received from the claimant Erin Onady on March 12, 2022
- Apportionment Due Process Letter sent to the Veteran dated March 18, 2022
- Apportionment Development Letter sent to the claimant Erin Onady dated March 18, 2022
- VA Form 20-0996 Request for Higher Level Review received from the Veteran on March 29, 2022
- Notification Letter regarding Higher Level Review sent to the Veteran dated March 29, 2022
- VA Form 21-4138, Statement in Support of Claim received from the claimant Erin Onady on April 9, 2022
- Letter received from the claimant Erin Onady on April 9, 2022
- VA Form 21-0788, Information Regarding Apportionment of Beneficiary's Award, received from the claimant Erin Onady on April 0, 2022
- Letter received from the Veteran on April 18, 2022

The payment of these apportionment benefits may be affected by any of the following:

- a. Death of the veteran or dependent
- b. Change in the veteran's dependency status
- c. Change in custody of minor children
- d. Receipt of active duty or service retirement pay by the veteran
- e. Change in the veteran's entitlement
- f. Failure to furnish evidence requested by the U.S. Department of Veterans Affairs
- g. Receipt of income from any source by the apportionee

Should you know of any of these happening, you should inform us immediately.

File Number: 055825921
FRANCOIS, WILKINSON

Right to Representation

You may be represented, without charge, by an accredited representative of a veteran's organization or other service organization recognized by the Secretary of the Department of Veterans Affairs. You may also be represented by an agent or an attorney, for example, an attorney in private practice or a legal aid attorney. However, under 38 U.S.C. 3404(c), an agent or attorney may only charge you for services performed on or after the date of a final decision by the Board of Veterans Appeals.

Applicable Laws and Regulations

38 CFR 3.59, 38 CFR 3.400, 38 CFR 3.450, 38 CFR 3.451, 38 CFR 3.452, CFR 3.453, 38 CFR 3.458, 38 CFR 3.4, 38 CFR, 3.57, 38 CFR 3.204, 38 CFR 3.209, 38 CFR 3.210, 38 CFR 3.216, 38 CFR 3.667, 38 CFR 3.707, 38 CFR 3.807.

What You Should Do If You Disagree With Our Decision

Contested Claim

Please see the enclosed VA Form 20-0998, Your Rights To Seek Further Review Of Our Decision. It explains your options for an additional review. You may obtain any of the required applications by downloading them from www.va.gov/vaforms/ or by contacting us.

If you do not agree with our decision, you have **60 days** from the date of this letter to appeal to the Board of Veterans Appeals in order to preserve your earliest effective benefit date. You must file your request on the required application form as noted below:

Review Option	Required Application Form
Appeal to the Board of Veteran's Appeals	VA Form 10182, <i>Decision Review Request: Board Appeal (Notice of Disagreement)</i>

You may download a copy of the required application form noted above by visiting www.va.gov/vaforms/ or you may contact us by telephone at 1-800-827-1000 and we will mail the form you need.

You can visit va.gov/decision-reviews to learn more about how the decision review process works.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter as noted below letting us know what you would like to obtain. Some evidence may be obtained online by visiting VA.gov.

File Number: 055825921
FRANCOIS, WILKINSON

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at https://iris.va.gov .
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please mail or fax all written correspondence to the appropriate address listed on the attached <i>Where to Send Your Written Correspondence</i> .

In all cases, be sure to refer to your VA file number, **055825921**.

If you are looking for general information about benefits and eligibility, you should visit our website at <http://www.va.gov> or search the Frequently Asked Questions (FAQs) at <http://iris.va.gov>.

We sent a copy of this letter to your representative, New York Division of Veterans Affairs, whom you can also contact if you have questions or need assistance.

Sincerely yours,

RO Director
VA Regional Office

Enclosure(s): Where to Send Your Written Correspondence
VA Form 20-0998

cc: New York Division of Veterans Affairs

Where to Send Your Correspondence

Documents may be submitted by mail, in person at a VA regional office or electronically. However, VA recommends submitting correspondence electronically as this is the fastest method of receipt.

VA provides several tools to assist in electronic submission. To learn more about how to submit documents and claims electronically, visit www.va.gov/disability/upload-supporting-evidence. You can also go directly to access.va.gov to digitally upload any correspondence using Direct Upload.

By visiting www.va.gov you can also check your claim status and learn about other VA benefits.

If you need assistance, you can find a local, accredited representative at <https://www.benefits.va.gov/vso/>

If you prefer to mail your correspondence, please use the related mailing address below:

Compensation Benefits Department of Veterans Affairs Compensation Intake Center P.O. Box 4444 Janesville, WI 53547	Pension & Survivors Benefits Department of Veterans Affairs Pension Intake Center P.O. Box 5365 Janesville, WI 53547
Board of Veterans' Appeals Department of Veterans Affairs Board of Veterans' Appeals P.O. Box 27063 Washington, DC 20038 Toll Free Fax: (844) 678-8979	Fiduciary Department of Veterans Affairs Fiduciary Intake Center P.O. Box 95211 Lakeland, FL 33804

These addresses serve all United States and foreign locations.



You can also send a text message to 838255 to receive confidential support 24 hours a day, 7 days a week, 365 days a year. For more information, visit www.veteranscrisisline.net

YOUR RIGHT TO SEEK REVIEW OF OUR DECISION

This document outlines your right to seek review of our decision on any issue with which you disagree. You may generally select one of three different review options for each issue decided by VA. However, you may not request review of the same issue using more than one option at the same time. Below is information on the three different review options.

			
What Is This?	Supplemental Claim A reviewer will determine whether new and relevant evidence changes the prior decision.	Higher-Level Review An experienced claims adjudicator will review your decision using the same evidence VA considered in the prior decision.	Board Appeal A Veterans Law Judge at the Board of Veterans' Appeals (Board) will review your decision.
By Selecting This Option	You are adding or identifying new and relevant evidence to support your claim that we did not previously consider. VA will assist you in gathering new and relevant evidence that you identify to support your claim.	You have no additional evidence to submit to support your claim, but you believe there was an error in the prior decision. You can request an optional, one-time, informal conference with a Higher-Level Reviewer to identify specific errors in the case, although requesting this conference may delay the review.	You must choose a docket: Direct Review - You do not want to submit evidence or have a hearing. Evidence Submission - You choose to submit additional evidence without a hearing. Hearing - You choose to have a hearing with a Veterans Law Judge.
Goal To Complete	125 days on average	125 days on average	365 days on average for Direct Review (longer for the other options)
Form To File To Select This Option*	VA Form 20-0995, <i>Decision Review Request: Supplemental Claim</i>	VA Form 20-0996, <i>Decision Review Request: Higher-Level Review</i>	VA Form 10182, <i>Decision Review Request: Board Appeal (Notice of Disagreement)</i>
Further Options After This Decision Review	You may request another Supplemental Claim, a Higher-Level Review, or a Board Appeal.	You may request a Supplemental Claim or a Board Appeal.	You may request a Supplemental Claim or appeal to the U.S. Court of Appeals for Veterans Claims.

* All forms listed above are available at www.va.gov/vaforms/.



For most VA benefits, you have 1 year from the date on your decision notice to request a decision review to ensure the earliest possible effective date. Consult your decision notice for specific limitations.

If you do not submit a decision review request within the required time, you may only seek review through the following:

- A request to revise the decision based on a clear and unmistakable error, or
- A Supplemental Claim. If you file a Supplemental Claim after the 1-year time limit, the effective date for any resulting award of benefits generally will be tied to the date VA receives the Supplemental Claim.

While most decision review options are available to you, there are limitations based on the type of decision you received.

- If you are a party to a **contested claim** - such as claims for apportionment, attorney fee disagreement, or multiple parties filing for survivor's benefits - your *only* option for disagreeing with your decision is to file a Board Appeal within **60 days** of the date on your decision notice.
- If you are seeking review of an **insurance decision** you have an *additional* option to challenge VA's decision by filing a complaint with a United States district court in the jurisdiction in which you reside within 6 years from when the right of action first accrues. Consult your decision notice for details on what options are available and where to send the request.

Get Help with Your Review Request:

For more information on all the available review options, contact us at 1-800-827-1000 or visit www.va.gov/decision-reviews/. If you need help filing a decision review, you may want to work with an accredited attorney, claims agent, or a Veterans Service Organization (VSO) representative. Additional information about working with an accredited attorney, claims agent, or VSO representative is available at www.va.gov/decision-reviews/get-help-with-review-request/. You may also find a directory of accredited representatives at www.va.gov/vso.

App. G

**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

In the Matter of a Support Proceeding

Erin E Onady,

- against -

Wilkenson Francois,

Petitioner,

Respondent.

File #: 307699

Docket #: F-15846-22

CSMS#: PC34320X1

**NOTICE OF
REGISTRATION OF OUT-
OF-STATE SUPPORT
ORDER**

To: Wilkenson Francois
130 Humboldt St., Apt. 4B
Brooklyn, NY 11208-2741

PLEASE TAKE NOTICE that a support order made by the Court of Common Pleas, Montgomery County, Domestic Relations Section of the Commonwealth of Pennsylvania has been registered pursuant to Article 5-B of the Family Court Act in the Family Court of Kings County, New York by Court of Common Pleas, Montgomery County, Domestic Relations Section, Commonwealth of Pennsylvania.

PLEASE TAKE FURTHER NOTICE THAT:

A REGISTERED ORDER IS ENFORCEABLE AS OF THE DATE OF REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A NEW YORK STATE COURT.

THIS REGISTERED ORDER AND THE STATEMENT OF ALLEGED ARREARAGES ARE AUTOMATICALLY EFFECTIVE AND WILL BE ENTITLED TO ENFORCEMENT UNLESS YOU CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER BY FILING A WRITTEN PETITION (FORM UIFSA-12) FOR A HEARING WITHIN TWENTY (20) DAYS OF THE DATE OF MAILING OF THIS NOTICE.

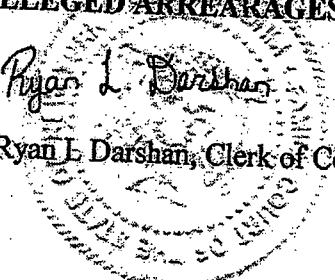
**FORM UIFSA-12 IS AVAILABLE ON-LINE AT:
www.nycourts.gov/forms/familycourt/uifsa.shtml.**

YOUR FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER BY REQUESTING A HEARING WITHIN TWENTY (20) DAYS OF THE DATE OF MAILING OF THIS NOTICE ALSO PRECLUDES YOU FROM ANY FURTHER CONTEST OR CHALLENGE TO THE REGISTERED ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED.

**A COPY OF THE REGISTERED ORDER AND A REGISTRATION STATEMENT
SETTING FORTH THE AMOUNT OF ALLEGED ARREARAGES ARE ATTACHED.**

Dated: August 23, 2022

Ryan L. Darshan
Ryan L. Darshan, Clerk of Court



To: Support Collection Unit

App. H

F.C.A. ART. 5-B, PART 6A

[NOTE: Information Form 4-5/5-1-d,
social security numbers of parties and
dependents, must be filed with this Petition]

UIFSA-12

(Petition to Vacate Registration containing
of Out-of-State Child Support
Order)
(8/2010)

FAMILY COURT OF THE STATE OF THE NEW YORK
COUNTY OF KINGS

In the Matter of the Registration of
a Out-of-State Support Order pursuant to

Docket No. F-15846-22

Article 5-B, Part 6A of the Family Court Act¹

ERIN E ONADY,

Petitioner

PETITION TO VACATE
REGISTRATION OF OUT-OF-
STATE SUPPORT ORDER

- against-

WILKENSON FRANCOIS,

Respondent

TO THE FAMILY COURT:

The undersigned respectfully shows that:

1. WILKENSON FRANCOIS, the appellant herein, the non-registering party, was the Respondent in the above-captioned proceeding and resides at [address]:

2. _____, the registering party, was the Petitioner in the above-captioned proceeding and resides at

3. On the 3rd day of MAY, 2019, an order of support made by the Montgomery County Court of the State of Pennsylvania was registered in the Family Court of the County of KINGS, State of New York.

¹Use caption as in original proceeding

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF KINGS) ERIN E ONADY, Petitioner
 AGAINST
 WILKENSON FRANCOIS, Respondent

being duly sworn, says that (s)he is the Petitioner in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.


Petitioner/Respondent

Sworn to before me this
day of

(Deputy) Clerk of the Court
Notary Public

4(a) Said registration should be vacated because (check all appropriate boxes)

- ☐ The issuing tribunal lacked personal jurisdiction over the contesting party;
- ☒ The order was obtained by fraud;
- ☐ The order has been vacated, suspended, or modified by a later order;
- ☐ The issuing tribunal has stayed the order pending appeal;
- ☐ There is a defense under the law of this state to the remedy sought;
- ☒ Full or partial payment has been made; or
- ☐ The statute of limitation under section 580-604 (choice of law) precludes enforcement of some or all of the arrearage.
- ☒ *Denial of Rights Under Color of Law*

4(b). The registered order should be enforced for arrears only because the order of the State of _____, dated _____, should be recognized as the controlling order.

5. No previous application has been made to any court or judge for the relief herein requested (except)

WHEREFORE, Applicant requests an order be vacating the registration of the out-of-state support order.

Dated: 9/1/2022

WILKINSON FRANCOIS
Applicant

WILKINSON FRANCOIS, Pro Se
Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
FAMILY DIVISION

ERIN E. ONADY : DOCKET NO. 2018-04821
vs. : PACSES NO. 173116973
WILKINSON FRANCOIS :

May 3, 2019

BERTIN, S.J.

MEMORANDUM AND ORDER

The parties entered into an agreed child support order on April 2, 2018 in the amount of \$1,373 per month, broken down \$1,246 per month, plus \$125 per month on arrears, effective March 12, 2018.

On July 9, 2018, father filed a petition to modify that agreed order in a form supplied to him by the Domestic Relations Office, requesting a "decrease" in the agreed order, alleging as a "material and substantial change(s) in circumstances", as follows, at paragraph 2 of said petition:

"Because it is on file that 29 work days less of pay prorated of which 10 of those show that I was paid accrued sick and vacation hours as that would lessen my gross income upon which a support order could be based. Besides, Erin Onandy has initiated a contract with a new nanny ("Shy Care" for \$225/week while she'd work \$70/hour per 15 hour/week and of which would put her at approximately \$4,200/month in income."

A support hearing before Support Hearing Officer Coacher was scheduled on father's aforesaid petition for January 24, 2019.

On the day of the hearing, on January 24, 2019, mother filed a petition to modify, requesting a "reinstatement" in that father did not allege a change of circumstances in his July 9, 2018 petition but if the support hearing officer were to "consider" father's petition, mother wanted relief, as stated in paragraph 2 of her petition, as follows:

"My prior petition for alimony *pendente lite*/spousal support was resolved via defendant's request that he pay the mortgage and auto expenses in lieu of spousal support/APL. If defendant's modification request filed 7/2018 is *considered* (despite no change of circumstances in 7/2018), I am requesting reinstatement of my claim for APL retroactive to defendant's modification date." (Emphasis added).

ORDER

AND NOW, this 3rd day of May, 2019, after review of the record, consideration of briefs, and oral argument on April 30, 2019, the following is ORDERED:

1. Father's July 9, 2018 petition to modify is DISMISSED for failure to allege and prove a substantial and material change in circumstances.
2. Mother's January 24, 2019 petition to modify and reinstate is DISMISSED as moot, because father did not allege or prove a substantial change in circumstance to disturb the agreed order.
3. The order of February 8 2019 is VACATED.
4. The agreed order of April 2, 2018 is in full force and effect.
5. This order is without prejudice to father to file a new petition to modify to allege, with specificity, what he feels may be a substantial change of circumstances since the agreed order, such as issues concerning his separation from the Army Reserves; unemployment compensation; loss of employment with his civil employer, not related to the Army, VA benefits; medical condition; search for employment; his reasonable earning capacity; and mother's reasonable earning capacity.
6. This order is without prejudice to mother to fully defend any issues specifically raised by father to attempt to modify the agreed order.
7. Should father file such a petition, this case is hereby certified as "complex" and the support hearing officer shall schedule significant time to hear the same, assuming a

Form

COL

Violation Warning **Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

WILKINSON FRANCOIS
7930 BARNES ST APT C20
Philadelphia, PA 19111-2260

Name and address of Notice Recipient

BERTIN S.J.
P.O. BOX 311
NORRISTOWN, PA 19404

Citizen's statement: SECTION 242 OF TITLE 18 makes it a crime for a person acting under color of law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Federal, State, Local OFFICIALS including Police Officers, Prison Guards, and other law enforcement OFFICIALS as well as Judges, Case Providers in public health facilities, and others who are acting as public officers of law within the meaning of this statute.

I certify that the forgoing information stated here is true and correct.

Citizen's signature

W. Wilkinson

Date ▶

9 NOV 2019

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, WILKINSON FRANCOIS certify that I personally delivered this notice to above named recipient and address on 9 NOV 2019 at 10:00AM

Public Domain—Privacy Form COL(01)

Form

COL

Violation Warning **Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

WILKINSON FRANCOIS
7930 BARNES ST APT C20
Philadelphia, PA 19111-2260

Name and address of Notice Recipient

HON. CAROLYN T. CARLUCCIO
PO. BOX 311
NORRISTOWN, PA 19404

Citizen's statement:

SECTION 242 OF TITLE 18 MAKES IT A CRIME FOR A PERSON ACTING UNDER COLOR OF LAW TO WILLFULLY DEPRIVE A PERSON OF A RIGHT OR PRIVILEGE PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES. FEDERAL, STATE, OR LOCAL OFFICIALS INCLUDING POLICE OFFICERS, PRISON GUARDS AND OTHER LAW ENFORCEMENT OFFICIALS, AS WELL AS EMPLOYEES, CONTRACTORS, PUBLIC HEALTH FACILITIES, AND OTHERS WHO ARE ACTING AS PUBLIC OFFICIALS ACTING UNDER COLOR OF LAW WITHIN THE MEANING OF THIS STATUTE.

Citizen's signature

[Signature]

Date ▶ 9 NOV 2019

Legal Notice and Warning

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Notice of Service:

I, WILKINSON FRANCOIS certify that I personally delivered this notice to above named recipient and address on 9 NOV 2019 at 10:00 AM.

Form

COL

Violation Warning **Denial of Rights Under Color of Law**

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

WILKINSON FRANCIS
7930 BARNES ST APT C20
Philadelphia, PA 19111-2260

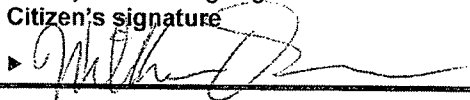
Name and address of Notice Recipient

PATRICIA A. COACHEY, Esquire, Support Hearing Officer
Domestic Relations
P.O. Box 311
Nerriestown, PA 19404-0311

Citizen's statement: SECTION 242 OF TITLE 18 MAKES IT A CRIME FOR A PERSON ACTING UNDER COLOR OF LAW TO WILLFULLY DEPRIVE A PERSON OF A RIGHT OR PRIVILEGE PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES. FEDERAL, STATE, LOCAL OFFICIALS INCLUDING POLICE OFFICERS, PRISON GUARDS, AND OTHER LAW ENFORCEMENT OFFICIALS AS WELL AS JUDGES, CORE PROVIDERS IN PUBLIC HEALTH FACILITIES, AND OTHERS WHO ARE ACTING AS PUBLIC OFFICIALS UNDER COLORED OF LAW WITHIN THE MEANING OF THIS STATUTE.

I certify that the forgoing information stated here is true and correct.

Citizen's signature

▶ 

Date ▶ 9 Nov 2019

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You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, WILKINSON FRANCIS certify that I personally delivered this notice to above named recipient and address on 9 NOV 2019 at 10:00 AM.

Public Domain—Privacy Form COL(01)

App. I

SECURITIES AND EXCHANGE COMMISSION

FORM 10-K

Annual report pursuant to section 13 and 15(d)

Filing Date: 2023-02-22 | Period of Report: 2022-12-31
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CONDUENT Inc

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SIC: 7389 Business services, nec

Mailing Address

100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

Business Address

100 CAMPUS DRIVE
FLORHAM PARK NJ 07932
844-663-2638

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-K

(Mark One)

☒ ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended: December 31, 2022

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 ☐

For the transition period from: _____ to: _____

Commission File Number 001-37817

CONDUENT INCORPORATED

(Exact Name of Registrant as specified in its charter)

New York

(State or other jurisdiction of incorporation or organization)

81-2983623

(IRS Employer Identification No.)

100 Campus Drive, Suite 200, Florham Park, New Jersey

07932

(Address of principal executive offices)

(Zip Code)

(844) 663-2638

(Registrant's telephone number, including area code)

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common Stock, \$0.01 par value	CNDT	NASDAQ Global Select Market

Securities registered pursuant to Section 12(g) of the Act: None

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act.
Yes ☒ No ☐

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act.
Yes ☐ No ☒

Table of Contents

Pursuant to the requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

CONDUENT INCORPORATED

/s/ CLIFFORD SKELTON

Clifford Skelton

Chief Executive Officer

February 22, 2023

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the date indicated.

February 22, 2023

Signature

Title

Principal Executive Officer:

/s/ CLIFFORD SKELTON

Chief Executive Officer and Director

Clifford Skelton

Principal Financial and Accounting Officer:

/s/ STEPHEN WOOD

Executive Vice President, Chief Financial Officer and Principal Accounting Officer

Stephen Wood

/s/ HUNTER GARY

Director

Hunter Gary

/s/ KATHY HIGGINS VICTOR

Director

Kathy Higgins Victor

/s/ SCOTT LETIER

Director and Chairman of the Board

Scott Letier

/s/ JESSE LYNN

Director

Jesse Lynn

/s/ STEVEN MILLER

Director

Steven Miller

/s/ MICHAEL MONTELONGO

Director

Michael Montelongo

/s/ MARGARITA PALÁU-HERNÁNDEZ

Director

Margarita Paláu-Hernández

SUBSIDIARIES OF CONDUENT INCORPORATED

The following companies are subsidiaries of Conduent Incorporated as of December 31, 2022. Unless otherwise noted, a subsidiary is a company in which Conduent Incorporated or a subsidiary of Conduent Incorporated holds 50% or more of the voting stock. The names of other subsidiaries have been omitted as they would not, if considered in the aggregate as a single subsidiary, constitute a significant subsidiary:

Name of Subsidiary	Jurisdiction of Incorporation or Organization
Conduent Healthy Communities Corporation	California
Conduent BPO Services, LLC	Delaware
Conduent Workers Compensation Holdings, Inc.	Delaware
Conduent EDI Solutions, Inc.	Delaware
Conduent Global, Inc.	Delaware
Conduent Health Administration, Inc.	Delaware
Conduent Human Resources Services, LLC	Delaware
Conduent Lending, Inc.	Delaware
Conduent Casualty Claims Solutions, LLC	Delaware
Conduent Middle East, Inc.	Delaware
Conduent TradeOne Marketing, Inc.	Delaware
Conduent Securities, LLC	Delaware
Conduent Care Solutions, LLC	Delaware
Conduent Finance, Inc.	Delaware
Conduent Payment Integrity Solutions, Inc.	Delaware
Conduent Public Health Solutions, Inc.	Delaware
Conduent Parking, LLC	Delaware
Conduent Business Services, LLC	Delaware
Conduent Education Services, LLC	Delaware
Conduent European Funding LLC	Delaware
Conduent Export LLC	Delaware
Conduent Federal Solutions, LLC	Delaware
Conduent Mortgage Services, Inc.	Delaware
Conduent Credit Balance Solutions, LLC	Delaware
Conduent State Healthcare, LLC	Delaware
Conduent Healthcare Knowledge Solutions Inc.	Florida
Conduent Transport Solutions, Inc.	Georgia
Conduent Image Solutions, Inc.	Louisiana
Conduent Commercial Solutions, LLC	Nevada
Conduent Patient Access Solutions, LLC	New Jersey
Conduent State & Local Solutions, Inc.	New York
Conduent HR Services, LLC	Pennsylvania
Conduent Securities Services, Inc.	Texas
Conduent Legal & Compliance Solutions, LLC	Texas
Conduent Business Process Optimization Services, Inc.	Texas
Conduent Heritage, LLC	Virginia
Conduent Learning Services, Inc.	Washington
Conduent Wireless Data Services North America, Inc.	Washington
Conduent Care and Quality Solutions, Inc.	Wisconsin
Eagle Connect Sh.p.k.	Albania
Voice Star Sh.p.k.	Albania

Consilience Software Australasia Pty Ltd	Australia
Conduent Business Services (Australia) PTY LTD	Australia
Affiliated Computer Services International (Barbados) Limited	Barbados
Conduent Servicos de Terceirizacao de Processos de Negocios Ltda.	Brazil
Conduent Consultoria e Servicos de Recursos Humanos Ltda.	Brazil
Conduent do Brasil Servicos de Call Center Ltda.	Brazil
Conduent Business Services Canada, Inc./Services D'affaires Conduent Canada Inc.	Canada
Conduent Business Solutions (Cyprus) Limited	Cyprus
Conduent Colombia S.A.	Colombia
Conduent Czech Republic s.r.o.	Czech Republic
Affiliated Computer Services (Fiji) Limited	Fiji
Conduent Business Process Solutions (France) SAS	France
Conduent Business Solutions (France) SAS	France
ACS Holdings (Germany) GmbH	Germany
Conduent Germany Holding GmbH	Germany
Conduent Communication Center GmbH	Germany
Conduent Customer Service GmbH	Germany
Conduent Multimedia GmbH	Germany
Conduent Service Center GmbH	Germany
Conduent Technical Service GmbH	Germany
Conduent Greece Single Member Limited Liability Company	Greece
Conduent Business Services de Guatemala, Sociedad Anonima	Guatemala
ACS China Solutions Hong Kong Limited	Hong Kong
Conduent Business Services India LLP	India
Conduent Business Services Italy S.r.l.	Italy
Conduent Business Solutions Italia, S.p.A.	Italy
Conduent Solutions (Jamaica) Limited	Jamaica
Conduent Jamaica Limited	Jamaica
Sia Rigas Karte	Latvia
Affiliated Computer Services Holdings (Luxembourg) S.A.R.L.	Luxembourg
Conduent Business Services Malaysia Sdn. Bhd.	Malaysia
Conduent de Mexico, S.A. de C.V.	Mexico
Conduent Solutions Mexico S. de R.L. de C.V.	Mexico
Affiliated Computer Services International B.V.	Netherlands
Customer Helpline Holdings (Netherlands) B.V.	Netherlands
Conduent Netherlands Holding B.V.	Netherlands
Unamio/HCN B.V.	Netherlands
ACS Solutions Peru S.A.	Peru
Conduent Business Services Philippines, Inc.	Philippines
Conduent Solutions Philippines, Inc.	Philippines
Conduent Poland Sp. z o.o.	Poland
Conduent Business Solutions of Puerto Rico, Inc.	Puerto Rico

Conduent Business Services Romania S.r.l.	Romania
Conduent Europe Finance Limited Partnership	Scotland
Wireless Data Services (Asia Pacific) PTE Ltd.	Singapore
Conduent (PTY) LTD	South Africa
Conduent Business Services, S.L.	Spain
Xerox Business Solutions Spain, S.L.	Spain
Conduent Holdings (St. Lucia) Ltd.	St. Lucia
Conduent Business Services Switzerland GmbH	Switzerland
Conduent Business Solutions AG	Switzerland
Conduent Turkey Musteri Hizmetleri Limited Sirketi	Turkey
Conduent Business Process Solutions Limited	United Kingdom
Conduent Business Services UK Limited	United Kingdom
Conduent Public Sector UK Limited	United Kingdom

CONSENT OF INDEPENDENT REGISTERED PUBLIC ACCOUNTING FIRM

We hereby consent to the incorporation by reference in the Registration Statements on Form S-8 (Nos. 333-215361 and 333-257119) of Conduent Incorporated of our report dated February 22, 2023 relating to the financial statements, financial statement schedule, and the effectiveness of internal control over financial reporting, which appears in this Form 10-K.

/s/ PricewaterhouseCoopers LLP

PricewaterhouseCoopers LLP

Florham Park, New Jersey

February 22, 2023

App. J



Division of Corporations,
State Records and
Uniform Commercial Code

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
www.dos.ny.gov

State Employee Statement in Lieu of Oath Pursuant to Civil Service Law § 62

(TYPE ALL INFORMATION -- SIGN IN BLACK INK)

Name of Appointee: Richman Gabriella F
(Last Name) (First Name) (Middle Initial)

I do hereby pledge and declare that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the position of

Title of Position: Support Magistrate

Agency Name: NYC Family Court FILED
STATE RECORDS
MAY 07 2019

Agency Code: 056 27 DEPARTMENT OF STATE

according to the best of my ability.

X [Signature] 4/18/2019
(Signature of Appointee) (Date)

PUBLIC OFFICERS LAW §78 CERTIFICATE

I, the Appointee named above, hereby acknowledge receipt of a copy of sections 73, 73-a, 74, 75, 76, 77 and 78 of the Public Officers Law, together with such other material related thereto as may have been prepared by the Secretary of State, and I acknowledge that I have read the same and that I undertake to conform to the provisions, purposes and intent thereof and to the norms of conduct for members, officers and employees of the legislature and state agencies.

X [Signature] 4/18/2019
(Signature of Appointee) (Date)

(Appointee must sign both the State Employee Statement in Lieu of Oath and the Public Officer's Law §78 Certificate)

Go to www.dos.ny.gov for filing instructions.