

## The Court Clerk's Office Is Prohibited From Providing Legal Advice

The Court Clerk's Office cannot assist you in the completion of these forms. If you require assistance, seek the advice of an attorney.

You may be able to obtain assistance from

Legal Aid Society of Mid-New York.. . . . .	703-6600
Legal Services of Central New York. . . . .	703-6600
Hiscock Legal Aid Society. . . . .	422-8191
Onondaga County Bar Association Lawyer Referral Service. . . . .	471-2690
Volunteer Lawyer Project. . . . .	471-3409

The Onondaga County Bar Association's Volunteer Lawyer Project conducts a "Pro Se Divorce Workshop" three times each year. You may call 471-3409 for information on upcoming dates and eligibility.

## Filing Fees

**At the start.** You must pay the following fees to the Onondaga County Clerk to begin your action for an uncontested divorce unless you are granted Poor Person status by the Court:

Index Number Fee. . . . .	\$ 210.00
Note of Issue Fee. . . . .	\$ 30.00
Request for Judicial Intervention Fee.. . . . .	\$ 95.00

Please check with the Onondaga County Clerk's Office to determine how to pay the fees. The Onondaga County Clerk's Office telephone numbers are 435-2226 or 435-2227.

**At the end.** You must pay the following fees to the Onondaga County Clerk to finalize your action for an uncontested divorce unless you are granted Poor Person status by the Court:

Certificate of Dissolution Filing Fee. . . . .	\$ 5.00
Certified Copy Judgment of Divorce (to send to Defendant). . . . .	\$ 5.00 Minimum

## Information and Forms Available On The Internet

You may obtain additional information on divorce on the Unified Court System's Divorce Resources website at [www.nycourts.gov/divorce](http://www.nycourts.gov/divorce).

You may obtain copies of the *Uniform Uncontested Divorce Packet* on the Unified Court System's website at [www.nycourts.gov/divorce/forms](http://www.nycourts.gov/divorce/forms).

## Current Address Needed

Please be sure to provide the Court Clerk's Office with your current address and telephone number.

## Revised Forms

The forms in the *Uniform Uncontested Divorce Packet* have been revised. Please check that the cover of your packet reads "Revised - 9/2011".

You may obtain the most up-to-date copies of the *Uniform Uncontested Divorce Packet Forms* on the Unified Court System's CourtHelp website at [www.nycourts.gov/divorce/forms](http://www.nycourts.gov/divorce/forms).

## Forms NOT Required By Onondaga County Supreme Court

You do not have to use these forms:

- Support Collection Unit Information Sheet (Form UD-8a)
- Postcard or
- Notice of Settlement

## Additional Forms Required Or Used By Onondaga County Supreme Court

**Matrimonial Checklist.** You must complete the Matrimonial Checklist (*2011 Edition*) and include it with your papers when you file them with the Court Clerk's Office.

**You May Request a Judicial Hearing Officer ("JHO") or Court Attorney-Referee to Review Your Paperwork.** Paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part** will be reviewed when that Justice's calendar and trial schedule allow. Because a JHO or Court Attorney-Referee is only responsible for reviewing uncontested matrimonial actions, paperwork submitted to a JHO or Court Attorney-Referee may be reviewed sooner than paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part**. If you want your paperwork reviewed by a JHO or Court Attorney-Referee, you must sign the **Stipulation on Uncontested Matrimonial Action**.

**Findings of Fact and Judgment of Divorce.** The **Fifth Judicial District Dedicated Matrimonial Part Rules (Revised 07/08)** require that you include additional language with respect to the referral of future matters to Family Court in the Judgment of Divorce. The Court Clerk's Office has included substitute pages for the **Judgment of Divorce (Form UD-11)** (last 3 pages).

**Copy of Separation Agreement, Opting-Out Agreement or Family Court Order.** A copy of any Separation Agreement, Opting-out Agreement or Family Court Order must be attached to the **Judgment of Divorce (Form UD-11)** if the terms are being incorporated in the Judgment of Divorce.

**Application for Child Support Services.** Complete this form if you want your child support payments through the Support Collection Unit.

## NOTE

The **Child Support Worksheet (Form UD-8)(Paragraphs 27 through 38)** and the **Instructions (Page 24)** have been revised effective November 2011. The revised pages are currently available on-line only. Please use the attached replacement pages if you are using the pre-printed Uniform Uncontested Divorce Packet.

# UNCONTESTED MATRIMONIAL ACTION CHECKLIST

2011 Edition (Revised 10/12/2011)

(This edition must be submitted; no earlier form will be accepted.)

\_\_\_\_ v. \_\_\_\_\_  
Plaintiff Defendant Index Number Attorney/Self-Represented Litigant  
\_\_\_\_\_  
Telephone Number

The following checklist must be filled in by the Attorney or Self-Represented Litigant before the Supreme Court Clerk will accept papers as an Uncontested Matrimonial Action pursuant to 22 NYCRR § 202.21(i).

Please submit the papers in the order listed. Forms beginning with "UD" are from the *Uniform Uncontested Divorce Packet Forms*.

If the papers are prepared by an Attorney, substantial conformity to the *Uniform Uncontested Divorce Packet Forms* is required (22 NYCRR § 202.21(i)(2)).

**NOTE:** The *Uniform Uncontested Divorce Packet Forms* were revised in September 2011. You must use the revised forms either from that Packet or from the OCA website at [www.nycourts.gov/divorce](http://www.nycourts.gov/divorce).

- \_\_\_\_ WRITTEN RETAINER AGREEMENT (22 NYCRR § 1400.3) if Attorney filing
- \_\_\_\_ STIPULATION ON UNCONTESTED MATRIMONIAL ACTION (Referral to JHO) if used
- \_\_\_\_ REQUEST FOR JUDICIAL INTERVENTION (RJI) (Form UD-13 or UCS-840 [*Revised 03/2011*])
- \_\_\_\_ TRIAL NOTE OF ISSUE (Form UD-9 [No Children Under 18] or UD-9a [Children Under 18])
- \_\_\_\_ SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a) containing
- (A) \_\_\_\_ Venue basis
- (B) \_\_\_\_ Index Number assigned
- (C) \_\_\_\_ Date of Filing with County Clerk printed by County Clerk on SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
- (D) \_\_\_\_ Statement of nature of action (i.e., "Action for a Divorce")
- (E) \_\_\_\_ If SUMMONS WITH NOTICE (Form UD-1) was served without COMPLAINT (Form UD-2), Statement of nature of action and full statement as to any ancillary relief requested (such as child support, custody, maintenance, equitable distribution, etc.) and specific nature thereof, including any request to incorporate any prior court orders, must be on SUMMONS WITH NOTICE (Form UD-1)(*Attach copy(ies) of orders*)
- (F) \_\_\_\_ **For Actions commenced on or after September 1, 2009**, NOTICE OF AUTOMATIC ORDERS pursuant to DRL § 236 (Part B)(2)(b) **as amended March 30, 2010** must be attached to SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
- (G) \_\_\_\_ **For Actions commenced on or after October 9, 2009**, NOTICE OF HEALTH INSURANCE COVERAGE pursuant to DRL § 255 must be attached to SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
- \_\_\_\_ COMPLAINT (Form UD-2)
- (A) \_\_\_\_ Statement as to required jurisdictional residence
- (B) \_\_\_\_ Statement that Plaintiff has taken or will take all steps solely within Plaintiff's power to remove any barrier to the Defendant's remarriage following divorce, if marriage officiant is listed in DRL § 11(1)
- (C) \_\_\_\_ Full statement of the grounds for the relief requested and, if the grounds are based on Defendant's misconduct, the nature and circumstances of such misconduct, including the date and place of each act complained of, with detail as required by CPLR 3016 (c)
- (D) \_\_\_\_ Full statement as to any ancillary relief requested (such as child support, custody, maintenance, equitable distribution, etc.) and specific nature thereof, including any request to incorporate any prior court orders (*Attach copy(ies) of orders*)
- (E) \_\_\_\_ Verified and jurat signed by notary public
- \_\_\_\_ For "Irretrievable Breakdown in Relationship Cause of Action [DRL § 170(7)] ": Ancillary Issues Have Been Resolved By
- (A) Distribution of Property \_\_\_\_ Separation/Opting-Out Agreement \_\_\_\_ Not Required (per Affidavit of Plaintiff)
- (B) Spousal Support \_\_\_\_ Separation/Opting-Out Agreement \_\_\_\_ Not Required (per Affidavit of Plaintiff)
- (C) Child Support \_\_\_\_ Separation/Opting-Out Agreement \_\_\_\_ Not Required \_\_\_\_ Family Court Order
- (D) Counsel/Expert Fees \_\_\_\_ Separation/Opting-Out Agreement \_\_\_\_ Not Required (per Affidavit of Plaintiff)
- (E) Custody and Visitation \_\_\_\_ Separation/Opting-Out Agreement \_\_\_\_ Not Required \_\_\_\_ Family Court Order

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- \_\_\_ AFFIDAVIT OF SERVICE (Form UD-3 or substitute UD-3) unless AFFIDAVIT OF DEFENDANT (Form UD-7) is provided
- (A) \_\_\_ Date of Service on Defendant shown
- (B) \_\_\_ Date of Filing with County Clerk printed on AFFIDAVIT OF SERVICE (Form UD-3) by County Clerk
- (C) \_\_\_ Statement of knowledge the affiant had that the person served was the Defendant and how the affiant acquired such knowledge (*Attach photograph if used*)
- (D) \_\_\_ Physical description of the person served
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- \_\_\_ AFFIDAVIT OF DEFENDANT (Form UD-7) if signed by Defendant, admitting service of SUMMONS WITH NOTICE and/or SUMMONS and COMPLAINT. The Defendant's signature must be notarized
- 
- \_\_\_ AFFIRMATION/AFFIDAVIT OF REGULARITY (Form UD-5). If the default in appearing or answering occurred more than one (1) year before date of submission of the AFFIRMATION/AFFIDAVIT OF REGULARITY, an affirmation or affidavit pursuant to CPLR § 3215(c) showing sufficient cause for the delay in filing must be submitted and the CONCLUSIONS OF LAW and JUDGMENT OF DIVORCE must contain an ordering paragraph permitting the late filing
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- \_\_\_ SWORN STATEMENT OF REMOVAL OF BARRIERS TO REMARRIAGE (Form UD-4) only if marriage officiant is listed in DRL § 11(1), stating that pursuant to DRL § 253(3) and (4) that Plaintiff has taken all steps solely within his or her power to remove any barrier to the Defendant's remarriage following divorce
- (A) \_\_\_ AFFIDAVIT OF SERVICE of REMOVAL OF BARRIERS STATEMENT upon Defendant (Form UD-4a or substitute Form UD-3) must be attached
- (B) \_\_\_ but if divorce is based upon the parties living separate and apart pursuant to a decree or judgment of separation or a written agreement of separation for a period of one or more years pursuant to DRL § 170(5) or (6), both parties must comply with DRL § 253(3) and (4) requirements
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- \_\_\_ AFFIDAVIT OF PLAINTIFF (Form UD-6) if SUMMONS WITH NOTICE (Form UD-1) was served without COMPLAINT (Form UD-2)
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- \_\_\_ If there are any UNEMANCIPATED CHILDREN:
- (A) \_\_\_ AFFIDAVIT OF PLAINTIFF (Form UD-6) or DRL § 76-h AFFIDAVIT (Form UCCJEA-3)
- (1) \_\_\_ Certified copy of any Family Court Order of Custody or Visitation to be continued by Judgment of Divorce
- (2) \_\_\_ Certified copy of any Family Court Order of Support to be continued by Judgment of Divorce
- (B) \_\_\_ If AFFIDAVIT OF PLAINTIFF (Form UD-6) is not used, statement of Plaintiff pursuant to DRL § 240(1) either requesting or declining child support enforcement services and if child support is to be paid through Support Collection Unit, complete APPLICATION FOR CHILD SUPPORT SERVICES
- (C) \_\_\_ SEPARATION AGREEMENT or OPTING-OUT AGREEMENT, if signed
- (1) \_\_\_ Must contain provision regarding custody and
- (2) \_\_\_ Must contain provision that any self-represented party has been provided with a copy of the CHILD SUPPORT STANDARDS CHART (Form LDSS 4515) prepared by the New York State Office of Temporary and Disability Assistance and
- (3) \_\_\_ Must contain either a calculation of the basic child support obligation made pursuant to DRL § 240(1-b) or have a CHILD SUPPORT WORKSHEET (Form UD-8) attached or continue an existing Family Court Order of Support containing the calculations and have a certified copy of the Family Court Order of Support attached and
- (4) \_\_\_ If the agreed upon child support deviates from the basic child support obligation calculated pursuant to DRL § 240(1-b), must contain a provision stating that the parties were advised of the provisions of the Child Support Standards Act or were provided with a copy of the CHILD SUPPORT STANDARDS CHART; showing the calculation of the basic child support obligation; stating that the basic child support obligation would presumptively result in the correct amount of child support to be awarded; and the reason or reasons for deviation from the basic child support obligation, and
- (5) \_\_\_ If the parties are opting out of the right to seek modification of the child support obligation based upon either (i) the passage of three (3) years and/or (ii) a change in either party's income by fifteen percent (15 %) or more since the order was entered, last modified, or adjusted, must contain a provision stating that the parties have been advised of their right pursuant to DRL § 236(Part B)(9)(b)(2)(ii) and (iii) to seek such modification and that the parties have specifically opted out of either or both provisions of DRL § 236(Part B)(9)(b)(2)(ii) and (iii) and
- (6) \_\_\_ Must contain a provision with respect to which party will provide health insurance for the children or whether the children will be covered by Child Health Plus and must also contain a calculation of the pro rata shares of the cost to provide health insurance, child care expenses and any uncovered health expenses for the children
- (D) \_\_\_ CHILD SUPPORT WORKSHEET (Form UD-8) with Plaintiff's signature notarized if child support is sought or provided for unless a full statement complying with DRL § 240(1-b)(h) with respect to child support is incorporated in Attorney-prepared Separation Agreement or Opting-out Agreement. **Note:** For STEP 10 on the CHILD SUPPORT WORKSHEET (Form UD-8), starting March 1, 2011 the self-support reserve amount is \$ 14,702 and the poverty level amount is \$ 10,890
- (E) \_\_\_ QUALIFIED MEDICAL CHILD SUPPORT ORDER (Form UD-8b) if applicable

- (F) \_\_\_\_\_ NEW YORK STATE CASE REGISTRY FILING FORM (in APPENDIX to Uniform Uncontested Divorce Packet Forms) if child support is not paid through Support Collection Unit or APPLICATION FOR CHILD SUPPORT SERVICES (available from the Court Clerk's Office) if child support is to be paid through Support Collection Unit
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\_\_\_\_\_ With respect to EQUITABLE DISTRIBUTION:

- (A) \_\_\_\_\_ AFFIDAVIT OF PLAINTIFF (Form UD-6) with Paragraph 5 filled out completely, including the applicable statement regarding equitable distribution or
- (B) \_\_\_\_\_ Affidavit of equitable distribution of marital property pursuant to DRL § 236B, including sworn waiver of equitable distribution, if applicable, and if not included in complaint or
- (C) \_\_\_\_\_ OPTING-OUT AGREEMENT (Original, County Clerk certified or Attorney certified copy), or
- (D) \_\_\_\_\_ SEPARATION AGREEMENT (Original, County Clerk certified or Attorney certified copy)
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\_\_\_\_\_ For OPTING-OUT AGREEMENT or SEPARATION AGREEMENT,

- (A) \_\_\_\_\_ Sworn Statement of Plaintiff that the agreement was fair and reasonable when entered into and is not now unconscionable
- (B) \_\_\_\_\_ For Agreements **signed before October 9, 2009**, a Signed Statement pursuant to DRL § 177(1) with respect to health insurance coverage not continuing
- (C) \_\_\_\_\_ For Agreements **signed on or after October 9, 2009**, a provision pursuant to DRL § 255 with respect to health insurance coverage continuing or not continuing
- (D) \_\_\_\_\_ For Agreements **signed on or after October 12, 2010**, a provision pursuant to DRL § 236 (Part B)(5-a)(f) with respect to the presumptive amount of temporary maintenance
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\_\_\_\_\_ WITHDRAWAL OF ANSWER/REPLY BY STIPULATION if applicable. The CONCLUSIONS OF LAW and JUDGMENT OF DIVORCE must order withdrawal

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\_\_\_\_\_ FINDINGS OF FACT AND CONCLUSIONS OF LAW (Form UD-10) or Attorney-prepared (22 NYCRR § 202.50(b) Appendix B)

- (A) \_\_\_\_\_ Findings of Fact incorporating evidentiary allegations actually set forth in the Complaint and any supplemental affidavits
- (B) \_\_\_\_\_ Findings regarding custody
- (C) \_\_\_\_\_ Findings in compliance with DRL § 240(1-a) with respect to Records Check
- (D) \_\_\_\_\_ Findings in compliance with DRL § 240(1-b)(c) or (h) if child support awarded, showing the calculation of the basic child support obligation and the reason or reasons for deviation from the basic child support obligation, if any
- (E) \_\_\_\_\_ Findings in compliance with DRL § 255 with respect to health insurance coverage continuing or not continuing
- (F) \_\_\_\_\_ Conclusions of Law containing recitals providing for each aspect of relief to be ordered by the Court
- 

\_\_\_\_\_ JUDGMENT OF DIVORCE (Form UD-11) or Attorney-prepared (22 NYCRR § 202.50(b) Appendix B)

- (A) \_\_\_\_\_ Award of matrimonial relief
- (B) \_\_\_\_\_ Provision regarding custody, if there are any unemancipated children, including the name(s) and date(s) of birth of the child(ren)
- (C) \_\_\_\_\_ Provision in compliance with DRL § 240(1-b)(c) or (h) if child support awarded
- (D) \_\_\_\_\_ Provision in compliance with DRL § 236(Part B)(7)(d) with respect to the right to seek modification of the child support obligation
- (E) \_\_\_\_\_ Provisions in compliance with DRL §§ 240-a, 240-b and 240-c if child support awarded and child support is to be paid through the Support Collection Unit, providing the Social Security Numbers of the parties and the subject child(ren); the name and address of the employer of the party paying child support; notice of the requirement to report certain information changes to the Support Collection Unit; and notice of the right to a review and cost of living adjustment of the child support provisions
- (F) \_\_\_\_\_ Copy of SEPARATION AGREEMENT or OPTING-OUT AGREEMENT attached and statement as to incorporation and merger or non-merger
- (G) \_\_\_\_\_ Provision permitting either party to resume use of pre-marriage name or any other former surname
- (H) \_\_\_\_\_ Family Court referral provision pursuant to Fifth Judicial District Dedicated Matrimonial Part Rules (*Revised 07/08*) added to Judgment of Divorce (*Replace the last three (3) pages of Form UD-11 with Court-provided pages*)
- (I) \_\_\_\_\_ Copy of any Family Court Order of Custody or Visitation and/or Order of Support to be continued by Judgment of Divorce
- (J) \_\_\_\_\_ Provision in compliance with DRL § 251 directing filing of Judgment in Onondaga Family Court within ten (10) days if support, custody or visitation matters are referred to Family Court
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\_\_\_\_\_ FORM UCS-111 (*Revised 08/11*), if there are any unemancipated children and/or maintenance/spousal support is awarded

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SUPREME COURT  
STATE OF NEW YORK  
COUNTY OF ONONDAGA

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\_\_\_\_\_,  
(Print Your Name) Plaintiff,

-VS-

\_\_\_\_\_,  
(Print Other Party's Name) Defendant.

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STIPULATION  
ON  
UNCONTESTED  
MATRIMONIAL ACTION  
(Referral to Judicial Hearing Officer or  
Court Attorney-Referee)

INDEX No.

IT IS HEREBY stipulated and agreed that the above-captioned uncontested matrimonial action be referred to a Judicial Hearing Officer or Court Attorney-Referee for hearing and determination.

Date: (Print Date) \_\_\_\_\_

\_\_\_\_\_  
*Sign Name*  
Attorney for Plaintiff or  
Self-Represented Plaintiff

\_\_\_\_\_  
*Sign Name*  
Attorney for Defendant or  
Self-Represented Defendant  
(If Applicable)

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ONONDAGA  
**2011-2012**

# Judicial Hearing Officer or Court Attorney-Referee

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A Judicial Hearing Officer (or "JHO") is a retired Judge or Justice who has been assigned to review uncontested matrimonial actions.

A Court Attorney-Referee is an attorney employed by the Unified Court System who has been assigned to review uncontested matrimonial actions as a Special Referee.

**You May Request a Judicial Hearing Officer ("JHO") or Court Attorney-Referee to Review Your Paperwork.** Paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part** will be reviewed when that Justice's calendar and trial schedule allow. Because a JHO or Court Attorney-Referee is only responsible for reviewing uncontested matrimonial actions, paperwork submitted to a JHO or Court Attorney-Referee may be reviewed sooner than paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part**. If you want your paperwork reviewed by a JHO or Court Attorney-Referee, you must sign the **Stipulation on Uncontested Matrimonial Action**.

**JHO or Court Attorney-Referee Responsibility.** The JHO or Court Attorney-Referee reviews the paperwork submitted for compliance with the appropriate statutes and rules of the court. If the paperwork is in proper order, the JHO or Court Attorney-Referee will sign the **Findings of Fact and Conclusions of Law**, the **Judgment of Divorce** and the **Qualified Medical Child Support Order** or **Income Deduction Order**, if requested. If there are any problems with the paperwork submitted, you will be contacted.

**ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* shall apply to the state sponsored health insurance plan for coverage for the unemancipated children of the marriage. The costs shall be allocated pursuant to  written agreement of the parties **OR**  the court's decision **OR**  *Not applicable*; and it is further

**27** **ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* shall pay to  *Plaintiff* **OR**  *Defendant* **OR**  *third party, namely:* \_\_\_\_\_  
;  education expenses of the children pursuant to  written agreement of the parties **OR**  the court's decision **OR**  *Not applicable*; and it is further

**28** **ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* is hereby awarded exclusive occupancy of the marital residence located at \_\_\_\_\_  
\_\_\_\_\_, together with its contents until further order of the court, **OR**  as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; **OR**  *Not applicable*; and it is further

**29** **ORDERED AND ADJUDGED** that the Settlement Agreement entered into between the parties on the \_\_\_\_\_ day of \_\_\_\_\_,  *an original* **OR**  *a transcript* of which is on file with this Court and incorporated herein by reference, shall survive and shall not be merged into this judgment, and the parties are hereby directed to comply with all legally enforceable terms and conditions of said agreement as if such terms and conditions were set forth in their entirety herein;  
**OR**  *Not applicable*; and it is further

**30** **ORDERED AND ADJUDGED** that a separate Qualified Medical Child Support Order shall be issued simultaneously herewith **OR**  *Not applicable*; and it is further

**31**                    **ORDERED AND ADJUDGED** that, pursuant to the  *parties' Settlement Agreement* **OR**  *the court's decision*, a separate Qualified Domestic Relations Order shall be issued simultaneously herewith or as soon as practicable **OR**  *Not applicable*; and it is further

**32**                    **ORDERED AND ADJUDGED** that,  *pursuant to the Court's decision* **OR**  *pursuant to the parties' agreement*, the Court shall issue an income deduction order simultaneously herewith **OR**  *Not applicable*; and it is further

**33**                    **ORDERED AND ADJUDGED** that both parties are authorized to resume the use of any prior surname, and it is further

**34**                    **ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* is authorized to resume use of the prior surname \_\_\_\_\_.

**35**                    **ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* is hereby awarded counsel and/or expert's fees as follows:

\_\_\_\_\_  
\_\_\_\_\_ **OR**  *Not applicable*; and it is further

**36**                    **ORDERED AND ADJUDGED** that  *Plaintiff* **OR**  *Defendant* shall be served with a copy of this judgment, with notice of entry, by the  *Plaintiff* **OR**  *Defendant*, within \_\_\_\_\_ days of such entry; and it is further

36a

**ORDERED AND ADJUDGED** that *(If there is an existing Family Court Order for custody or visitation which is being adopted or continued by the judgment of divorce)*  all future matters concerning child support and custody or visitation are hereby referred to the appropriate Family Court. All other matters concerning this Judgment will be retained by the Supreme Court Dedicated Matrimonial Part for a period of one (1) year from the date of the signing this Judgment of Divorce. Thereafter, all matters except equitable distribution will be referred to the appropriate Family Court; and it is further

**OR** *(For all other cases)*  all future matters concerning child support are hereby referred to the appropriate Family Court. All other matters concerning this Judgment will be retained by the Supreme Court Dedicated Matrimonial Part for a period of one (1) year from the date of the signing this Judgment of Divorce. Thereafter, all matters except equitable distribution will be referred to the appropriate Family Court; and it is further

36b

**ORDERED AND ADJUDGED** that if any matters concerning child support and/or custody and/or visitation are hereby referred to the appropriate Family Court, a copy of this Judgment of Divorce must be filed in the Onondaga County Family Court within ten (10) days of the filing of the same in the Onondaga County Clerk’s Office.

37

Dated:

ENTER:

\_\_\_\_\_  
*J.S.C./Referee*  
\_\_\_\_\_

To see whether you have to use that different formula in fields 33-36, you first have to determine what are the poverty level and the self-support reserve. Every April 1st the poverty level as well as the self support reserve changes. You may obtain the most current figures from the Child Support Standards Chart, which is available at [https://newyorkchildsupport.com/quick\\_links.html](https://newyorkchildsupport.com/quick_links.html)

Now you can see whether any of the low income exemptions apply. There are three possibilities. First – If the figure you get in field 32 is larger than the self-support reserve, then you are finished with this form except for signing and notarization. Second – If the figure you get in field 32 is less than the poverty level, then you must complete field 33 and field 34 before you are finished. Third – If the figure you get in field 32 falls between the poverty level and the self-support reserve, skip field 33 and field 34 and move on to field 35 and field 36.

- Field 33: List the adjusted income of the non-custodial parent as set forth in field 30, but only when field 32 is below the poverty level. Otherwise, skip this field.
- Field 34: Insert the amount of the self-support reserve, as calculated using the instructions in the footnotes at the bottom of page four of the form.
- Field 35: This amount is the remainder after subtracting the self-support reserve (field 34) from the non-custodial parent's income (field 33). If the amount on field 34 is greater than \$300, then the correct child support is field 34. If the amount in field 34 is \$300 or less, then the correct child support is \$300 per year unless the Court decides this amount is "unjust or inappropriate" based on the non-numerical factors in Step 11 of the form. Keep in mind that the amount on field 34 may be less than \$0, which occurs when the non-custodial parent's income is less than the self support reserve. Treat any figure below \$0 as \$0. As noted, that will result in child support of \$300 per year unless the Court decides this amount is "unjust or inappropriate" based on the non-numerical factors in Step 11 of the form.
- Field 36: List the adjusted income of the non-custodial parent as set forth in field 30, but only when field 32 was below the self support reserve and above the poverty level. Otherwise skip this field.
- Field 37: Insert the amount of the self-support reserve, as calculated using the instructions in the footnotes at the bottom of page four of the form.
- Field 38: Insert the remainder after subtracting the self-support reserve (field 37) from the non-custodial parent's income (field 36). If the amount in field 36 is greater than \$600, then the correct child support is field 36. If the amount in field 36 is \$600 or less, then the correct child support is \$600 per year. In addition, the Court has discretion to award child care expenses, health care expenses, and college, post - secondary private, special or enriched education expenses pursuant to Step 9 of this form.

It is strongly advised that you attach to this document the latest income tax returns, W-2's, 1099's, pay stubs -- or whatever documentation you have -- to confirm the amounts you state in this form.

- Field 39: Plaintiff must sign this document. If the defendant prepared this document, then the defendant signs it. This form must be signed and sworn to before a notary public. Check the applicable box for the signature.

**HEALTH EXPENSES (c)(5)**

**27 O. Reasonable future health care expenses not covered by insurance:**..... \_\_\_\_\_

**28 P. MULTIPLY Line O by Line I:** ..... \_\_\_\_\_

This is the amount the non-custodial parent must contribute to the custodial parent for health care or pay directly to the health care provider.

**29 Q. EDUCATIONAL EXPENSE, if appropriate, see STEP 11(b) (c)(7)** ..... \_\_\_\_\_

**STEP 10 LOW INCOME EXEMPTIONS (d)**

**30 R. INSERT amount of noncustodial parent's income from Line E or Line F:**..... \_\_\_\_\_

**31 S. ADD amounts on Line L, Line N, Line P and Line Q**  
**(This total is "basic child support"):**..... \_\_\_\_\_

**32 T. SUBTRACT Line S from Line R:**..... \_\_\_\_\_

If Line T is more than the self-support reserve\*, then the low income exemptions do not apply and child support remains as determined in Steps 8 and 9. **If so, go to Step 11.**

If Line T is less than the poverty level†, then

**33 U. INSERT amount of non-custodial parent's income from Line E or Line F:**..... \_\_\_\_\_

**34 V. Self-support reserve:** ..... \_\_\_\_\_

**35 W. SUBTRACT Line V from Line U:** ..... \_\_\_\_\_

If Line W is more than \$300 per year, then Line W is the amount of basic child support. If Line W is less than \$300 per year, then basic child support shall be \$300 per year, unless the Court decides this amount is "unjust or inappropriate" based on the non-numerical factors in Step 11C below.

If Line T is less than the self-support reserve\* but more than the poverty level†, then

**36 X. INSERT amount of noncustodial parent's income from Line E or Line F:**..... \_\_\_\_\_

**37 Y. Self-support reserve:**..... \_\_\_\_\_

\*The self-support reserve. This figure changes on April 1 of each year. For the most current, go to [https://newyorkchildsupport.com/quick\\_links.html](https://newyorkchildsupport.com/quick_links.html). The current self-support reserve is 135% of the office Federal poverty level for a single person household as promulgated by the U.S. Department of Health and Human Services.

†The poverty level. This figure changes on April 1 of each year. The current Federal poverty level for a single person household in any year is as promulgated by the U.S. Department of Health and Human Services. For the most current, go to [https://newyorkchildsupport.com/quick\\_links.html](https://newyorkchildsupport.com/quick_links.html)

**38 Z. SUBTRACT Line Y from Line X:**.....

If Line Z is more than \$600 per year, then Line Z is the amount of basic child support. If Line Z is less than \$600 per year, then basic child support must be a minimum of \$600 per year. In addition the Court also has discretion to award child care expenses, health care expenses, and college, post-secondary, private, special or enriched education expenses pursuant to Step 9.

## **STEP 11 NON-NUMERICAL FACTORS**

### **(a) NON-RECURRING INCOME (e)**

A portion of non-recurring income, such as life insurance proceeds, gifts and inheritances or lottery winnings, may be allocated to child support. The law does not mention a specific percentage for such non-recurring income. Such support is not modified by the low income exemptions.

### **(b) EDUCATIONAL EXPENSES (c)(7)**

New York's child support law does not contain a specific percentage method to determine how parents should share the cost of education of their children. Traditionally, the courts have considered both parents' complete financial circumstances in deciding who pays how much. The most important elements of financial circumstances are income, reasonable expenses, and financial resources such as savings and investments.

### **(c) ADDITIONAL FACTORS (f)**

The child support guidelines law lists 10 factors that should be considered in deciding on the amount of child support for:

- combined incomes of more than \$130,000 per year or
- to vary the numerical result of these steps because the result is "unjust or inappropriate". However, any court order deviating from the guidelines must set forth the amount of "basic child support" (Line S) resulting from the Guidelines and the reason for the deviation.

#### **These factors are:**

1. The financial resources of the parents and the child.
2. The physical and emotional health of the child and his/her special needs and aptitudes.
3. The standard of living the child would have enjoyed if the marriage or household was not dissolved.
4. The tax consequences to the parents.
5. The non-monetary contributions the parents will make toward the care and well-being of the child.
6. The educational needs of the parents.
7. The fact that the gross income of one parent is substantially less than the gross income of the other parent.
8. The needs of the other children of the non-custodial parent for whom the non-custodial parent is providing support, but only (a) if Line 23 is not deducted; (b) after considering the financial resources of any other person obligated to support the other children; and (c) if the resources available to support the other children are less than the resources available to support the children involved in this matter.
9. If a child is not on public assistance, the amount of extraordinary costs of visitation (such as out-of-state travel) or extended visits (other than the usual two to four week summer visits), but only if the custodial parent's expenses are substantially reduced by the visitation involved.
10. Any other factor the court decides is relevant.

(Form UD-8 - Rev. 11/11)