

Rules of the Matrimonial Center Clerk’s Office (Intake):
Motions / Ex Parte /Preliminary Conference/Notes of Issue

This office handles ex-parte applications, requests for preliminary conference, motions, notes of issue, and incoming submissions on orders and judgments.

Fees:

- ▶ All fees should be paid prior submitting papers, and a receipt must be provided from the County Clerk. This office cannot process fees for the Index Number, RJI, or Note of issue.

NOTE: Checks for motion fees and Stipulation of Settlement fees will only be accepted if attached to an extra copy of the face page of the document. Otherwise, you must pay at the County Clerk and provide a receipt.

NOTE: Do not use the Request for Judicial Intervention contained in the Uncontested Divorce Packet for an application on a motion, Preliminary Conference or judgment in a Contested Matrimonial. Include the Matrimonial addendum when filing your RJI.

Orders to Show Cause - (“OSC”):

- ▶ **Chambers** will conform the signed OSC’s by fax. A fax number should be on the legal back upon presentment of the OSC to the Clerk’s Intake Office. If the submitting party does not want the OSC conformed by fax, they must inform the Clerk’s Intake Office when the OSC is submitted. Please wait **48 hours** before inquiring about a presented OSC that has not been received by fax.
- ▶ Make sure a certification is in the OSC pursuant to NYCRR 130-1.1-a.
- ▶ Make sure the accompanying affidavit or affirmation contains a statement pursuant to CPLR 2217(b)
- ▶ Make sure that you comply with Uniform Rule 202.7 (f) in regards to TRO’s. See the Court Notice section. **** Exparte changes in custody and exclusive occupancy are also covered.**
- ▶ If there is a request for expedited handling of the OSC, there must be an **affirmation or affidavit of emergency** attached to the papers explaining the need for such expedited handling. The attorney, or someone with personal knowledge of the facts shall remain available at the direction of the court until the order has been signed.
- ▶ Any motion papers submitted shall be accompanied by a self addressed stamped envelope in order to receive a copy of the courts’ decision.
- ▶ Completed copy of the Registry Information Sheet or Matrimonial addendum to RJI (*where the relief sought is custody/visitation*)

Writs of Habeas Corpus:

- ▶ A **new index number** and **Request for Judicial Intervention** with proof of payment, as well as proof of the filing of a copy of the verified petition with the County Clerk is required. The RJI should make reference to any pending or previous matrimonial action, so

that it can be referred to the appropriate Justice, if necessary. Signed writs will **not** be faxed. They will be held in the Intake Office for pickup. The **original** writ is to be served with a **copy** of the petition. The court will retain a **copy** of the writ with the **original** petition.

- ▶ Completed copy of the Registry Information Sheet or Matrimonial addendum to RJI (*where the relief sought is custody/visitation*)

Orders of Protection:

Applications for a **temporary order of protection** must include the following:

- ▶ an Order to Show Cause with an **emergency** affidavit
- ▶ a completed Family Protection Registry Information Sheet (*available in clerk's office*)
- ▶ an affidavit in support which shall contain the allegations upon which the order of protection is sought as well as information concerning any other orders of protection issued between the parties, where they were issued, and whether they are active or not. (Attach prior orders or police reports as exhibits)

In addition, the applying party ***must*** be present in court at the time of the application to give testimony as to the allegations for the order of protection. If the party cannot appear at the time of application, please notify the clerk immediately.

Motions:

- ▶ All papers submitted to the Court shall have the index number, return date, and name of the assigned Matrimonial Justice on its face. It shall also have valid proof of service attached. Papers lacking such information may be rejected.
- ▶ All motion papers are to be filed with the Matrimonial Intake Office at least five (5) business days **before** the return date.
- ▶ Any motion papers submitted shall be accompanied by a self addressed stamped envelope in order to receive a copy of the courts' decision.
- ▶ Adjournments shall be directed to the courtroom clerk for the assigned Matrimonial Justice.
- ▶ New cases require an RJI be filed in (2 copies) together with receipt of the fee payment from the County Clerk.
- ▶ Completed copy of the Registry Information Sheet or Matrimonial addendum to RJI (*where the relief sought is custody / visitation*)

Preliminary Conference:

All requests for Preliminary Conference shall be accompanied by:

- ▶ 2 copies of a Request for Judicial Intervention ("RJI") with receipt of payment of the statutory fee. (where case is unassigned).
- ▶ Proof of Service of RJI and Request for Preliminary Conference.
- ▶ Self- Addressed stamped envelope. Court will notify by an order setting conference date.
- ▶ Completed copy of the Registry Information Sheet or Matrimonial addendum to RJI (*where there are children of the marriage subject to custody / visitation*)

Notes of Issue:

Where the court has directed a note of issue to be filed, submit:

- ▶ 2 copies of the note of issue/certificate of readiness, together with receipt of payment of the statutory fee, and proof of service.
- ▶ Statement of Proposed Disposition (*on contested matrimonials*)
- ▶ Copy of the certification memorandum “so ordered” by the assigned Matrimonial Justice.

NOTE: If seeking a “grounds trial” or inquest, please indicate that on the note of issue. Also, if directed to submit without a statement of proposed disposition or certification memo by the court, please submit a cover letter alerting the clerk’s office as to that.

Do not use the Note of Issue contained in the Uncontested Divorce Packet for a Contested Matrimonial.

Notice of Appearance / Change of Attorney / Retainer Agreements:

- ▶ When submitting a Notice of Appearance or Change of Attorney, please submit **2 copies** (one for the judge’s chambers and one to file in the County Clerk.)

NOTE: If the Notice of Appearance or Retainer Agreement is not for the first attorney representing that litigant, please make sure you include the change of attorney form or court order relieving counsel.

