

DEDICATED MATRIMONIAL PART RULES (Onondaga and Oneida Counties)

The Dedicated Matrimonial Parts will adhere to the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR Part 202) and the Procedure for Attorneys in Domestic Relations Matters (22 NYCRR Part 1400). The Dedicated Matrimonial Part Rules supplement the Part 202 and Part 1400 rules.

A. Preliminary Conference

(1) The Preliminary Conference will be scheduled to be held within forty-five (45) days of the date of the filing of the Request for Judicial Intervention by the Court Clerk assigned to the Supreme Court Justice by the mailing of a *Preliminary Conference Notice*. Counsel or self-represented parties must comply with the directives contained in the *Preliminary Conference Notice*.

(2) The Preliminary Conference will be conducted by the Matrimonial Referee (Court Attorney-Referee); in the absence of the Matrimonial Referee, at the discretion of the Supreme Court Justice, either a Principal Law Clerk to the Supreme Court Justice or the Supreme Court Justice will conduct the Preliminary Conference.

(3) All requests for adjournment of the Preliminary Conference must be made in writing or by facsimile to the Court Clerk assigned to the Supreme Court Justice.

(a) Only one (1) adjournment of the Preliminary Conference will be permitted and the adjourned Preliminary Conference must take place within forty-five (45) days of the date of the filing of the Request for Judicial Intervention.

(b) The consent of the opposing counsel or the self-represented opposing party must be obtained prior to contacting the Court Clerk for an adjournment. In the event consent is denied, a request for adjournment may be made directly to the assigned justice upon notice to the opposing counsel or self-represented party.

(4) Preliminary Conference Stipulation and Order

(a) The parties and their counsel, if any, will sign a *Preliminary Conference Stipulation* indicating which issues, if any, have been resolved; any temporary relief agreed upon by the parties; appointing a law guardian, if necessary; and establishing the dates for completion of discovery, document exchange, a Compliance Conference, the filing of the trial note of issue, a Pre-Trial Conference and the Trial date.

(b) The Supreme Court Justice will sign the *Preliminary Conference Stipulation* as a "So Ordered" order.

(c) The *Preliminary Conference Order* may be modified for good cause shown.

B. Temporary Relief

Counsel or self-represented parties may file motions for temporary relief at any time in accordance with the provisions of the CPLR and these rules. Motions seeking emergency relief may be made returnable on a date prior to the Preliminary Conference date. All orders to show cause shall be submitted in accordance with the rules found at Section IV or these rules. Two(2) copies of all motion papers shall be submitted to the Court.

C. Compliance Conference

(1) The Compliance Conference will be conducted by the Matrimonial Referee (Court Attorney-Referee); in the absence of the Matrimonial Referee, at the discretion of the Supreme Court Justice, either a Principal Law Clerk to the Supreme Court Justice or the Supreme Court Justice will conduct the Compliance Conference.

D. Settlement Before Trial

At any time prior to trial where the matter has been resolved in its entirety, the parties may place an oral stipulation on the record before the Matrimonial Referee (Court Attorney-Referee); or in the absence of the Matrimonial Referee, at the discretion of the Supreme Court Justice, either a Principal Law Clerk to the Supreme Court Justice or the Supreme Court Justice. The parties and their counsel, if any, will be required to execute an *Acknowledgment of Appearance and Adoption of Oral Stipulation* form provided by the Court.

E. Trial

(1) At least ten (10) days prior to the scheduled Pre-Trial Conference, counsel or self-represented parties must submit to the Court and exchange with each other a list of known witnesses, including parties, if applicable.

(2) Trials will be conducted in accordance with the trial rules for the individual justice to whom the case is assigned. In Onondaga County, trials will be held in accordance with the General Trial Rules. See General Rules for Non Jury Trials in Onondaga County Supreme Court http://www.nycourts.gov/courts/5jd/Rules_OnonNonJuryTrial.pdf And General Rules for Jury Trials in Onondaga County Supreme Court http://www.nycourts.gov/courts/5jd/Rules_OnonJuryTrial.pdf.

F. Parties Presence Required

Unless otherwise directed by the Matrimonial Referee (Court Attorney-Referee), a Principal Law Clerk to the Supreme Court Justice or the Supreme Court Justice conducting a conference, the parties must attend any conference.

G. Judgments (Additional Language Required)

(1) For all matrimonial cases assigned to the Dedicated Matrimonial Part in which the Judgment of Divorce adopts or continues, either by agreement or by default, an order of Family Court concerning custody or visitation, each judgment in such cases will contain the following provision:

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 of this Judgment of Divorce. Thereafter, all matters except equitable distribution will be referred to the appropriate Family Court.

(2) For all other matrimonial cases assigned to the Dedicated Matrimonial Part, each judgment in such cases will contain the following provision:

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 of this Judgment of Divorce. Thereafter, all matters except equitable distribution will be referred to the appropriate Family Court.

H. Post-Judgment Proceedings

It is preferred that after the execution of the Judgment of Divorce all post-judgment proceedings brought in Supreme Court be commenced by Order to Show Cause.