



*New York State
Unified Court System
25 Beaver Street
New York, New York 10004*

*A. Gail Prudenti
Chief Administrative Judge*

212-428-2120

September 19, 2012

To: Hon. Fern A. Fisher
Hon. Michael V. Coccoma

From: A. Gail Prudenti *AGP*

Re: Further Revised Forms for Use in Child and/or Spousal Support Cases
in Supreme Court

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Attached please find an Administrative Order promulgating revised forms for use in child and/or spousal support cases in Supreme Court, effective immediately. These revisions were drafted by the UCS Matrimonial Practice Advisory Committee. Also attached is an explanatory memorandum from Ronald Younkens addressing various aspects of the revised forms.

Please distribute the memorandum and order to Supreme Court Justices, Supreme Court chief clerks, and court attorney referees who handle child or spousal support matters.

cc: Hon. Edwina Richardson-Mendelson
Hon. Sharon Townsend
Maria Logus, Esq.
Maria Barrington
Susan Kaufman, Esq.
Peter Sorrento

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE

Pursuant to the authority vested in me, I hereby prescribe the following revised form for inclusion in the Unified Court System Uncontested Divorce Packet for use in uncontested matrimonial actions pursuant to 22 NYCRR §§ 202.21(i) and 202.50, effective immediately:

- Instructions rev. 8/12.

I further repeal the following form formerly included in the Unified Court System Uncontested Divorce Packet for use in uncontested matrimonial actions pursuant to 22 NYCRR §§202.21(i) and 202.50, and for use in all other actions in Supreme Court involving child or spousal support, effective immediately:

- Income Withholding Order (6/2012).

I further prescribe the following revised forms for inclusion in the Unified Court System Uncontested Divorce Packet for use in uncontested matrimonial actions pursuant to 22 NYCRR §§202.21(i) and 202.50, and for use in all other actions in Supreme Court involving child or spousal support, effective immediately:

- IWO Form Non-IV-D for Child Support and Combined Child and Spousal Support (8/2012)
- IWO Form Non-IV-D a for Spousal Support Only (8/2012)
- IWO Form Non-IV-D b (with numbered paragraphs) (8/2012)
- Revised NYS Case Registry Filing Form (8/2012).

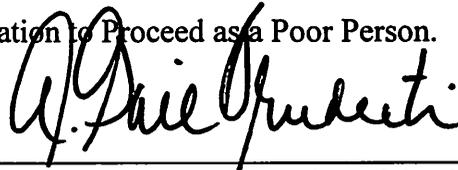
I further prescribe the following revised forms for use in Supreme Court actions involving child or spousal support:

- IWO Form Non-IV-D c (Generic Instructions for Income Withholding Order/ Notice of Support, Application for Child Support Enforcement Services, and NYS Case Registry Filing Form 8/2012)
- IWO Form Non-IV-D d (Additional Information Sheet Non-IV-D Income Withholding Order/Notice for Support prepared by Office of Temporary and Disability Assistance 8/2012).

I further prescribe for continued use the following existing forms currently included in the Unified Court System Uncontested Divorce Packet:

- Notice of Automatic Orders
- Notice Concerning Continuation of Health Care Coverage
- Summons With Notice (Form UD-1)
- Summons (to be served with Verified Complaint) (Form UD-1a)
- Verified Complaint (Form UD-2)

- Affidavit of Service (Form UD-3)
- Sworn Statement of Removal of Barriers to Remarriage (Form UD-4)
- Affidavit of Service (Form UD-4a)
- Affirmation (Affidavit) of Regularity (Form UD-5)
- Affidavit of Plaintiff (Form UD-6) rev. 5/12
- Affidavit of Defendant (Form UD-7) rev. 5/12
- Child Support Worksheet (Form UD-8)
- Support Collection Unit Information Sheet (Form UD-8a) rev. 5/12
- Qualified Medical Child Support Order ("QMCSO") (Form UD-8b)
- Note of Issue (Form UD-9)
- Findings of Fact/Conclusions of Law (Form UD-10)
- Judgment of Divorce (Form UD-11) rev. 5/12
- Part 130 Certification (Form UD-12)
- Request for Judicial Intervention("RJI") (Form UD-13)
- Addendum (Form 840M)
- Notice of Entry (Form UD-14)
- Certificate of Dissolution of Marriage
- Self-Addressed and Stamped Postcard
- UCS-111 (UCS Divorce and Child Support Summary Form)
- DRL 255 Addendum
- Notice of Settlement
- Poor Person Order
- Affidavit in Support of Application to Proceed as a Poor Person.



Chief Administrative Judge of the Courts

Dated: September 20, 2012

AO/480 /12



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

A. GAIL PRUDENTI
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
CHIEF OF OPERATIONS

September 19, 2012

To: Justices of the Supreme Court
Supreme Court Chief Clerks
Court Attorney Referees

From: Ronald Younkings *Ry*

Re: Additional Revised Forms for Use in Child and/or Spousal Support Cases
in Supreme Court

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By memorandum dated June 22, 2012, you received an Administrative Order promulgating revised forms for use in child or combined child and spousal Support Cases in Supreme Court. Since the adoption of these forms, the Office of Temporary and Disability Assistance (“OTDA”) has made some important changes regarding the federally mandated form of Income Deduction Order known as an Income Withholding Order (“IWO”) for use in New York State, necessitating the further revision of several of those forms. The attached Administrative Order promulgates the newly-revised forms, which are posted on the UCS website at <http://www.nycourts.gov/divorce/childsupport/>. The revisions were drafted by the UCS Matrimonial Practice Advisory Committee.

Several aspects of the form revisions are noteworthy.

1. Spousal-Only v. Child Support and Combined Child and Spousal Support Forms

There is a new IWO form for spousal support only. The new form provides that spousal-only IWO payments will be payable, and go directly to, the obligee. A copy of the spousal-only IWO order must be served on the employer, employee/obligor, and the obligee, but the spousal-only IWO should not be served on the New York State Child Support Processing Center (referred to in federal parlance and in the IWO as the State Disbursement Unit or “SDU”).

There is also a new IWO form for child support or combined child and spousal support. In contrast to the spousal-only IWO, IWO payments for child support or combined child and spousal support will be payable to the custodial party/obligee through the New York State Child Support Processing Center (SDU), PO Box 15365, Albany, N.Y. 12212-5365. Consequently, a copy of the child support or combined child and spousal support IWO order must be served on

the SDU as well as on the employer, employee/obligor, and the custodial party/obligee. The prior IWO form which formerly applied to both types of support cases will no longer be used.

2. Compliance with CPLR §5242(c)(1)

CPLR § 5242(c)(1) requires that the Court issue an immediate Income Deduction Order in every case where the Court orders child or spousal support or combined child and spousal support, with two exceptions:

(1) Parties to a support order are presently receiving child support enforcement services. If a party to the support order is receiving child support enforcement services, the case is known as a “IV-D case.”

Courts should not issue an IWO in a IV-D case, because the Support Collection Unit will take care of this along with providing other support collection services. Note that where a party to the support order has applied for services, the case will soon become a IV-D case. Thus, as a practical matter, the court should not issue Income Deduction Orders where it is aware that an application is/has been made for IV-D services, either through a pleading signed by the individual expressing a request for such services (accompanied by the UD-8a required by Domestic Relations Law § 240(1)(a)) or through OTDA’s Form LDSS-4882.

(2) The Court finds and sets forth in writing (1) the reasons why there is good cause not to require immediate income withholding; or (2) that an agreement providing for an alternative arrangement has been reached between the parties.

An Income Deduction Order on the IWO form will satisfy the CPLR requirement outlined above and will also comply with state and federal directives. See also Domestic Relations Law §240(2)(b)(2) and Family Court Act § 440(1)(b)(2).

3. Training Video

A training program on child support issues, including discussion of the new IWO forms, was broadcast by the Judicial Institute on June 21, 2012. You may access the program and materials from this training at the following link for Summer 2012 Broadcasts:

<http://www.nycourts.gov/ji/curriculum/summer-broadcasts-2012.shtml>

The programs are listed chronologically.

4. Summary of Revised Forms

The attached Administrative Order repeals the Income Withholding Order dated 6/2012.

In addition, it promulgates seven revised forms:

1. Revised Instructions to the Uncontested Divorce Packet;
2. IWO Form Non-IV-D (for Child Support and Combined Child and Spousal Support);
3. IWO Form Non-IV-D a (for Spousal Support only);
4. IWO Form Non-IV-D b (Numbered Reference Form);
5. IWO Form Non-IV-D c (Generic Instructions for IWO, Applications for Child Support Services and NYS Case Registry Filing Form);
6. IWO Form Non-IV-D d (OTDA Additional Information about the IWO for Non-IV-D cases); and
7. Revised NYS Case Registry Filing Form (for use by Supreme Court and Family Court)

Note that the form numbers correspond with the Family Court versions (e.g. IWO Form Non-IV-D a will be Family Court Form 4-9a).

Questions about the forms and instructions may be directed to Susan Kaufman, Counsel to the Matrimonial Practice Advisory Committee, at 914-824-5541 (Skaufmal@courts.state.ny.us) or to Peter Sorrento, Coordinating Matrimonial Court Clerk, at 212-428-2140 (PSORRENT@courts.state.ny.us).

cc. Hon. Lawrence Marks
Hon. Fern A. Fisher
Hon. Michael V. Coccoma
Hon. Edwina Richardson-Mendelson
Hon. Sharon Townsend
Administrative Judges
District Executives
New York City Chief Clerks
Chief Clerks of the Family Courts
Susan Kaufman, Esq.
Peter Sorrento