

Herkimer County Uncontested Matrimonial

Please review documents at www.nycourts.gov/divorce for assistance. The DIY program forms and instructions are free for use of the public; these forms are not for use by private attorneys.

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Plaintiff, **Index No.:** _____
-against- **RJI No.:** _____

Defendant.

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TO FILE AN UNCONTESTED DIVORCE: Please submit each of the following documents to Supreme Court (originals ONLY required, unless otherwise stated):

- File stamped RJI**-(& 840-M when children under 18) - two copies. *The fee is paid at County Clerk's office and RJI must be file stamped with County Clerk stamp.*
- File stamped Note of Issue** - two copies. *The fee is paid at the County Clerk's office and NOI must be file stamped by the County Clerk.*
- Copy of **Filed Summons and Complaint** with notices attached: *(needs to be filed at the County Clerk's Office - with any applicable fee)*
- Notice of Automatic Orders; Notice of DRL §255 (Health Insurance Notice); Notice of Guideline Maintenance for Uncontested Divorce; Transfer of Real Property Notice; CSSA Chart if applicable **Date Filed @ County Clerk:** _____
- Affidavit of Service - must state that there has been service of Summons/Summons With Notice, Summons and Complaint AND proof of service of the four notices mentioned above; service of CSSA chart if applicable **Date of Service:** _____
- Affidavit of Plaintiff - if grounds are 170(7), affidavit must include an affirmative statement of the Plaintiff that the marriage is irretrievably broken and has been for a period of six (6) months prior to the commencement of this action.
Date Signed: _____
- Affidavit of Defendant - if applicable, must state what was served as stated above for the
- Affidavit of Service **Date of Service:** _____
- Affirmation of Regularity **Date Signed:** _____
- Removal of Barriers to Remarriage & Affidavit of Service of same, for use when marriage was a religious ceremony
- DRL §255 Affidavit - if applicable, if this separate affidavit is being used (attach to opting out agreement if DRL§255 is not included in the body of the agreement; Should be part of agreement)
- Part 130 Certification - signed by self-represented Plaintiff
- Findings of Fact / Conclusions of Law
- Judgment of Divorce - check box below if applicable
 - Opting-Out Agreement / Separation Agreement Attached
 - Certified copies of any Family Court Orders for custody/visitation and/or child support which are to be continued

Children (Name and DOB): _____

Date of Marriage: _____ Place of Marriage: _____

Plaintiff's Maiden Name: _____

Defendant's Maiden Name: _____

Grounds for Divorce: DRL §170 - _____

- DRL §170(1) Cruel and Inhuman Treatment;
- DRL §170(2) Abandonment;
- DRL §170(3) Imprisonment;
- DRL §170(4) Adultery;
- DRL §170(5) Living Separate and Apart Pursuant to a Separation Decree or Judgment of Separation;
- DRL §170(6) Living Separate and Apart Pursuant to a Separation Agreement;
- DRL §170(7) Irretrievable Breakdown in Relationship for at Least Six Months.

If there are children, also submit: check box if applicable

- RJI 840-M Addendum - attach to each RJI**
- UCS 111**
- NYS Case Registry Filing Form**

PLEASE SUBMIT THIS CHECKLIST WITH THE COMPLETED UNCONTESTED MATRIMONIAL PACKET

Please do not send to Supreme Court:

Double-sided documents
Second copies/duplicates of affidavits
Notice of Entry & Certificate of Dissolution of Marriage Forms
Retainer Agreements
Postcards
Statement of Net Worth / Financial Information (unless Poor Person Application submitted)

Addresses:

Herkimer County Clerk: 109 Mary Street, Herkimer, NY 13350 (pay fees, file documents)
Herkimer County Supreme Court: 301 N. Washington St, Herkimer, NY 13350 (submit packet to Court/Judge)

*****Please staple multi-page documents***** Forms available at www.nycourthelp.gov

FOR COURT CLERK USE ONLY:

Registry Check Done: _____ Results No Results Notes:

***** Before handing in the Court for Judges review, please be sure to have your index# assigned by the County Clerk by filing (and paying for, if required)**

*****	FILE	*****
1. Summons and Complaint		
2. RJI (Request for Judicial Intervention)		
3. Note of Issue		

Incomplete papers are subject to being returned and/or dismissed by the Court