

**DEDICATED MATRIMONIAL PART RULES** (Onondaga and Oneida Counties)  
Revised April 1, 2016

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.

Any Request for Judicial Intervention in a matrimonial action must include the Matrimonial Addendum (UCS-840M) which may be found on the Unified Court System's website.

These Local Rules do not apply to matrimonial actions which are assigned or transferred to the Integrated Domestic Violence Part or otherwise outside the Dedicated Matrimonial Part. However, any justice assigned a matrimonial action in Onondaga County may require that these local rules be followed.

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 Court Attorney or 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, by mail, e-mail, or 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.

(c) Adjournments will not be routinely granted because an opting out agreement is “in process.” If an opting out agreement is reached, unless otherwise directed by the Court, a copy of such agreement must be provided to the Court at the time the adjournment is requested. If no opting out agreement is received, then parties must comply with the scheduling order and appear for their conference.

#### (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. Two (2) copies of all motion papers shall be submitted to the Court.

#### C. Compliance Conference

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 Court Attorney or 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 Court Attorney or 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. Cases will not be adjourned from the scheduled trial date unless an oral stipulation is placed on the record on the date of trial or an opting out agreement is received in advance of the trial date.

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 Rules for Non-Jury Trials found on the Onondaga County Supreme and County Court website.

F. Parties Presence Required

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

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 except equitable distribution are hereby 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 except equitable distribution are hereby referred to the appropriate Family Court.”

H. Contested Custody Matrimonial Cases

Where custody and/or visitation were contested in the matrimonial case, the Court may provide in the judgment in such cases 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.”

## I. Expedited Uncontested Matrimonial Cases

Uncontested matrimonial cases assigned to an Acting Justice of the Supreme Court should be either granted or denied within sixty (60) days of assignment. Uncontested matrimonial cases that cannot be either granted or denied within sixty (60) days of assignment shall be returned to the Court Clerk's Office for transfer to the Dedicated Matrimonial Part.