

Uncontested Divorces Additional Instructions

The Court Clerk's Office Is Prohibited From Providing Legal Advice

The Court Clerk's Office cannot assist you in the completion of these forms. If you require assistance, seek the advice of an attorney.

You may be able to obtain assistance from

Legal Aid Society of Mid-New York..	703-6600
Legal Services of Central New York.	703-6600
Hiscock Legal Aid Society.	422-8191
Onondaga County Bar Association Lawyer Referral Service.	471-2690
Volunteer Lawyer Project.	471-3409

The Onondaga County Bar Association's Volunteer Lawyer Project conducts a "Pro Se Divorce Workshop" three times each year. You may call 471-3409 for information on upcoming dates and eligibility.

Filing Fees

At the start. You must pay the following fees to the Onondaga County Clerk to begin your action for an uncontested divorce unless you are granted Poor Person status by the Court:

Index Number Fee.	\$ 210.00
Note of Issue Fee.	\$ 30.00
Request for Judicial Intervention Fee.	\$ 95.00

Please check with the Onondaga County Clerk's Office to determine how to pay the fees. The Onondaga County Clerk's Office telephone numbers are 435-2226 or 435-2227.

At the end. You must pay the following fees to the Onondaga County Clerk to finalize your action for an uncontested divorce unless you are granted Poor Person status by the Court:

Certificate of Dissolution Filing Fee.	\$ 5.00
Certified Copy Judgment of Divorce (to send to Defendant).	\$ 5.00 Minimum

Information Available On The Internet

You may obtain additional information on divorce on the Unified Court System's Divorce Resources website at www.nycourts.gov/courthelp/Family/divorce.

Current Address Needed

Please be sure to provide the Court Clerk's Office with your current address and telephone number.

Forms NOT Required By Onondaga County Supreme Court

You do not have to use these forms:

- Support Collection Unit Information Sheet (Form UD-8a)
- Postcard or
- Notice of Settlement

Revised Forms

The *Uniform Uncontested Divorce Packet Forms* have been revised effective January 31, 2016.

You may always obtain the most up-to-date copies of the *Uniform Uncontested Divorce Packet Forms* from the Unified Court System's CourtHelp website at www.nycourts.gov/divorce/forms.

DIY Forms

You may use the **Supreme Court Uncontested Divorce DIY Program** at www.nycourthelp.gov/diy/divorce if (a) you have no children under 21 years of age and (b) your marriage has been broken for at least six (6) months and (c) all marital property issues, including debts, have been settled.

Additional Forms Required Or Used By Onondaga County Supreme Court

Matrimonial Checklist. You must complete the Matrimonial Checklist (*2016-2017 Edition*) and include it with your papers when you file them with the Court Clerk's Office.

You May Request a Judicial Hearing Officer ("JHO") or Court Attorney-Referee to Review Your Paperwork. Paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part** will be reviewed when that Justice's calendar and trial schedule allow. Because a JHO or Court Attorney-Referee is only responsible for reviewing uncontested matrimonial actions, paperwork submitted to a JHO or Court Attorney-Referee may be reviewed sooner than paperwork submitted to a Justice assigned to the Dedicated Matrimonial Part. If you want your paperwork reviewed by a JHO or Court Attorney-Referee, you must sign the **Stipulation on Uncontested Matrimonial Action**.

Copy of Separation Agreement, Opting-Out Agreement or Family Court Order. A copy of any Separation Agreement, Opting-out Agreement or Family Court Order must be attached to the **Judgment of Divorce (Form UD-11)** if the terms are being incorporated in the Judgment of Divorce.

Application for Child Support Services (LDSS-4882). Complete this form if you want your child support payments through the Support Collection Unit. This form is available in the Court Clerk's Office or on the Unified Court System's CourtHelp website at www.nycourts.gov/divorce/divorce_withchildrenunder21.

UNCONTESTED MATRIMONIAL ACTION CHECKLIST

2016-2017 Edition (Revised 02/23/2016)

(This edition must be submitted; no earlier form will be accepted.)

_____	v.	_____	_____	_____
Plaintiff		Defendant	Index Number	Attorney/Self-Represented Litigant

				Telephone Number

The following checklist must be filled in by the Attorney or Self-Represented Litigant before the Supreme Court Clerk will accept papers as an Uncontested Matrimonial Action pursuant to 22 NYCRR § 202.21(i).

Please submit the papers in the order listed. Forms beginning with "UD" are from the *Uniform Uncontested Divorce Packet Forms*.

If the papers are prepared by an Attorney, substantial conformity to the *Uniform Uncontested Divorce Packet Forms* is required (22 NYCRR § 202.21(i)(2)).

NOTE: The *Uniform Uncontested Divorce Packet Forms* were revised in January 2016. You must use the revised forms either from that Packet or from the OCA website at www.nycourts.gov/divorce.

- _____ WRITTEN RETAINER AGREEMENT (22 NYCRR § 1400.3) if Attorney filing
- _____ STIPULATION ON UNCONTESTED MATRIMONIAL ACTION (Referral to JHO) if used
- _____ REQUEST FOR JUDICIAL INTERVENTION (RJI) (Form UD-13 or UCS-840 [Revised 05/2011]) and Matrimonial Addendum UCS-840M [Children Under 18]
- _____ TRIAL NOTE OF ISSUE (Form UD-9 [No Children Under 18] or UD-9a [Children Under 18])
- _____ SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a) containing
 - (A) _____ Venue basis
 - (B) _____ Index Number assigned
 - (C) _____ Date of Filing with County Clerk printed by County Clerk on SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
 - (D) _____ Statement of nature of action (i.e., "Action for a Divorce")
 - (E) _____ If SUMMONS WITH NOTICE (Form UD-1) was served without COMPLAINT (Form UD-2), Statement of nature of action and full statement as to any ancillary relief requested (such as child support, custody, maintenance, equitable distribution, etc.) and specific nature thereof, including any request to incorporate any prior court orders, must be on SUMMONS WITH NOTICE (Form UD-1)(*Attach copy(ies) of orders*)
 - (F) _____ **For Actions commenced on or after September 1, 2009**, NOTICE OF ENTRY OF AUTOMATIC ORDERS pursuant to DRL § 236 (Part B)(2)(b) **as amended March 30, 2010** in the form provided in 22 NYCRR § 202.16a **as amended December 4, 2012** by Administrative Order AO/524/12 must be attached to SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
 - (G) _____ **For Actions commenced on or after October 9, 2009**, NOTICE OF HEALTH INSURANCE COVERAGE pursuant to DRL § 255 must be attached to SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
 - (H) _____ **For Actions commenced on or after January 25, 2016**, NOTICE OF GUIDELINE MAINTENANCE FOR UNCONTESTED DIVORCES must be attached to SUMMONS WITH NOTICE (Form UD-1) or SUMMONS (Form UD-1a)
- _____ COMPLAINT (Form UD-2)
 - (A) _____ Statement as to required jurisdictional residence
 - (B) _____ Statement that Plaintiff has taken or will take all steps solely within Plaintiff's power to remove any barrier to the Defendant's remarriage following divorce, if marriage officiant is listed in DRL § 11(1)
 - (C) _____ Full statement of the grounds for the relief requested and, if the grounds are based on Defendant's misconduct, the nature and circumstances of such misconduct, including the date and place of each act complained of, with detail as required by CPLR 3016 (c)
 - (D) _____ Full statement as to any ancillary relief requested (such as child support, custody, maintenance, equitable distribution, etc.) and specific nature thereof, including any request to incorporate any prior court orders (*Attach copy(ies) of orders*)
 - (E) _____ Verified and jurat signed by notary public
- _____ For "Irretrievable Breakdown in Relationship Cause of Action [DRL § 170(7)] ": Ancillary Issues Have Been Resolved By
 - (A) Distribution of Property _____ Separation/Opting-Out Agreement _____ Not Required (per Affidavit of Plaintiff)
 - (B) Spousal Support _____ Separation/Opting-Out Agreement _____ Not Required (per Affidavit of Plaintiff)
 - (C) Child Support _____ Separation/Opting-Out Agreement _____ Not Required _____ Family Court Order
 - (D) Counsel/Expert Fees _____ Separation/Opting-Out Agreement _____ Not Required (per Affidavit of Plaintiff)
 - (E) Custody and Visitation _____ Separation/Opting-Out Agreement _____ Not Required _____ Family Court Order

___ AFFIDAVIT OF SERVICE (Form UD-3 or substitute UD-3) unless AFFIDAVIT OF DEFENDANT (Form UD-7) is provided

- (A) ___ Date of Service on Defendant shown
- (B) ___ Date of Filing with County Clerk printed on AFFIDAVIT OF SERVICE (Form UD-3) by County Clerk
- (C) ___ Statement of knowledge the affiant had that the person served was the Defendant and how the affiant acquired such knowledge (*Attach photograph if used*)
- (D) ___ Physical description of the person served

___ AFFIDAVIT OF DEFENDANT (Form UD-7) if signed by Defendant, admitting service of SUMMONS WITH NOTICE and/or SUMMONS and COMPLAINT. The Defendant's signature must be notarized

___ AFFIRMATION/AFFIDAVIT OF REGULARITY (Form UD-5). If the default in appearing or answering occurred more than one (1) year before date of submission of the AFFIRMATION/AFFIDAVIT OF REGULARITY, an affirmation or affidavit pursuant to CPLR § 3215(c) showing sufficient cause for the delay in filing must be submitted and the CONCLUSIONS OF LAW and JUDGMENT OF DIVORCE must contain an ordering paragraph permitting the late filing

___ SWORN STATEMENT OF REMOVAL OF BARRIERS TO REMARRIAGE (Form UD-4) only if marriage officiant is listed in DRL § 11(1), stating that pursuant to DRL § 253(3) and (4) that Plaintiff has taken all steps solely within his or her power to remove any barrier to the Defendant's remarriage following divorce

- (A) ___ AFFIDAVIT OF SERVICE of REMOVAL OF BARRIERS STATEMENT upon Defendant (Form UD-4a or add "and AFFIDAVIT OF SERVICE of REMOVAL OF BARRIERS STATEMENT" to Form UD-3 after Paragraph 3) must be attached
- (B) ___ but if divorce is based upon the parties living separate and apart pursuant to a decree or judgment of separation or a written agreement of separation for a period of one or more years pursuant to DRL § 170(5) or (6), both parties must comply with DRL § 253(3) and (4) requirements

___ If there are any UNEMANCIPATED CHILDREN:

- (A) ___ AFFIDAVIT OF PLAINTIFF (Form UD-6)
 - (1) ___ Certified copy of any Family Court Order of Custody or Visitation to be continued by Judgment of Divorce
 - (2) ___ Certified copy of any Family Court Order of Support to be continued by Judgment of Divorce
- (B) ___ If AFFIDAVIT OF PLAINTIFF (Form UD-6) is not used, statement of Plaintiff pursuant to DRL § 240(1) either requesting or declining child support enforcement services and if child support is to be paid through Support Collection Unit, complete APPLICATION FOR CHILD SUPPORT SERVICES (LDSS-4882)(available from the Court Clerk's Office)
- (C) ___ SEPARATION AGREEMENT or OPTING-OUT AGREEMENT, if signed
 - (1) ___ Must contain provision regarding custody and
 - (2) ___ Must contain provision that any self-represented party has been provided with a copy of the CHILD SUPPORT STANDARDS CHART (Form LDSS 4515) prepared by the New York State Office of Temporary and Disability Assistance and
 - (3) ___ Must contain either a calculation of the basic child support obligation made pursuant to DRL § 240(1-b) or have both ANNUAL INCOME WORKSHEET (Form UD-8(1)) and CHILD SUPPORT WORKSHEET (Form UD-8(3)) attached or continue an existing Family Court Order of Support containing the calculations and have a certified copy of the Family Court Order of Support attached and
 - (4) ___ If the agreed upon child support deviates from the basic child support obligation calculated pursuant to DRL § 240(1-b), must contain a provision stating that the parties were advised of the provisions of the Child Support Standards Act or were provided with a copy of the CHILD SUPPORT STANDARDS CHART; showing the calculation of the basic child support obligation; stating that the basic child support obligation would presumptively result in the correct amount of child support to be awarded; and the reason or reasons for deviation from the basic child support obligation, and
 - (5) ___ If the parties are opting out of the right to seek modification of the child support obligation based upon either (i) the passage of three (3) years and/or (ii) a change in either party's income by fifteen percent (15 %) or more since the order was entered, last modified, or adjusted, must contain a provision stating that the parties have been advised of their right pursuant to DRL § 236(Part B)(9)(b)(2)(ii) and (iii) to seek such modification and that the parties have specifically opted out of either or both provisions of DRL § 236(Part B)(9)(b)(2)(ii) and (iii) and
 - (6) ___ Must contain a provision with respect to which party will provide health insurance for the children or whether the children will be covered by Child Health Plus and must also contain a calculation of the pro rata shares of the cost to provide health insurance, child care expenses and any uncovered health expenses for the children
- (D) ___ Both ANNUAL INCOME WORKSHEET (Form UD-8(1)) and CHILD SUPPORT WORKSHEET (Form UD-8(3)) with Plaintiff's signature notarized if child support is sought or provided for unless a full statement complying with DRL § 240(1-b)(h) with respect to child support is incorporated in Attorney-prepared Separation Agreement or Opting-out Agreement. **Note:** For SECTION II on the CHILD SUPPORT WORKSHEET (Form UD-8(3)), starting March 1, 2016 the self-support reserve amount is \$ 16,038 and the poverty level amount is \$ 11,880
- (E) ___ QUALIFIED MEDICAL CHILD SUPPORT ORDER (Form UD-8b) if applicable

- (F) ___ NEW YORK STATE CASE REGISTRY FILING FORM (in APPENDIX to Uniform Uncontested Divorce Packet Forms) if child support is not paid through Support Collection Unit or APPLICATION FOR CHILD SUPPORT SERVICES (LDSS-4882)(available from the Court Clerk's Office) if child support is to be paid through Support Collection Unit
- (G) ___ INCOME WITHHOLDING FOR SUPPORT (Non-IV-D Income Withholding Order for Child Support or Combined Child and Spousal Support [LDSS-5037 (5/2015)] or Spousal Support Only Income Withholding Order [LDSS-5038 (5/2015)]) if child support and/or spousal support is to be paid by withholding from employer
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___ With respect to MAINTENANCE:

- (A) ___ **For Actions commenced on or after January 25, 2016**, both ANNUAL INCOME WORKSHEET (Form UD-8(1)) and MAINTENANCE GUIDELINES WORKSHEET (Form UD-8(2)) with Plaintiff's signature notarized if maintenance is sought or provided for in Attorney-prepared Separation Agreement or Opting-out Agreement. **Note:** For SECTION II on the MAINTENANCE GUIDELINES WORKSHEET (Form UD-8(2)), starting March 1, 2016 the self-support reserve amount is \$ 16,038 and the poverty level amount is \$ 11,880
- (B) ___ INCOME WITHHOLDING FOR SUPPORT (Spousal Support Only Income Withholding Order [LDSS-5038 (5/2015)]) if maintenance is to be paid by withholding from employer
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___ With respect to EQUITABLE DISTRIBUTION:

- (A) ___ AFFIDAVIT OF PLAINTIFF (Form UD-6) with Paragraph 6a filled out completely, including the applicable statement regarding equitable distribution or
- (B) ___ Affidavit of equitable distribution of marital property pursuant to DRL § 236B, including sworn waiver of equitable distribution, if applicable, and if not included in complaint or
- (C) ___ OPTING-OUT AGREEMENT (Original, County Clerk certified or Attorney certified copy), or
- (D) ___ SEPARATION AGREEMENT (Original, County Clerk certified or Attorney certified copy)
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___ For OPTING-OUT AGREEMENT or SEPARATION AGREEMENT,

- (A) ___ Sworn Statement of Plaintiff that the agreement was fair and reasonable when entered into and is not now unconscionable
- (B) ___ For Agreements **signed before October 9, 2009**, a Signed Statement pursuant to DRL § 177(1) with respect to health insurance coverage not continuing
- (C) ___ For Agreements **signed on or after October 9, 2009**, a provision pursuant to DRL § 255 with respect to health insurance coverage continuing or not continuing (The ADDENDUM TO STIPULATION OF SETTLEMENT/AGREEMENT RE: COMPLIANCE WITH DOMESTIC RELATIONS LAW 255(2) may be used)
- (D) ___ For Agreements **signed on or after October 12, 2010**, a provision pursuant to DRL § 236 (Part B)(5-a)(f) with respect to the presumptive amount of temporary maintenance
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___ WITHDRAWAL OF ANSWER/REPLY BY STIPULATION if applicable. The CONCLUSIONS OF LAW and JUDGMENT OF DIVORCE must order withdrawal

___ FINDINGS OF FACT AND CONCLUSIONS OF LAW (Form UD-10) or Attorney-prepared (22 NYCRR § 202.50(b) Appendix B)

- (A) ___ Findings of Fact incorporating evidentiary allegations actually set forth in the Complaint and any supplemental affidavits
- (B) ___ Findings regarding custody
- (C) ___ Findings in compliance with DRL § 240(1-a) with respect to Records Check
- (D) ___ Findings in compliance with DRL § 240(1-b)(c) or (h) if child support awarded, showing the calculation of the basic child support obligation and the reason or reasons for deviation from the basic child support obligation, if any
- (E) ___ Findings in compliance with DRL § 255 with respect to health insurance coverage continuing or not continuing
- (F) ___ **For Actions commenced on or after January 25, 2016**, Findings in compliance with the "Maintenance Guidelines Law"
- (G) ___ Conclusions of Law containing recitals providing for each aspect of relief to be ordered by the Court
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___ JUDGMENT OF DIVORCE (Form UD-11) or Attorney-prepared (22 NYCRR § 202.50(b) Appendix B)

- (A) ___ Award of matrimonial relief
- (B) ___ Provision regarding compliance with DRL § 240(1-a) with respect to Records Check
- (C) ___ Provision regarding custody, if there are any unemancipated children, including the name(s) and date(s) of birth of the child(ren)
- (D) ___ Provision in compliance with DRL § 240(1-b)(c) or (h) if child support awarded
- (E) ___ Provision in compliance with DRL § 236(Part B)(7)(d) with respect to the right to seek modification of the child support obligation

- (F) _____ Provisions in compliance with DRL §§ 240-a, 240-b and 240-c if child support awarded and child support is to be paid through the Support Collection Unit, providing the Social Security Numbers of the parties and the subject child(ren); the name and address of the employer of the party paying child support; notice of the requirement to report certain information changes to the Support Collection Unit; and notice of the right to a review and cost of living adjustment of the child support provisions
- (G) _____ **For Actions commenced on or after January 25, 2016**, provision in compliance with the “Maintenance Guidelines Law”
- (H) _____ Copy of SEPARATION AGREEMENT or OPTING-OUT AGREEMENT attached and statement as to incorporation and merger or non-merger
- (I) _____ Provision permitting either party to resume use of pre-marriage name or any other former surname
- (J) _____ Copy of any Family Court Order of Custody or Visitation and/or Order of Support to be continued by Judgment of Divorce
- (K) _____ Provision in compliance with DRL § 251 directing filing of Judgment in Onondaga Family Court within ten (10) days if support, custody or visitation matters are referred to Family Court

_____ FORM UCS-111 (*Revised 01/25/16*), if there are any unemancipated children and/or maintenance/spousal support is awarded

SUPREME COURT
STATE OF NEW YORK
COUNTY OF ONONDAGA

_____,
(Print Your Name) Plaintiff,

-vs-

_____,
(Print Other Party's Name) Defendant.

STIPULATION
ON
UNCONTESTED
MATRIMONIAL ACTION
(Referral to Judicial Hearing Officer)

INDEX No.

IT IS HEREBY stipulated and agreed that the above-captioned uncontested matrimonial action be referred to a Judicial Hearing Officer for hearing and determination.

Date: (Print Date) _____

Sign Name
Attorney for Plaintiff or
Self-Represented Plaintiff

Sign Name
Attorney for Defendant or
Self-Represented Defendant
(If Applicable)

ONONDAGA
2016-2017

Judicial Hearing Officer

A Judicial Hearing Officer (or "JHO") is a retired Judge or Justice who has been assigned to review uncontested matrimonial actions.

You May Request a Judicial Hearing Officer ("JHO") to Review Your Paperwork. Paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part** will be reviewed when that Justice's calendar and trial schedule allow. Because a JHO is only responsible for reviewing uncontested matrimonial actions, paperwork submitted to a JHO may be reviewed sooner than paperwork submitted to a Justice assigned to the **Dedicated Matrimonial Part**. If you want your paperwork reviewed by a JHO, you must sign the **Stipulation on Uncontested Matrimonial Action**.

JHO Responsibility. The JHO reviews the paperwork submitted for compliance with the appropriate statutes and rules of the court. If the paperwork is in proper order, the JHO will sign the **Findings of Fact and Conclusions of Law**, the **Judgment of Divorce** and the **Qualified Medical Child Support Order** or **Income Deduction Order**, if requested. If there are any problems with the paperwork submitted, you will be contacted.

ADDITIONAL LANGUAGE REQUIRED

If you are filing for divorce based on DRL § 170(7) "Irretrievable Breakdown in Relationship for at Least Six Months" and you will be filing this **Stipulation on Uncontested Matrimonial Action**, the following language must be added to the grounds **Irretrievable Breakdown in Relationship for at Least Six Months) DRL § 170(7))** in your Complaint before you file your Complaint in the County Clerk's Office:

That all economic issues of equitable distribution of marital property, the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses as well as the custody and visitation with the minor children of the marriage have been resolved by the parties or determined by the court.