



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. A. GAIL PRUDENTI
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
EXECUTIVE DIRECTOR

May 20, 2015

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

FROM: Ronald Younkings *RY*

SUBJECT: Revised Uniform Child and Spousal Support Forms for Use in Supreme Courts

The attached Administrative Order AO/99/15 (Exhibit A) amends various forms currently used in child and spousal support cases in Supreme Court to conform with revisions promulgated by the New York State Office of Temporary and Disability Assistance (OTDA) in response to recent changes in the law.¹ These revised forms are effective on May 20, 2015. However, orders, petitions and affidavits which use the older version of these forms remain valid.

The amended forms are as follows:

LDSS-5037 -- IWO form for child support or combined child and spousal support
LDSS-5038 -- IWO form for Spousal Support Only cases
LDSS 5039 - "Income Withholding for Support: General Information and Instructions" form), that includes Numbered Reference Tools designed as a guide when filling out LDSS-5037 and LDSS-5038.

The changes to the forms include: (1) technical revisions such as updated links, standardization of headers, and formatting changes; (2) there is additional language in the Remittance Information section; and (3) clarification that tribal law governs withholding limits for tribal orders. Except for these changes, the forms are unchanged from the versions previously adopted by Administrative Order AO/93/14 in April 2014 (see <http://www.nycourts.gov/divorce/childsupport/PDFA-Memo-AO-93-14wExhsA-C.pdf>).

A list of the forms comprising the Unified Court System Uncontested Divorce Packet in effect as of May 20, 2015 is attached as Exhibit B.

¹See, federal Office of Child Support Enforcement Action Transmittal (AT) 14-05 dated July 15, 2014 (<http://www.acf.hhs.gov/programs/css/resource/2014-revised-income-withholding-for-support-form-and-instructions>) notifying states of the requirement that a revised Income Withholding Order/Notice for Support (IWO) be in effect on or before July 31, 2015. Chapter 270 of the Laws of 2013, amending CPLR §§ 5241 and 5242 and Social Services Law § 111-b(14), mandates the use of the IWO form promulgated by OTDA.

These revised forms will be posted electronically on May 20, 2015 at <http://www.nycourts.gov/divorce/forms.shtml>. Please replace the existing forms with the newly promulgated forms wherever appropriate. Information about issuing an Income Withholding Order, and for other information about Child Support Resources in New York, continues to be available at <http://www.nycourts.gov/divorce/childsupport>.

Please distribute this memorandum to appropriate judges and non-judicial staff.

Questions about the forms and instructions may be directed to Susan Kaufman, Esq., at skaufmal@nycourts.gov or (914) 824-5541.

cc: Administrative Judges
Maria Logus, Esq.
Maria Barrington
District Executives
NYC Chief Clerks
County Clerks
Susan Kaufman, Esq.
Janet Fink, Esq.

EXHIBIT A

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE**

By the power vested in me, I hereby rescind and replace the following three forms contained in the Unified Court System Uncontested Divorce Packet for use in undefended 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 May 20, 2015:

Rescinded Forms

LDSS-5037 (4/14) (Non IV-D IWO, for Child Support and Combined Child and Spousal Support)
LDSS-5038 (4/14)(Spousal Support Only IWO)
LDSS-5039 (4/14)(General Information and Instructions for Income Withholding Orders)

Replacement (Amended) Forms (Exh. A)

LDSS-5037 (5/15) (Non IV-D IWO, for Child Support and Combined Child and Spousal Support)
LDSS-5038 (5/15)(Spousal Support Only IWO)
LDSS-5039 (5/15)(General Information and Instructions for Income Withholding Orders)



Chief Administrative Judge of the Courts

Dated: May 15, 2015

AO/99/15

EXHIBIT B

Exhibit B

Unified Court System Uncontested Divorce Packet Forms (in effect as of May 20, 2015)

- Notice of Automatic Orders (Rev. 1/13)
- Notice Concerning Continuation of Health Care Coverage
- Summons With Notice (Form UD-1 rev. 9/11)
- Summons (to be served with Verified Complaint) (Form UD-1 a rev. 5/99)
- Verified Complaint (Form UD-2 rev. 9/11)
- Affidavit of Service (Form UD-3 rev. 9/11)
- Sworn Statement of Removal of Barriers to Remarriage (Form UD-4 rev. 5/99)
- Affidavit of Service (Form UD-4a rev. 5/99)
- Affirmation (Affidavit) of Regularity (Form UD-5 rev. 10/10)
- Affidavit of Plaintiff (Form UD-6 rev. 1/13)
- Affidavit of Defendant (Form UD-7 rev. 1/13)
- Child Support Worksheet (Form UD-8 rev. 1/31/14)
- Support Collection Unit Information Sheet (Form UD-8a) rev. 5/12
- Qualified Medical Child Support Order ("QMCSO") (Form UD-8b rev. 5/99)
- Note of Issue (Form UD-9 rev. 9/11)
- Findings of Fact/Conclusions of Law (Form UD-10 rev. 1/31/14)
- Judgment of Divorce (Form UD-11 rev. 1/31/14)
- Part 130 Certification (Form UD-12 rev. 5/99)
- Request for Judicial Intervention ("RJI") (Form UD-13 rev. 5/20/11)
- Addendum (Form 840M Rev. 3/11)
- Notice of Entry (Form UD-14 Rev. 5/99)
- Certificate of Dissolution of Marriage (Form DOH 2168 Rev. 7/2011)
- Self-Addressed and Stamped Postcard (Rev. 5/99)
- UCS-111 (UCS Divorce and Child Support Summary Form Rev. 8/11)
- DRL 255 Addendum
- Notice of Settlement (rev. 5/99)
- Poor Person Order (Rev. 10/10)
- Affidavit in Support of Application to Proceed as a Poor Person (Rev. 10/10)
- NYS Case Registry Filing Form (Rev. 8/12)
- LDSS-5037 (5/15) (Non IV-D IWO, for Child Support and Combined Child and Spousal Support)
- LDSS-5038 (5/15) (Spousal Support Only IWO)
- LDSS-5039 (5/15)(General Information and Instructions for Income Withholding Orders)