

**Uncontested Joint Divorce Information
Booklet (JD-1)**

NOTICE TO USERS OF JOINT DIVORCE PILOT PROJECT IN AUTHORIZED* COUNTIES ONLY

***To Find Out if your County is Authorized, see List of Pilot Counties on Divorce Resources Website available online at [Divorce Resources - Home | NYCOURTS.GOV](#)**

You have decided to use the Joint Divorce Pilot Project so that you and your spouse can agree on what will happen after the divorce as to your finances, property, and custody (parenting time) and support of your children, if you have any, and you will file your papers together, instead of one spouse filing for a divorce against the other spouse.

The Joint Divorce Information Booklet (JD-1) refers in several places to paying for an Index Number and Filing Forms in Hard Copy with the County Clerk's Office. **However, if both parties consent to e-file, e-filing may proceed on a consensual basis.** Filings are made through the New York State Courts Electronic Filing System ("NYSCEF")(www.nycourts.gov/efile).

To consent to e-file and accept electronic service, first determine who will be Spouse 1 (Plaintiff) and which of you will be Spouse 2 (Defendant). Also determine which of you will file documents after the case is commenced (started). You should each visit the NYSCEF website for instructions to get a user ID and Password (based on whether you are /Spouse 1 or Defendant/Spouse 2) and to commence (start) the action, obtain an Index Number, and pay the filing fees through NYSCEF by credit or bank card.(Consult with your local County Clerk for specific procedures if you decide to submit an application for a fee waiver via NYSCEF if you are unable to pay the filing fees.) After the Index Number is obtained by Spouse 1, consult your local County Clerk about the Steps Spouse 2 (Defendant) must follow to log in and consent to e-file and electronic service.

If you decide to e-file, do not follow the directions in the Joint Divorce Information Booklet (JD-1) about going to the County Clerk's Office to pay for an Index Number or to file your Papers, or directions about giving stamped envelopes to the Court. These will not apply to you.

For Questions about E-Filing, Contact: nyscef@nycourts.gov

Uncontested Joint Divorce Program

Information Booklet and Important Notices

You and your spouse have agreed that you would like to get a divorce using the Uncontested Joint Divorce Program. This is a divorce procedure where you and your spouse agree on what will happen after the divorce as to your finances, property, and custody (parenting time) and support of your children, if you have any, and you will file your papers together, instead of one spouse filing for a divorce against the other spouse.

All the forms required in every divorce are contained in the Uncontested Joint Divorce Required Forms Packets. If there are children under 21, use the Uncontested Joint Divorce With Children Required Forms Packet. If there are no children or no children under 21, use the Uncontested Joint Divorce With No Children Required Forms Packet.

Additional forms may be required depending on the circumstances. You will find them in an Appendix to this Booklet.

If there are children under 21, use the Uncontested Joint Divorce With Children Additional Forms Appendix. If there are no children or no children under 21, use the Uncontested Joint Divorce With No Children Additional Forms Appendix.

Important Note: If one of you has a lawyer, but the other doesn't, OR if neither of you has a lawyer, you may want to talk to a lawyer before signing the forms and filing them out. A lawyer who knows New York's divorce laws and represents your interests can give you legal advice that can help you to better understand your rights and responsibilities as to what you agree to in this Joint Divorce. You may find help finding a lawyer at http://ww2.nycourts.gov/divorce/finding_a_lawyer.shtml or at <https://www.nycourts.gov/CourtHelp/GoingToCourt/findlawyer.shtml>

Note: On January 1, 2024, revisions to these forms were made to implement revisions to CPLR 2106 pursuant to Chapter 559, Laws of 2023, which permit affirmations to be submitted in lieu of affidavits. However notarized affidavits will not be rejected.

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How to File for a Joint Divorce

Overview of Steps

- Step 1: Read the required notices
- Step 2: Fill out and complete the forms
- Step 3: Purchase an index number
- Step 4: File the completed forms
- Step 5: After the Judgment has been signed

STEP 1: Read the required notices.

Before you start, you and your spouse must read the following notices. They can be found in the [Required Notices](#) section of this booklet starting on page 7, except for the Child Support Standards Chart (see below).

1. [Notice of Automatic Orders](#). This notice tells you and your spouse what you can't do while the divorce is being decided and until the Judgment of Divorce is signed by the judge and filed with the County Clerk. If either you or your spouse does not follow these orders, a violation may be subject to contempt.
2. [Notice Concerning Continuation of Health Care Coverage](#). This notice tells you and your spouse that one of you and your spouse may or may not have health coverage under each other's health insurance plan after the divorce.
3. [Notice of Guideline Maintenance](#). This notice tells you and your spouse that one of you has the right to ask for maintenance from the other spouse for a required amount under the Maintenance Guideline Act. This does not mean that either you or your spouse is asking for maintenance. This notice also tells you how to calculate the required amount.
4. [Child Support Standard Chart](#). If you have children under 21 years old, this helps you and your spouse figure out the annual child support amount required under the Child Support Standards Act.

Note: Only the first page of the Chart is included in this Booklet. The full Chart is always available in the Supreme Court Clerk's Office or online at https://www.childsupport.ny.gov/dcse/child_support_standards.html

STEP 2: Fill out and complete the forms

All the required forms are in the Joint Divorce Required Forms Packets:

- If there are children under 21, use the Uncontested Joint Divorce With Children Required Forms Packet.
- If there are no children or no children under 21, use the Uncontested Joint Divorce With No Children Required Forms Packet.

All the additional forms depending on the circumstances are in the Joint Divorce Additional Forms Appendices attached to this Booklet.

- If there are children under 21, use the Uncontested Joint Divorce With Children Additional Forms Appendix.
- If there are no children or no children under 21, use the Uncontested Joint Divorce With No Children Additional Forms Appendix.

| Required for all divorce cases: | |
|---|---|
| Document | To Do |
| Summons with Notice and Combined Notice of Appearance | Complete and sign. Make 2 copies. See page 12 for help. |
| Joint Affirmation of Facts and Agreement | Complete, sign in front of a notary, and make 2 copies. Attach proof of income for both spouses – copies of the latest income tax returns, W-2s, 1099's, or pay stubs. See page 13 for help. |
| Combined Findings of Fact, Conclusions of Law, and Judgment | Complete. See page 19 for help. |
| Note of Issue | Make 3 copies. See page 20 for help. |
| Request for Judicial Interventions (RJI) | Complete. See page 20 for help. |
| Certificate of Dissolution of Marriage | Complete. See page 21 for help. |
| Notification Letter or Postcard | Fill in county name and index number. Make 2 copies See page 21 for help. |
| 2 stamped envelopes | Address one to Spouse 1 and the other to Spouse 2. |

| Additional forms required depending on circumstances: | |
|---|---|
| If you and your spouse can't afford the court fees: | |
| Fee Waiver Application to Judge (Poor Person Affirmation), if qualified | Filled out by Spouse 1 (Plaintiff). Signed See page 22 for help. |
| Poor Person's Order | Filled out by Spouse 1. See page 22 for help. |
| If there are no children AND maintenance is being paid: | |
| Income Withholding Order Form for Spousal Support only (LDSS-5038) | Complete. See page 25 and LDS-5039 for help. |
| If there are any children under 21: | |
| Child Support Summary Form (UCS-111) | Complete. See page 27 for help. |
| Judicial Intervention Addendum (840M) | Complete if there are children under 18 years of age and attach to the RJL. See page 25 for help. |
| Qualified Medical Child Support Order (UD-8b) | Complete if one of the spouse's health insurance plans will cover the children. See page 26 for help. |
| If there are any children under 21 AND you want or are getting child support services from SCU: | |
| Application for Child Support Services (LDSS-5258) OR the Short Form Child Support Services Application | Complete either LDSS 5258 available at https://otda.ny.gov/programs/applications/5258.pdf . or Short Form Application even if already getting SCU services See page 22 for help. |
| Support Collection Unit Information Sheet (UD-8a) | Complete. See page 26 for help. |
| If there are any children under 21 AND you are NOT getting or applying for child support services from SCU: | |
| Income Withholding Order form for Child Support and Combined Child and Spousal Support (LDSS-5037) | Complete. See page 24 and LDS-5039 for help. |

| Additional forms required depending on circumstances: | |
|---|---|
| New York State Case Registry Form | Complete if the child support order is from Supreme Court. Don't complete if the child support order is from Family Court. See page 25 for help. |

STEP 3: Purchase an index number

An index number is your case number for the court and is on all the forms you file with the court. This number is purchased at the County Clerk's Office (which is different from the Supreme Court Clerk's Office).

- An index number costs \$210.
- Depending on the office, you may have to fill out an Index Number Application Form.
- Bring with you the names, addresses, and telephone number of the attorneys for you and your spouse, if there are any.
- Check with the County Clerk's Office for acceptable forms of payment.

| |
|--|
| Put the index number in the space for it on the forms and required copies. |
|--|

If you qualify as indigent, you can apply for a fee waiver for the court fees to start the case, such as the index number.

IMPORTANT! Only "Plaintiff" (Spouse 1) can file a [Fee Waiver Application](#) (also called a Poor Person Application) to start the divorce case.

STEP 4. File the completed forms.

File the following completed forms and required copies with the County Clerk's Office. See Step 2 for the forms you need to complete and file.

There are additional filing fees, unless you or your spouse was approved for a fee waiver. The additional filing fees are for the:

- Note of Issue and the Request for Judicial Intervention (RJI): \$125 total. Depending on the county, the fee may be split differently between the Note of Issue and the RJI.
- Certificate of Dissolution: depends on the county, but usually about \$0-\$5.

The papers must now go to the Judge. In some counties, the County Clerk's Office will send the papers to the Judge for your case. In other counties, you will have to take them to the Supreme Court yourself. You should ask the Supreme Court Clerk or County Clerk how it is done in your county.

The court will look over your papers and any written agreement that you and your spouse made with each other. Remember, the court must approve any agreement that you made with each other. The court will notify you and your spouse for a hearing if it is required.

STEP 5. After the Judgment has been signed.

If the judge grants the divorce, the judge will sign the Combined Findings of Fact, Conclusions of Law, and Judgment. Some courts may notify you by sending back the self-addressed notification letter or post card, but other courts may not. You should check e-courts to see if the Judgment has been signed and is ready for you. You will be contacted when the Judgment is ready for you.

Go to the [After the Judgment Is Signed](#) section of this booklet on page 31.

Required Notices

Notice of Automatic Orders. This notice tells you and your spouse what you can't do while the divorce is being decided and until the Judgment of Divorce is signed by the judge and filed with the County Clerk. If either you or your spouse don't follow these orders, a violation may be subject to contempt.

Notice Concerning Continuation of Health Care Coverage. This notice tell you and your spouse that you and your spouse may or may not have health coverage under each other's health insurance plan after the divorce.

Notice of Guideline Maintenance. This notice tells you and your spouse that you have the right to ask for maintenance from the other spouse for a required amount under the Maintenance Guideline Act. This does not mean that either you or your spouse are asking for maintenance. This notice also tells you how to calculate the required amount.

Child Support Standard Act Chart. If you have children under 21 years old, this helps you and your spouse figure out the annual child support amount required under the Child Support Standards Act. The full version of this chart is available at the Clerk's Office or online at <https://www.childsupport.ny.gov/dcse/pdfs/CSSA.pdf>

NOTICE OF ENTRY OF AUTOMATIC ORDERS (D.R.L. 236) Rev. 1/13
FAILURE TO COMPLY WITH THESE ORDERS MAY BE DEEMED
A CONTEMPT OF COURT

PURSUANT TO the Uniform Rules of the Trial Courts, and DOMESTIC RELATIONS LAW § 236, Part B, Section 2, both you and your spouse (the parties) are bound by the following **AUTOMATIC ORDERS**, which have been entered against you and your spouse in your divorce action pursuant to 22 NYCRR §202.16-a, and which shall remain in full force and effect during the pendency of the action unless terminated, modified or amended by further order of the court or upon written agreement between the parties:

(1) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court ; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debts hereafter, including, but not limited to further borrowing against any credit line secured by the family residence, further encumbrancing any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

IMPORTANT NOTE: After service of the Summons with Notice or Summons and Complaint for divorce, if you or your spouse wishes to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.

**NOTICE CONCERNING CONTINUATION OF
HEALTH CARE COVERAGE**

Required by Domestic Relations Law § 255(1)

PLEASE TAKE NOTICE that once a judgment of divorce is signed in this action, both you and your spouse may or may not continue to be eligible for coverage under each other's health insurance plan, depending on the terms of the plan.

NOTICE OF GUIDELINE MAINTENANCE

If your divorce was commenced on or after January 25, 2016, this notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you.

This Notice does not mean that your spouse (the person you are married to) is seeking or offering an award of “maintenance” in this action. “Maintenance” means the amount to be paid to the other spouse for support after the divorce is final.

You are hereby given notice that under the Maintenance Guidelines Law (Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$228,000 to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the income of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of obligation. If you and your spouse have no children, the high formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise, the higher formula will apply.

Lower Formula:

- Line 1: Multiply Maintenance Payor's income by 20%
- Line 2: Multiply Maintenance Payee's income by 25%
- Subtract Line 2 from Line 1. This is Result 1
- Subtract Maintenance Payee's income from 40% of Combined Income*. This is Result 2
- Enter the lower of Result 2 or Result 1, but if less than or equal to zero, enter zero. This is the calculated guideline amount of maintenance with the Lower Formula.

Higher Formula:

- Line 1: Multiply Maintenance Payor's income by 30%
- Line 2: Multiply Maintenance Payee's income by 20%
- Subtract Line 2 from Line 1. This is Result 1
- Subtract Maintenance Payee's income from 40% of Combined Income*. This is Result 2
- Enter the lower of Result 2 or Result 1, but if less than or equal to zero, enter zero. This is the calculated guideline amount of maintenance with the Higher Formula.

* Combined Income equals the Maintenance Payor's income up to \$228,000 plus the Maintenance Payee's Income

Note: The Court will determine how long maintenance will be paid in accordance with the statute.

CHILD SUPPORT STANDARDS CHART

prepared by

**NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
DIVISION OF CHILD SUPPORT SERVICES**

**THE REVISED CHART WITH THESE FIGURES IS REVISED AS OF MARCH 1ST EACH YEAR AND IS
AVAILABLE BY APRIL 1st at <https://childsupport.ny.gov/dcse/pdfs/CSSA.pdf>**

This Child Support Standards Chart can be used to determine an approximate annual child support obligation. For a detailed, legal explanation of all factors used by the court in calculating a child support obligation, you should consult section 413 of the Family Court Act. Please note that the calculations provided in the stated chart intervals are based upon the lower bound of the interval. For example, when calculating the obligation for the range of income at \$25,600 to \$25,699, the chart uses the amount of \$25,600 to determine the obligation amount. For a precise calculation of the obligation at an income level above the lower bound of the interval, use the percentages listed below to perform the calculation on the worksheet located on page 22. The 2024 poverty income guidelines amount for a single person as reported by the United States Department of Health and Human Services is \$15,060 and the 2024 self-support reserve is \$20,331. Note: Where the total income of both parents exceeds the combined parental income amount of \$183,000, the law permits, but does not require, the use of the child support percentages in calculating the child support obligation on the income above \$183,000.

Child Support Percentages

| | |
|------------------------|-------------------------|
| One Child | 17% |
| Two Children | 25% |
| Three Children | 29% |
| Four Children | 31% |
| Five + Children | no less than 35% |

THE CHILD SUPPORT STANDARDS CHART

INCOME RANGE
0 – 9,999

NUMBER OF CHILDREN

1 2 3 4 5+

ANNUAL OBLIGATION AMOUNT

000 – 9,999 300 300 300 300 300

Help Filling Out the Forms

General tips:

- Carefully read the forms. Even where there are no blanks to fill in, you are making factual statements under oath subject to perjury. Where there are blanks or check boxes, be sure to fill in the information that both of you have agreed on.
- After you buy an index number, put your index number on the form if there is a space for it.
- Be consistent when filling out the captions (this is the top part of the form that identifies where the case is being filed, who is filing, and the name of the form). For example, Plaintiff/Spouse 1 and Defendant/Spouse 2 should be filled out the same way on all the forms.

Some forms need to be signed in front of a notary, while others do not. If these instructions say a form needs to be notarized, do not sign that form unless you are in front of the notary. The Joint Affirmation and Agreement needs to be notarized. Despite amendment of CPLR 2106 to permit civil litigants to file affirmations instead of affidavits, this form is a matrimonial agreement as well as an affidavit (now affirmation); and should still be signed before a notary public to comply with DRL 236(B)(3) (matrimonial agreements must be acknowledged like a deed to be recorded), which statute remains in effect.

- Make copies of the forms for yourself before filing.

Summons with Notice and Combined Notice of Appearance (JD-2):

| | |
|---|--|
| <p>SUPREME COURT OF THE STATE OF NEW YORK</p> <p>COUNTY OF _____ ①</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: right;">Plaintiff / Spouse 1,</p> <p style="text-align: center;">– and –</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: right;">Defendant / Spouse 2.</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> | <p>Index No.: _____ ②</p> <p>Summons filed on: _____ ③</p> <p>Venue: Case filed in _____ ④ County because: _____ ⑤</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">SUMMONS WITH NOTICE AND COMBINED NOTICE OF APPEARANCE</p> |
|---|--|

- ① Name of the county where the case is being filed.
- ② Index number purchased from the County Clerk's Office.
- ③ Date this form was filed at the County Clerk's Office.

- ④ Name of the county where the case is being filed.
- ⑤ Reason why this county was chosen as the place to file. It should be the same reason as the venue section, like Spouse 1's residence.

IMPORTANT! If you do not ask for a type of "Ancillary" or "Other Relief" in the Summons, you may be giving up your rights to things you may be entitled to.

Joint Affirmation of Facts and Agreement:

Note: If there are children under 21, use the Joint Affirmation of Facts and Agreement With Children (Form JD-3). If there are no children or no children under 21, use the Joint Affirmation of Facts and Agreement With No Children (Form JD-5).

Maintenance section in both Form JD-3 and the JD-5:

The amount of maintenance (this used to be called alimony) and how long the support will be paid depends, by law, on a math formula based on income and the length of the marriage.

If one of you is asking for maintenance, you and your spouse can agree on an amount, but you should figure out what the guideline maintenance would be according to the law. You and your spouse can also waive maintenance

The actual formula for guideline maintenance:

| Lower Formula | Higher Formula |
|---|--|
| If there are children under 21 and the maintenance payor is paying child support and the maintenance payee is the custodial parent: | If there are no children or there are children and the custodial parent is the maintenance payor: |
| <ul style="list-style-type: none"> Line 1: Multiply Maintenance Payor's income by 20% Line 2: Multiply Maintenance Payee's income by 25% Subtract Line 2 from Line 1. This is Result 1 Subtract Maintenance Payee's income from 40% of Combined Income*. This is Result 2 Enter the lower of Result 2 or Result 1, but if less than or equal to zero, enter zero. This is the calculated guideline amount of maintenance with the Lower Formula. | <ul style="list-style-type: none"> Line 1: Multiply Maintenance Payor's income by 30% Line 2: Multiply Maintenance Payee's income by 20% Subtract Line 2 from Line 1. This is Result 1 Subtract Maintenance Payee's income from 40% of Combined Income*. This is Result 2 Enter the lower of Result 2 or Result 1, but if less than or equal to zero, enter zero. This is the calculated guideline amount of maintenance with the Higher Formula. |

- The Maintenance Payor is the spouse with the higher net income.
- The Maintenance Payee is the spouse with the lower net income.
- Combined Income equals the Maintenance Payor's income up to \$228,000 plus the Maintenance Payee's Income
- There may be a low-income adjustment at the end if the Maintenance Payor's net Income is too low after paying the required amount of maintenance.

The calculator for guideline maintenance:

Go to <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>. Pick either the Online Calculator or the Excel Calculator (must have Excel on your computer to use this option).

Note: The calculator states that it may help in filling out the Maintenance and Child Support Worksheets. You should disregard this direction and use the calculator to help in filling out the Joint Divorce Forms instead.

- Plaintiff is Spouse 1. Defendant is Spouse 2.
- Part A: Itemization of Income and Deductions.
 - Section I calculates your gross income. This is your income before any deductions or taxes.
 - Section II calculates your deductions, like your taxes.
 - The net annual income is calculated in Line 18 and the Maintenance Payor and the Maintenance Payee are determined.
- Part B: Calculation of Post-Divorce Maintenance Guideline Award.
 - Click ☐ YES for "Do you want to calculate guideline maintenance award?" Then complete Part B.
 - If there are no children, select ☐ NO for Questions 6 and 7.
 - If there are children and they are under 21, select ☐ YES for Line 6.
 - For child support purposes, one parent is labeled the "custodial parent" and the other parent is labeled the "non-custodial parent" depending on which parent the children live with more than 50% of the time. If the child lives with both parents equally, the Maintenance Payor will be the non-custodial parent. If the Maintenance Payor is also the non-custodial parent, select ☐ YES for Question 7. If not, select ☐ NO for Question 7.
 - The Annual Award Amount is calculated in Line 19. This is the amount of maintenance the Maintenance Payee is entitled to according to the Maintenance Guidelines Act. Put this figure on the form.

Make sure that the figures that you put in are the same as in your latest tax returns and the same as in the Income section of the Joint Affirmation of Facts and Agreement.

Example 1: Calculating Maintenance

Part A Calculation.

Spouse 1 is a teacher and earns \$30,000 per year but also receives a \$10,000 pension from a prior profession. Spouse 1's gross total income is \$40,000. New York City Tax, FICA, Medicare taxes reduce Spouse 1's net annual income to \$36,800 in Line 18.

Spouse 2 is an engineer and earns \$80,000 per year. New York City Tax, FICA, Medicare taxes reduce Spouse 1's net annual income to \$71,500. Spouse 2 pays maintenance to a spouse from a prior marriage, reducing Spouse 2's net annual income to \$61,500 in Line 18.

Part B Calculation. Using the figures above where Spouses have one child that lives more than 50% of the time with Spouse 1 who is the custodial parent:

Since there are children of the spouses under the age of 21 born to or adopted by the spouses before or during the marriage, you would answer "Yes" to Question 6. Since Spouse 2 is the non-custodial parent who will pay maintenance to Spouse 1, you would answer "Yes" to Question 7. The lower formula will apply.

The amount of maintenance required by the Maintenance Guidelines Act computed in Line 19 in this example is \$2,520, and there is no low-income adjustment.

Children of the Spouses section:

Note: This section is in the Joint Affirmation of Facts and Agreement With Children (Form JD-3). Skip this section of these instructions if you are filling out the Joint Affirmation of Facts and Agreement With No Children (Form JD-5) and go to the Marital Property section.

The amount of basic child support depends, by law, on a math formula based on income and the number of children.

If you have a child support order from Family Court, put in the detail of the child support order and go to the "Background Check" section.

If you don't have a child support order, you and your spouse can agree on child support either in a separate written Agreement or in this Affirmation of Facts and Agreement.

- The details of your agreement must be put into this form. You and your spouse can agree on a different amount for child support, but you will have to figure out what the basic child support amount would be according to the law.

The actual formula for child support according to the Child Support Standards Act (CSSA):

- As required by the CSSA, adjust the incomes of the Spouses from the Income Chart by adding or subtracting the maintenance to be paid by one of the Spouses to the other. This will either be the amount required under the Maintenance Guidelines Law, or the amount you have agreed to either by written agreement or in this Joint Affirmation of Facts and Agreement, or zero if neither of you is asking for Maintenance. After the adjustment, add the adjusted net incomes of the Spouses to equal the combined parental income of the spouses. This will equal the Combined Parental Income.
- Next compute the Non-Custodial Parent's (NCP's) share of Combined Parental Income and the Custodial Parent's (CP's) Share of Combined Parental Income. This requires simple division.
- Next compute the amount of **combined** child support based on the number of children. The CSSA requires certain percentages based on the number of children. Suppose you have one child. The percentage would be 17%. For two children, the percentage would be 25%; For three children the percentage would be 29%; for four children, the percentage would be 31%; for five or more children, the percentage would be 35%.
- Now multiply the combined income up to \$183,000 by the applicable percentage based on the number of children. If the combined income is over \$183,000, then disregard the amount exceeding \$183,000 and multiply the appropriate percentage by \$183,000.
- Next multiply the **combined** child support by the NCP's Percentage Share of Child Support on Income Up to \$183,000. The result is the basic child support obligation of the NCP.
- If the Non-custodial parent's income would be too low after paying the required amount of child support, the CSSA may require a low-income adjustment.
- Add amounts for Child Care, Education and Extraordinary Expenses and Health Insurance as pro rata percentages based on the NCP and CP Percentage Share of Income up to \$183,000.

The calculator for child support:

Go to <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>. Pick either the Online Calculator or the Excel Calculator (must have Excel on your computer to use this option). Note: The calculator states that it may help in filling out the Maintenance and Child Support Worksheets. You should disregard this direction and use the calculator to help in filling out the Joint Divorce Forms instead.

- Plaintiff is Spouse 1. Defendant is Spouse 2.
- Part A: Itemization of Income and Deductions.
 - Section I calculates your gross income. This is your income before any deductions or taxes and includes amounts deferred for tax purposes such as money put into an IRA or deferred compensation account.
 - Section II calculates your deductions, like your taxes.

- The net annual income is calculated in Line 18 and the person with the higher income (Maintenance Payor) and the person with the lower income (Maintenance Payee) are determined.
- Part B: Calculation of Post-Divorce Maintenance Guideline Award.
 - If you and your spouse agree to guideline maintenance award amount, click ☐ YES for “Do you want to calculate guideline maintenance award?” Complete Part B and the guideline maintenance award will automatically be used to calculate child support.
 - If you and your spouse agree to zero maintenance or a different maintenance amount, click ☐ NO for “Do you want to calculate guideline maintenance award?” Part B will disappear if you click “No,” but you will still have to answer Questions 6 and 7 of Part B before going to Part C to calculate child support by telling the calculator what the award amount should be.
 - Select ☐ YES for Question 6 since you want to calculate child support.
 - For child support purposes, one parent is labeled the “custodial parent” and the other parent is labeled the “non-custodial parent” depending on which parent the child lives with for more than 50% of the time. If the person with the higher income (Maintenance Payor) is also the non-custodial parent, select ☐ YES for Question 7. If not, select ☐ NO for Question 7. If the child lives with both parents equally, select ☐ YES for Question 7.
- Part C-I: Annual Child Support Calculation.
 - Put in the number of children you and your spouse have in Line 5.
 - The Annual Basic Payment is calculated in Line 7. This is the amount of child support that the non-custodial parent is responsible for and the amount of child support the custodial parent is entitled to according to the Child Support Standards Act.
- Part C-II: Low Income Exemptions
 - The amount of annual basic child support is adjusted if the combined income is below a certain amount.
 - Basic Child Support with Low Income Adjustment is calculated in Line 5 of Part C-II.
- Part C-III: Add on Expenses
 - Compute any Add on Expenses in Part C-III. If there are none, put the figure from line 5 of Part C-II on the form.
- Part C-IV: Final Amount of Child Support to be Paid

- The final amount of Child Support including any Low Income Adjustment and Add-on Expenses will be shown in Part C-IV. Put this figure on the form.

| Example 2. Calculating Child Support |
|--|
| <p>Part C Calculation. Using the figures from Example 1:</p> <p>We will use the same figures from our example above where Spouse 1's net income is \$36,800 and Spouse 2's net income is \$61,500, and where Spouse 2 is the non-custodial parent who will pay maintenance required by the Maintenance Guidelines Act to Spouse 1 in the amount of \$2520 per year. Assuming there is only one child entered in line 5, the amount of child support required by the Child Support Standards Act will be \$10,026.60 per year in line 7. There will be no low-income adjustment in Part C-II.</p> <p>If the Spouses agree to a different amount of maintenance than the amount required by the Maintenance Guidelines Act or zero maintenance, you can still use the Calculator to calculate child support.</p> <p>We will again use the figures from our example above where Spouse 1's net income is \$36,800 and Spouse 2's net income is \$61,500, and where Spouse 2 is the non-custodial parent who will pay maintenance to Spouse 1 and where the parties have one child as in the prior example. However, let's assume the Spouses have agreed that instead of paying \$2520 per year to Spouse 1 in Maintenance as required by the Maintenance Guidelines Act, Spouse 2 will pay \$4000 per year to Spouse 1 in Maintenance.</p> <p>The amount of child support required by the Child Support Standards Act will be \$9775 instead of \$10,026.60 per year in line 7 as a result of the greater adjustment for maintenance in the Spouse's incomes. There will be no low-income adjustment and so Line 5 of Part C-II will remain \$9775. Fill in Part C-III to compute any Add-on Expenses. The final amount Spouse 2 will pay in Child Support to Spouse 1 after any low-income adjustment and including Add-on Expenses will be shown in Part C-IV. In this example it will be \$9775 plus the non-custodial parent (Spouse 2's) pro rata share of Add-on Expenses.</p> |

Marital Property section in both Form JD-3 and JD-5:

Real property, including a house or a condominium apartment, or a cooperative apartment, is not legally transferred just because a stipulation of settlement has been signed or the court has determined that title shall be transferred.

In order to transfer such property certain forms, such as a deed and transfer tax forms and other required forms, must be obtained and must be filled out with the required information. If a cooperative apartment is being transferred, the stock certificate and proprietary lease must be assigned to the transferee and approval of the Cooperative

Board may be required. The transferor must then sign the deed or assignment and other required forms in front of a Notary Public.

The transfer will be complete when the signed, notarized deed or assignment, and other required forms are filed in the County where the property is located, either in the office of the City Register in Kings, Queens, New York or Bronx Counties, or in the local County Clerk's Office in all other New York State Counties.

If there is a mortgage on the marital residence it is important that you speak with an Attorney as well as the bank before the transfer is made. You may need the bank or lender's written consent before making any transfer. Be aware that when you transfer real property out of your name by signing and filing a deed or assignment and other required forms, this does not relieve or excuse you from your obligations on any mortgage which you may have placed on the property.

Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce:

Note: If there are children under 21, use the Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce With Children (Form JD-4). If there are no children or no children under 21, use the Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce With No Children (Form JD-6).

- Be sure to read the entire form, even if no information is requested to be filled in.

IMPORTANT!

The Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce must match the answers in the Joint Affirmation of Facts and Agreement. If they are different, the court may reject your papers.

- If there are children under 21, in the Judgment of Divorce in Form JD-4:
 - Read the Notices About Child Support at the beginning of the Judgment of Divorce carefully. There is important information about your rights and duties with respect to child support.
 - Check whether or not support will be paid through the Support Collection Unit.
 - Complete section 3 on custody and section 4 on visitation if there are children under 18 years of age.
 - Section 7 – the court can order an income deduction order (also called an income withholding order) where the employer withholds money of the spouse who pays child support to make sure it gets paid. If child support services is used, an income withholding order is automatically issued by the local Support Collection Unit and you should not check this box.
 - Section 8 – a Qualified Medical Child Support Order is used if one of the spouses has an insurance plan you have agreed will provide health

insurance to the child or children. If the child or children will be covered by a state sponsored health insurance plan, do not check this box.

- Check the box to say which spouse will be responsible for serving the other spouse with a copy of this Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce and the Notice of Entry on the other within 20 days after the Judgment is entered (filed) with the County Clerk.
- Check whether each spouse will resume using a former last name.

Note of Issue (UD-9):

The information from this form is used to put your case on the court calendar. This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/ud-9.pdf

- Check who is filing for the Plaintiff/Spouse 1 and who is filing for the Defendant/Spouse 2. Since this is a Joint Divorce, both parties are filing.
- “Date Summons Filed” is the date the Summons with Notice and Combined Notice of Appearance was filed with the County Clerk.
- “Date Summons Served” is the date the Summons with Notice and Combined Notice of Appearance was dated by Spouse 1 and Spouse 2. If the dates are different, use the later date.
- “Date Issue Joined.” Check the box for “Stipulation/Separation Agreement.” This means that you and your spouse agree that this case is going forward due to the written agreement.
- Put in the contact information for the Plaintiff or Plaintiff’s attorney and for the Defendant or Defendant’s attorney.

Request for Judicial Intervention (UD-13):

The RJL is used to assign your case to a judge. This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/ud-13.pdf

| STATUS OF ACTION OR PROCEEDING: Answer YES or No and provide additional information where indicated. | | | |
|---|-------------------------------------|--------------------------|--|
| | YES | NO | |
| Has a summons and complaint or summons with notice been filed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, date filed: ① |
| Has a summons and complaint or summons with notice been served? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If yes, date served: ① |
| Are there children of the marriage under the age of 18? | <input type="checkbox"/> | <input type="checkbox"/> | If yes, complete and attach the Matrimonial RJL Addendum (UCS-840M) ② |

- ① For the date the summons was filed, put in the date the Summons with Notice and Combined Notice of Appearance was filed with the County Clerk. For date the summon was served, put in the date the Summons with Notice and Combined Notice of Appearance was dated by Spouse 1 and Spouse 2. If the dates are different, use the later date.

- ② If there are children under 18, check “Yes” and complete and file the [RJ Addendum form 840M](#). If there are no children under 18, check No.

Notification Letter or Postcard:

The court will use these forms to notify you when the judgment is ready for you or if there is a problem with your papers.

- Fill in the county where your papers are filed, your names and the index number for your case.
- Prepare two stamped envelopes . Address one to Spouse 1 and the other to Spouse 2.

Certificate of Dissolution:

This form is required by the Department of Health. This form is also available online at: https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/DOH-2168.pdf

- You must give your social security numbers in #1C and #6C. If you don't know, write “Unknown”.
- The court will fill out #14A-#14F, the “Decree” section. Leave this section blank.
- You do not have to fill out #15 - #22, the “Confidential Information” section
- Type in your name in #23 and #24. Look at the Summons With Notice and Combined Notice of Appearance to see who is designated as the Plaintiff.
- Type in “DRL 170(7) irretrievable breakdown” in #25. This is the legal grounds (reason) for your divorce.
- Print the form and sign.

Help with Other Forms

Which May Be Required Depending on Circumstances

(These forms are all available in the Uncontested Joint Divorce
Additional Forms Appendices)

Fee Waiver Application and Order:

New York recognizes that some people may be unable to pay the filing fees and court costs associated with filing for an uncontested divorce. Even though this is a joint divorce, Spouse 1, the Plaintiff, must apply for the fee waiver. The fee waiver application to the Judge must show that Spouse 1 is unable to pay the filing fees and court costs to start the divorce based on their income and property and will not be able to get a divorce otherwise.

Spouse 1 must fill out an Affirmation in Support of Application to Proceed as a Poor Person (with proof of income attached such as a W-2 or benefit statement) and a Poor Person Order available in the Uncontested Joint Divorce Additional Forms Appendices.

- Spouse 1 is the Plaintiff.
- Spouse 2 is the Defendant.
- The divorce is based on DRL § 170(7) – Irretrievable Breakdown in Relationship for at Least Six Months

The Affirmation in Support of Application to Proceed as a Poor Person (with proof of income attached such as a W-2 and benefit statement) is filed at the same time as the Summons with Notice and Combined Notice of Appearance at the County Clerk's Office. The court will decide whether to grant the fee waiver or not. The court may ask for additional proof of income and assets of Spouse 1 and may ask about Spouse 2's finances. Before you file the papers, check with the County Clerk's Office or Supreme Court Clerk's office for further instructions and to see if any additional papers are needed to obtain poor person status. Be sure to make and keep copies of the papers.

The fee waiver application is also available online at

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/POOR-AFF.pdf

The Poor Person Order is also available online at

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/POOR-ORD.pdf

Application for Child Support Services:

The child support program (often referred to as the "IV-D" program) is a state-supervised, county-run program. Each local social services district has a Support Collection Unit that assists litigants in obtaining the child support (or enforcing child and spousal support combined) that has been ordered by the court.

To learn about and enroll for child support services, you may use Form LDSS-5258. You may ask for a copy at the Supreme Court Clerk's Office or download a copy of the fillable form at <https://otda.ny.gov/programs/applications/5258.pdf>.

- This form provides a description of the child support services provided and other important information you need to know as well as an enrollment form. Instead of Form LDSS-5258, you may use the Short Form Application for Child Support Services in the Uncontested Joint Divorce With Children Additional Forms Appendix. This form was created by the Unified Court System. It is also available online at:
<https://www.nycourts.gov/LegacyPDFS/divorce/Short%20Form%20Application%20for%20Child%20Support%20Services%20in%20Supreme%20Court.pdf>.
- Follow the Instructions on the Short Form Application.
- If you are already getting child support services, complete at least the Short Form Application for Child Support Services even if you have already submitted an application for child support services.
- Submit the signed application when you file your papers with the County Clerk.

A child support brochure is also available at <http://otda.ny.gov/programs/publications/1950.pdf> that provides a brief description of the program which may also be found at the court website.

Where child support services are requested or applied for, the application (either LDSS-5258 or the Short Form Application) must be served on the local Support Collection Unit together with the Support Collection Unit Information Sheet (Form UD-8a) and the Combined Findings of Fact, Conclusions of Law and Judgment of Divorce (Form JD-4) within 20 days after the Judgment has been entered.

If you do not wish to apply for child support services at this time, you may choose to apply for such services through your local Support Collection Unit in the future.

If you do not apply for child support services at this time, and are not already receiving them, the Court may nonetheless decide after consideration of relevant factors that an Income Withholding Order is required by law.

If the Court notifies you that an Income Withholding Order is required or you decide to ask the Court to issue one, follow the procedure for completing the [Income Withholding Order](#) on page 24, and submit the order to the Supreme Court.

About Income Withholding Orders (IWO):

An Income Withholding Order orders the employer of the payor to take money out of the paycheck of the payor to make sure that support payments ordered by the court will be paid to the payee. When the Court issues an order of support, the Court must in every case issue an immediate income withholding order unless:

1. child support services are being applied for, or provided through, the child support enforcement program (often referred to as the “IV-D” program) from a local district Support Collection Unit; or
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) an agreement providing for an alternative arrangement has been reached between the parties. See [Domestic Relations Law § 240\(2\)\(b\)\(2\)](#), [Family Court Act § 440\(1\)\(b\)\(2\)](#), and [CPLR § 5242\(c\)](#). Where an income withholding order is required, the Court shall direct that the support be paid by automatically deducting moneys from the paying spouse’s income through the use of an Income Withholding Order.

If you wish to apply for child support services at this time, or you are already receiving such services, DO NOT fill out an Income Withholding Order. An Income Withholding Order will be prepared and sent by the Support Collection Unit on your behalf.

Once you have finished completing the Income Withholding Order, you should submit it to the Supreme Court Clerk’s Office for signature by the Judge. After it is signed by the Judge, you must serve a certified copy of the Income Withholding Order on the parties listed in Part A of the form. See the instructions in the [After the Judgment Is Signed](#) section on page 31 of this booklet.

Note: Spousal Support Only IWO orders (LDSS- 5038) should NOT be served on the New York State Child Support Processing Center (SDU).

Income Withholding for Support: General Information and Instructions (LDSS-5039):

Information about income withholding and instructions on how to fill out the order go to. https://www.nycourts.gov/LegacyPDFS/divorce/childsupport/IWO_NYSnon-IVD_NumberedReferenceWithoutHighl.pdf.

Income Withholding Order form for Child Support and Combined Child and Spousal Support (LDSS-5037):

If one of the spouses is to receive child support only or combined child support and maintenance (spousal support), and if no child support services are already being provided through a local district Support Collection Unit (see Instructions above), one of the spouses may ask the Court to issue an Income Withholding Order or the Court may decide to issue such an order on its own.

In either case, the Income Withholding Order/Notice form must be used. No other form of Income Withholding Order can be used. (The form is promulgated (created) by the NYS Office of Temporary and Disability Assistance pursuant to CPLR §§5241 and 5242.) If you are the person making the payment, you are the employee/obligor (or

debtor/payor). If you are the person receiving the payment, you are the custodial party/obligee (or creditor/payee). Follow the instructions in LDSS 5039, including the numbered instructions for IWO Form LDSS-5037.

This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/childsupport/IWO_NYSnon-IV-D_ActualFormWithoutHighlight.pdf

Income Withholding Order for Spousal Support Only (LDSS-5038):

If one of the spouses is to receive maintenance (spousal support) only, and if no child support enforcement services are already being provided through a local district Support Collection Unit, one of you may ask the Court to issue an Income Withholding Order or the Court may decide to issue such an order on its own.

In either case, the Income Withholding Order form is recommended for use in New York State for Spousal Support Only IWO's. (The form is promulgated (created) by the NYS Office of Temporary and Disability Assistance pursuant to CPLR §§5241 and 5242.) On IWO Form LDSS-5038 (for Spousal Support Only IWOs) areas not applicable to Spousal Support Only have been grayed out. In addition to graying out fields not applicable to the Spousal Support Only IWO, the other difference from LDSS-5037 is that Spousal Support Only IWOs are payable to the "obligee," not the New York State Child Support Processing Center (SDU). If you are the person making the payment, you are the employee/obligor (or debtor/payor). If you are the person receiving the payment, you are the obligee (or creditor/payee). Follow the instructions in IWO Form LDSS-5039, including the numbered instructions for IWO Form 5038.

This form is also available online at

<https://www.nycourts.gov/LegacyPDFS/divorce/childsupport/IWO-NonIV-Da-spousal-only-Supreme-Court.pdf>

Request for Judicial Intervention Addendum (UCS-840M):

If there are children under 18 years old, complete and file with the RJL.

This form is also available online at

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/UCS-840M.pdf

New York State Case Registry Filing Form:

Information about child support orders must be filed with the State Case Registry by filing a New York State Registry Filing Form.

You MUST complete and submit the State Case Registry form:

- if your case involves child support or combined spousal and child support and the Court issues an Income Withholding Order that requires the employer to remit payments to the NYS Child Support Processing Center (SDU); or

- if the Court determines that immediate income withholding is not required by statute and payments are made directly to the custodial party/obligee.

You should NOT complete or submit the State Case Registry form:

- if your case involves spousal support only; or
- the child support order is from Family Court; or
- if a party to the order is applying for, or receiving, support services from, a local Support Collection Unit pursuant to the child support program. If a party to the order is receiving child support services from the support collection unit (known as an IV-D case), the support collection unit will report the information. A case is receiving support collection services if: 1) the County Department of Social Services (or, in New York City, HRA) is a party to the order because a child is receiving public assistance benefits, Medicaid or is in foster care; or 2) a party has applied for services including collection and enforcement of the support order. If you are unsure whether the case is receiving child support services, contact the court clerk.

This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/case-reg.pdf

Support Collection Unit Information Sheet (UD-8a):

Where child support services are requested or applied for, this form must be provided by the Spouse requesting such services on the local Support Collection Unit together with the Application for Child Support Services and the Combined Findings of Fact, Conclusions of Law and Judgment of Divorce (For JD-4) within 20 days after the Judgment has been entered.

- Spouse 1 is the Plaintiff
- Spouse 2 is the Defendant
- Unemancipated children means the children the child support order is for
- “For the benefit of” means who will be getting the support payments through SCU
- Non-custodial parent is the parent who is paying the child support

This form is also available online at

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/ud-8a.pdf

Qualified Medical Child Support Order (UD-8b):

If one of the spouse’s health insurance plans will cover the children, then complete this form and submit it to the Supreme Court Clerk’s Office for signature by the Judge. If the children will be on a state sponsored health insurance plan, do not complete this form. The court will sign this order and return it to you. A certified copy of this signed order must be served on the employer of the person legally responsible to provide health insurance.

- Leave the effective date for coverage blank.
- Do not date or sign the form.

This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/ud-8b.pdf

Child Support Summary Form for Supreme Court (UCS-111):

The Unified Court System is required by law to collect various data where divorce involves child support. This form must be completed and submitted to the Supreme Court Clerk's Office upon submission of the filed papers. The information reported on the form is confidential and will be used for statistical purposes only. It will not be kept in the permanent case file.

This form is also available online at:

https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/UCS-111.pdf

Questions and Answers

What is an Uncontested Joint Divorce?

An uncontested divorce is where both you and your spouse agree to end the marriage and agree about what will happen to your finances property, and the custody (parenting time) and support of your children, if any, after the divorce. In a joint divorce, both you and your spouse are filing the papers together on the grounds of “irretrievable breakdown in relationship for at least 6 months.”

What do Plaintiff and Defendant mean?

Usually in a divorce case, the Plaintiff files the divorce case “against” the Defendant. In a joint divorce, the spouses file the papers together.

What is a notary public?

A notary public is someone who is legally authorized to witness signatures on legal documents.

Some court buildings have a notary available. You can also go to a bank or the County Clerk to get your papers notarized. The notary public usually charges a small fee.

Who are “children of the marriage”?

“Children of a marriage” are children age 20 years old or younger and born or adopted by both of you before or during the marriage.

What does “emancipated” children mean?

An emancipated child is one who is under 21 years old, married or in the military or self-supporting. Under New York law, child support must be paid to the age of 21 unless the child is emancipated.

Where do I go to buy an index number?

An index number is the file number for your case. Go to the County Clerk’s Office to buy an index number. You will also file your papers in the County Clerk’s Office.

How much are the fees to file our papers?

The index number costs \$210. Many County Clerks have an “Index Number Application Form” that you must fill out to buy an index number. Contact the County Clerk’s Office to find out what forms of payment are accepted.

Are there other costs to getting a divorce?

Yes. When you are ready to file the papers, there is a filing fee of \$125 for the Note of Issue and the Request for Judicial Intervention (RJI). There are also additional fees for a copy of the Judgment and other documents.

What if I don’t have the money to afford the court fees to start the divorce?

If you do not have the money, you can apply for a fee waiver for court fees to start the divorce. You may be required to provide some detail about the finances of you and your spouse. The Fee Waiver Application (also called Poor Person’s Relief) are in the Joint Divorce Additional Forms Appendices.

What does “time-stamped” mean?

When you file papers with the County Clerk, the clerk will put a stamp on the first page of the document. This stamp shows the date (and time) the document was filed and received by the County Clerk. It is proof that you filed your document on a specific day.

What is the difference between the County Clerk’s Office and the Supreme Court?

The County Clerk’s Office is separate from the Supreme Court and may even be in a different building.

The County Clerk’s Office is where you file your court papers and where the court fees are paid. They keep the case files in the county.

The Supreme Court is where the papers are read and where your case is decided. (Despite

its name, the Supreme Court is not the highest court in New York State. The highest Court in New York State is the Court of Appeals.)

How can I find out the status of my case?

If you have questions on the status of your case, call the Supreme Court where you filed.

How can the Court Clerk help me?

Court Clerks can give you legal information. They can explain court procedures and give you other general information. They can't tell you what you should do, fill out forms for you, talk to the Judge for you, or give you legal advice.

What's child support services?

Child support services is provided by the Support Collection Unit. Each local Child Support Enforcement Unit has an SCU that assists litigants in obtaining the child support that has been ordered by the court. A state agency known as OTDA (Office of Temporary and Disability Assistance) supervises child support enforcement in New York State.

You may use the services, but you don't have to. If you decide not to use SCU services, you may apply to the Support Collection Unit in the future to help you in getting or paying the child support that the Court has ordered to be paid

What happens to the retirement accounts?

A retirement account is considered marital property if you and/or your spouse put any money into it while you were married. If and how the retirement accounts will be divided must be put into writing either through a Settlement Agreement, written stipulation or a Domestic Relations Order.

Contact the plan administrator for the pension for more information.

How do we figure out maintenance and child support amounts?

This booklet gives you the formula on page 13 and on page 16. There is also an online calculator to help you figure out maintenance and/or child support amounts. It's best if you have your tax returns with you when you use the calculator. It is available at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>

What is "service" of legal papers and why is it so important?

"Service" is the procedure of delivering legal papers. The law says that legal papers have to be delivered the right way. After the papers are delivered written proof is given to the court when the affirmation of service is filed with the County Clerk.

What is an affirmation of service?

Whenever any legal papers are served, the person serving the papers must fill out a form that says how legal papers were served (delivered). The form is then filed with the County Clerk after the service is done. Make a copy of the affirmation for your own records before filing it.

What if I moved and changed my address?

It is very important you tell the court about your change of address immediately. The Court might need to contact you about your case and can't do that if your address is not up to date. Some courts might also ask you to give a phone number which you should keep up to date as well. If the Court can't find you, your case can be dismissed (dropped).

**I want to hire a lawyer for my divorce.
Where can I go to find a lawyer? What if I
can't afford a lawyer?**

Some counties have a lawyer referral service that can help you find a lawyer to hire. Many local bar associations have legal referral programs where you can be referred to a lawyer or have a consultation for a low fee.

The New York State Bar Association's Lawyer Referral and Information Service can be contacted at (800) 342-3661 or go to their website at <http://www.nysba.org/lawyerreferral>.

If you can't afford a lawyer, there may be a legal services organization that can help. Find a free legal services program at LawHelpNY's website <https://www.lawhelpny.org/>.

You may find help finding a lawyer or legal services organizations at http://ww2.nycourts.gov/divorce/finding_a_lawyer.shtml or at <https://www.nycourts.gov/CourtHelp/GoingToCourt/findlawyer.shtml>

After the Judgment Is Signed Instructions and Forms

STOP!

Do NOT file the Notice of Entry or the Affirmation of Service of Judgment of Divorce with your papers. These are used after the Judgment is signed and the divorce is granted.

If the judge grants the divorce, the judge will sign the Combined Findings of Fact, Conclusions of Law, and Judgment. You will be contacted when the Judgment is ready.

1. The judgment must be filed and entered with the County Clerk's Office where it is stamped with the "entry date."
 - Depending on the county, the court will send the Combined Findings of Fact, Conclusions of Law, and Judgment to the County Clerk's Office for you. In some counties outside NYC, you or your lawyer must bring it to the County Clerk's Office and have it filed and entered.
 - If there is no "entry date" stamped on the judgment, then you must do this yourself. Bring the Combined Findings of Fact, Conclusions of Law, and Judgment to the County Clerk's Office and have it filed and entered. This means that it will be stamped with the date it was filed (the "entry date") and signed by the County Clerk.
2. Complete the Notice of Entry form. The judge will order that one spouse serve the judgment on the other spouse. Look near the end of the judgment to find out who is supposed to have the copy of the Judgment sent to the other spouse.
 - [The Notice of Entry form](#) is on page 33 and also available in the Uncontested Joint Divorce Required Forms Packets.
 - Fill in the name of the county where the case was filed.
 - Fill in the "entry date" stamped on the Judgment.
 - Fill in who is responsible for sending the copy of the judgment and who is getting the copy of the Judgment. (It may not be the Plaintiff to the Defendant, but the Defendant to the Plaintiff.)
3. Make at least three copies of the Notice of Entry and the Combined Findings of Fact, Conclusions of Law, and Judgment. (One to be delivered to the spouse, one to file with the Affirmation of Service, and one for your records.)
4. The Notice of Entry and the Combined Findings of Fact, Conclusions of Law, and Judgment must be mailed or delivered on behalf of one spouse to the other spouse **within 20 days** after the Judgment is entered.
 - **IMPORTANT:** Service must be done by someone else over the age of 18 and not by either of the spouses.

- The person who served the Notice of Entry and the Combined Findings of Fact, Conclusions of Law, and Judgment must fill out, insert their name and the date and sign the Affirmation of Service of Divorce Judgment form.
 - [The Affirmation of Service of Divorce Judgment form](#) is on page 34 and also available in the Uncontested Joint Divorce Required Forms Packets.
5. After the Affirmation of Service of Judgment is returned, signed, make a copy for your records. Keep the copy of the Affirmation of Service of Judgment of Divorce in a safe place with your copy of the Notice of Entry and the Combined Findings of Fact, Conclusions of Law, and Judgment.
 6. Bring the Affirmation of Service of Judgment and a copy of the Notice of Entry and the Combined Findings of Fact, Conclusions of Law, and Judgment to the County Clerk for filing as soon as possible. This will prove that the Judgment and the Notice of Entry were properly served (delivered).

In the future, if you need a copy of the divorce Judgment, go to the County Clerk's Office.

- Bring identification with you. Divorce files are confidential and will only be given to you, your spouse or your attorneys.
- The certified copy will cost between \$4 and \$10.

7. **If the judge signed and returned an Income Withholding Order (IWO)**, a certified copy must be served on the parties listed in Part A of the form. Follow the directions in Part A as to which parties should receive Part A of the form and which parties should receive Part B of the form. The server may use regular mail
8. **If the judge signed and returned a Qualified Medical Child Support Order (QMCSO)**, a copy must be served on the employer of the person who is legally responsible to provide health insurance for the children.
9. **If the child support services are being applied for or requested**, the Support Collection Unit Information Sheet (UD-8a), the Application for Child Support Services (either LDSS-5258 or the Short Form Application), and a copy of the Combined Findings of Fact, Conclusions of Law and Judgment, must be served on the [local Support Collection Unit](#) **within 20 days** of the entry date stamped on the Judgment.

An [Affirmation of Service by Mail form](#) and [Affirmation of Service by Personal Delivery form](#) are included on pages 35 and 36 as well as in the Uncontested Joint Divorce Required Forms Packets. You can make copies of these forms as needed.

Service must always be made by someone over the age of 18 other than you. Always keep a copy of the signed copy of the Affirmation of Service for your records. You may wish to also file it with the County Clerk as proof.

When filing an Affirmation of Service at the County Clerk's Office, remember to attach a copy of the papers that were served.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

Index No.: _____

Plaintiff / Spouse 1,

– and –

NOTICE OF ENTRY

Defendant / Spouse 2.

PLEASE TAKE NOTICE that the attached is a true copy of a judgment of divorce in this matter that was entered in the Office of the County Clerk of _____
County where filed

County, on _____.
Stamped entry date

Dated: _____

Signature

☐ Plaintiff OR ☐ Plaintiff's Attorney
☐ Defendant OR ☐ Defendant's Attorney

Address:

TO:

☐ Plaintiff OR ☐ Plaintiff's Attorney
☐ Defendant OR ☐ Defendant's Attorney

Address:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

Index No.: _____

Plaintiff / Spouse 1,

– and –

Defendant / Spouse 2.

**AFFIRMATION OF SERVICE
OF THE JUDGMENT OF
DIVORCE WITH NOTICE OF
ENTRY**

STATE OF _____ }
COUNTY OF _____ }

ss:

_____, being duly sworn, says:
Name of Server

1. I am not a party to the action and am over 18 years of age. I live at:

Street address City State Zip code

2. On _____, I served a true copy of the Judgment of Divorce with
Date
Notice of Entry on _____,
Name of Person Served

☐ by personal, in hand delivery at

Address where delivered: Street address City State Zip code

☐ by mail, depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, to the address designated by the Defendant.

Address where mailed: Street address City State Zip code

Dated: _____

I, _____ (Print or Type Name), affirm this ____ day of _____, _____, under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Server's Signature

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

Index No.: _____

Plaintiff / Spouse 1,

– and –

**AFFIRMATION OF SERVICE
BY MAIL**

Defendant / Spouse 2.

STATE OF _____ }

ss:

COUNTY OF _____ }

_____, being duly sworn, says:
Name of Server

1. I am not a party to the action and am over 18 years of age. I live at:

Street address City State Zip code

2. On _____, I served a true copy of the following attached papers,
Date

- ☐ Income Withholding Order ☐ Qualified Medical Child Support Order
☐ Support Collection Unit Information Sheet, the Application for Child Support Services, and the Combined Findings of Fact, Conclusions of Law and Judgment of Divorce

on _____,
Name of Person/Company Served

by mail, depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, to the address designated by the Defendant.

Address where mailed: Street address City State Zip code

Dated: _____

I, _____ (Print or Type Name), affirm this ____ day of _____, _____, under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Server's Signature

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

Index No.: _____

Plaintiff / Spouse 1,

– and –

Defendant / Spouse 2.

**AFFIRMATION OF SERVICE
BY PERSONAL DELIVERY**

STATE OF _____ }

ss:

COUNTY OF _____ }

_____, being duly sworn, says:
Name of Server

1. I am not a party to the action and am over 18 years of age. I live at:

Street address City State Zip code

2. On _____, I served a true copy of the following attached papers,
Date

- ☐ Income Withholding Order ☐ Qualified Medical Child Support Order
☐ Support Collection Unit Information Sheet, Application for Child Support
Services, and Combined Findings of Fact, Conclusions of Law and Judgment of
Divorce

by delivering the papers to _____, at
Name of Person/Company Served

Address where delivered: Street address City State Zip code

Description of Individual Served: (fill in applicable information)

Sex: _____ Color of Skin: _____ Color of Hair: _____

Approximate Age: _____ Approximate Weight: _____ Approximate Height: _____

Other Identifying Features: _____

Dated: _____

I, _____ (Print or Type Name), affirm this ____ day of _____, _____, under the
penalties of perjury, under the laws of New York, which may include a fine or imprisonment,
that the foregoing is true, and I understand that this document may be filed in an action or
proceeding in a court of law.

Server's Signature