

Required Forms Packet with Children

Uncontested Joint Divorce With Children Required Forms Packet Rev. 3/1/24

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

See the Information Booklet (JD-1 rev.3/1/24) for instructions, important notices, and help.

To Start the Case:

1. Summons with Notice and Combined Notice of Appearance (JD-2) rev.1/1/24
2. Joint Affirmation of Facts and Agreement with Children (JD-3) rev. 3/1/24
3. Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with Children (JD-4) rev. 3/1/24
4. Note of Issue
5. Request for Judicial Intervention (RJI) (UD-13) rev. 3/1/22
6. Addendum to RJI (UCS Form 840M)
7. Certificate of Dissolution of Marriage (DOH 2168)
8. Notification Letter or Postcard (2 copies and 2 stamped envelopes)
9. Child Support Summary Form (UCS-111)

**** Additional forms may be required depending on the circumstances. **
See the Uncontested Joint Divorce With Children Forms Appendix.**

Forms for After the Judgment Is Signed:

1. Notice of Entry
2. Affirmation of Service by Mail of Judgment of Divorce and Notice of Entry rev.1/1/24
3. Affirmation of Service by Mail rev. 1/1/24
4. Affirmation of Service by Personal Delivery rev. 1/1/24

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

Index No.: _____

Summons filed on: _____

Venue: Case filed in
_____ County because:

Plaintiff / Spouse 1,

– and –

Defendant / Spouse 2.

**SUMMONS WITH NOTICE
AND COMBINED NOTICE OF
APPEARANCE rev. 1/1/24**

ACTION FOR DIVORCE

Plaintiff/Spouse 1 asks the Defendant/Spouse 2 to appear in this action.

Defendant/Spouse 2 agrees and appears in this action.

Spouse 1 and Spouse 2:

- signed the Joint Affirmation of Facts and Agreement with children (Form JD-3) or without children (Form JD-5) in support of this action.
- read and understood the Joint Divorce Information Booklet (Form JD-1) that contains:
 - Notice of Automatic Orders
 - Notice of Maintenance Guideline
 - Child Support Standards Act Chart
 - Notice Concerning Continuation of Health Care Coverage
- submit to the court with this Summons:
 - Joint Affirmation of Facts and Agreement with children (Form JD-3) or without children (Form JD-5)
 - Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with children (Form JD-4) or without children (Form JD-6)
 - Note of Issue and other Forms

_____ County is chosen as the place where this action will be decided (*venue*) because:

- Spouse 1 lives in this county at _____.
- Spouse 2 lives in this county at _____.
- Other reason: _____.

The relief asked for is judgment of absolute divorce to end (dissolve) the marriage between Spouse 1 and Spouse 2 on the grounds of irretrievable breakdown *DRL §170(7)*.

The ancillary or other relief asked for or waived is: *(check all that apply)*

- No ancillary or other relief is asked for. Maintenance under the Maintenance Guidelines Act and distribution of marital property is waived.

OR

- Maintenance under the Maintenance Guidelines Act is waived
- Distribution of marital property is waived

AND

- Distribution of marital property
- Maintenance (money paid from one spouse to the other after the divorce)
- Division of retirement accounts and/or pensions
- Child support (payments made to financially support a child until the child turns 21 years)
- Custody
- Visitation
- Attorney and/or Expert fees
- Use of former last name before marriage
- Continue Order of Protection
- Possession of the marital home
- Continue Court Orders
- Other relief _____

AND any other relief the court deems fit and proper.

Dated: _____

 Plaintiff/Spouse 1

Attorney for Plaintiff

Phone no.: _____

Address: _____

The Defendant / Spouse 2 appears in this action and has also signed the Joint Affirmation. Spouse 2 asks for the same ancillary relief as listed in the Summons and waives any statutory time periods to respond.

Dated: _____

 Defendant/Spouse 2

Attorney for Plaintiff

Phone no.: _____

Address: _____

5. We have not been threatened or pressured into signing this Joint Affirmation of Facts and Agreement. We understand that by submitting this Joint Affirmation we are asking the court to end our marriage.
6. Residency. To file for a divorce, you must be a resident of the state.
 - One of us has lived in New York State for the past two years.
 - OR**
 - One of us has lived in New York State for the past one year and is a resident today, AND
 - we were married in New York. OR
 - we lived in New York while we were married.
 - OR**
 - One of us has lived in New York State for the past one year and the breakdown of our marriage happened in New York.
 - OR**
 - Both of us live in New York State and the breakdown of our marriage happened in New York.

B. About Spouse 1.

1. My name is: _____.
2. I live at _____.
 Don't complete if there is an Address Confidentiality Order
3. My social security number is _____.
4. I am am not on public assistance.

C. About Spouse 2.

1. My name is _____.
2. I live at _____.
 Don't complete if there is an Address Confidentiality Order
3. My social security number is _____.
4. I am am not on public assistance.

D. Military.

- Neither of us is in the military. **OR**
- At least one of us is in the military: Spouse 1 and/or Spouse 2
 We are aware that there are special rules for divorces for active service member on duty under the Soldiers' and Sailors' Civil Relief Act, like the divorce case can be postponed while one of us is on duty. We give consent that this case be put on the Uncontested Matrimonial calendar right away and waive any right either of us may have under the act.

E. About the Marriage.

1. We were married on _____ in _____.
date city, town or village, state, country

2. We were married:

in a civil ceremony. **OR**

in a religious ceremony performed by a person like a minister or clergyman of any religion, or by a leader of the Society for Ethical Culture,
AND WE SWEAR

To the best of our knowledge, we each have taken or will take before entry of the Judgment all steps solely within our power so that the other may remarry after our divorce. **OR**

We waive the requirement that any barriers to remarriage be removed.

F. Grounds for Divorce. This is the legal reason for the divorce. We swear that:

1. The grounds for divorce is irretrievable breakdown DRL § 170(7).

2. Our marriage has been broken for more than six months.

G. Pending or Prior Cases. There is no judgment of divorce and no other divorce case between us in this court or any other court anywhere.

HEALTH INSURANCE

1. We will not take each other off any existing medical, hospital and dental insurance coverage and must keep the coverage we have current until the divorce is final.

2. We know that once we are divorced, we may no longer be allowed to get health coverage from each other's health insurance plans.

3. We know that we will be required to get our own health insurance if we are no longer eligible for coverage under each other's health insurance plan.

4. We know that we may be able to get our own insurance for a limited time through a COBRA option.

5. Our health insurance plans are from:

Spouse 1's Group Health Plan: _____

Address: _____

Identification or plan number: _____

Plan Administrator: _____

Spouse 2's Group Health Plan: _____

Address: _____

Identification or plan number: _____

Plan Administrator: _____

OUR INCOME

Our income and deductions from last year are as follows:

| | Spouse 1 | Spouse 2 |
|---|----------|----------|
| A. Gross total income (before taxes) | | |
| B. New York City or Yonkers taxes paid | | |
| C. (FICA) Social Security taxes paid | | |
| D. Medicare taxes paid | | |
| E. Court ordered maintenance paid to a different spouse | | |
| F. Court ordered child support paid for children not from this marriage | | |
| G. Add: B + C + D + E + F | | |
| H. Subtract: A - G | | |
| Net income | \$ | \$ |
| We have _____ children under 21 years old. | | |

MAINTENANCE

Maintenance is money paid from one spouse to the other after a divorce. The amount of maintenance and how long the support will be paid depends, by law, on a math formula based on income and the length of the marriage. (See the Joint Divorce Information Booklet (JD-1) for the math formula and examples or to calculate what the amount of maintenance would be required under the law, go to the Post-Divorce Maintenance Calculator available at

<http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>.)

- Neither of us is asking for maintenance. The spouse with the lower income waives maintenance under the Maintenance Guideline Act. (Skip to “Children of the Spouses.”)

OR

- One of us is asking for maintenance. We have reviewed Maintenance Guideline Act, the amount of maintenance that Spouse 1 or Spouse 2, the spouse with the higher income, would be required to pay would be \$_____, up to the cap of \$228,000 and any deviation agreed to by the parties.

As written in the Maintenance Guideline Act, the Advisory period of maintenance is:

| If you have been married for... | Then maintenance would be payable for... |
|---------------------------------|--|
| 0 to 15 years | 15% - 30% of the length of the marriage |
| More than 15 years to 20 years | 30% - 40% of the length of the marriage |
| More than 20 years | 35% - 50% of the length of the marriage |

We have been married for _____ years. The Advisory period of maintenance would be _____ years and _____ months to _____ years and _____ months.

- We have a written agreement for maintenance. The Agreement is attached.

1. The agreement is dated _____.
2. Spouse 1 or Spouse 2 will get maintenance from the other spouse.
3. Maintenance will be \$_____ on the _____ day of
 every week every two weeks every month Other:

4. Maintenance will be paid for _____ years and _____ months.

OR

- We do not have a separate written agreement, but we agree that:

1. Spouse 1 or Spouse 2 will get maintenance from the other spouse.
2. Maintenance will be \$_____ every week every two weeks
 every month.
3. Maintenance payments will start on _____ and end on _____.
4. The payments will be by direct payment or by an Income Deduction Order or to the Support Collection Unit (SCU) if there's also child support and if support services have been applied for or are being received.

CHILDREN OF THE SPOUSES

“Children of the spouses” are children who were born before or during the marriage or adopted by both spouses during the marriage who have not yet turned 21 years old. **(If there are no children, use “Joint Affirmation and Agreement without children,” Form JD-5)**

- There are “children of the spouses.”

A. About the Children and Custody Arrangements.

In New York, parents must financially support a child until the child turns 21 years old. Custody only applies to a child until they are 18 years old.

- Legal Custody. Whoever has “legal custody” has the right to make important decisions about a child's “health, education, and welfare,” like medical care and school choice. When parents have joint legal custody, decisions about the child are made together.
- Physical Custody. The parent or person that the child lives with for most of the time and handles the routine daily care of the child has “physical custody.”

| Children of the Spouses Under 18 Years Old (List all children who have not yet turned 18 and show custody arrangements.) | | |
|--|---|---|
| | Child’s Information | Custody arrangements: |
| Child Under 18 | <p>Name: _____</p> <p>Date of birth: _____</p> <p>SSN: _____</p> <p>Address: _____</p> <p style="text-align: center;">Don’t complete if there is an Address Confidentiality Order</p> <p>Lives with: _____</p> <p>Relationship to child: _____</p> <p>Child receives public assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Legal custody:</p> <p><input type="checkbox"/> Joint legal custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> <p>Physical custody:</p> <p><input type="checkbox"/> Joint physical custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> |
| Child Under 18 | <p>Name: _____</p> <p>Date of birth: _____</p> <p>SSN: _____</p> <p>Address: _____</p> <p style="text-align: center;">Don’t complete if there is an Address Confidentiality Order</p> <p>Lives with: _____</p> <p>Relationship to child: _____</p> <p>Child receives public assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Legal custody:</p> <p><input type="checkbox"/> Joint legal custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> <p>Physical custody:</p> <p><input type="checkbox"/> Joint physical custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> |

| | | |
|---|---|---|
| Child Under 18 | <p>Name: _____</p> <p>Date of birth: _____</p> <p>SSN: _____</p> <p>Address: _____</p> <p style="text-align: center; font-size: small;">Don't complete if there is an Address Confidentiality Order</p> <p>Lives with: _____</p> <p>Relationship to child: _____</p> <p>Child receives public assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Legal custody:</p> <p><input type="checkbox"/> Joint legal custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> <p>Physical custody:</p> <p><input type="checkbox"/> Joint physical custody</p> <p><input type="checkbox"/> To Spouse 1</p> <p><input type="checkbox"/> To Spouse 2</p> |
| <p><input type="checkbox"/> Additional children under 18 years old can be added on a separate attached sheet.</p> | | |

| Children of the Spouses Aged 18, 19, or 20 Years Old | |
|--|--|
| Do not include an emancipated child. This is a child in the military, married, or 17 years old or younger and self-supporting. | |
| <p>Name: _____</p> <p>Date of birth: _____ SSN: _____</p> <p>Address: _____</p> <p style="text-align: center; font-size: small;">Don't complete if there is an Address Confidentiality Order</p> <p>Lives with: _____</p> <p>Relationship to child: _____</p> <p>Child receives public assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>Name: _____</p> <p>Date of birth: _____ SSN: _____</p> <p>Address: _____</p> <p style="text-align: center; font-size: small;">Don't complete if there is an Address Confidentiality Order</p> <p>Lives with: _____</p> <p>Relationship to child: _____</p> <p>Child receives public assistance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |

Name: _____

Date of birth: _____ SSN: _____

Address: _____

Don't complete if there is an Address Confidentiality Order

Lives with: _____

Relationship to child: _____

Child receives public assistance: Yes No

Additional children aged 18, 19, or 20 years old can be added on a separate attached sheet.

1. Custody Order from Family Court or Custody Agreement.

- Custody Order.** We already have a custody order that we would like to continue from a New York State Family Court. It is attached to this Joint Affirmation and Agreement. The custody order is from:

County: _____

Docket: _____

Dated: _____.

OR

- Custody Agreement.** We have an agreement on custody dated _____. It is attached to this Joint Affirmation and Agreement and the terms of custody are shown in the chart in the “About the Children and Custody Arrangements” section.

OR

- No Order or Separate Agreement.** We agree on custody as shown in the chart in the “About the Children and Custody Arrangements” section.

2. Parenting Time. This is the time the parent spends with a child who is under 18 years old if they don't have physical custody. It is also called visitation.

- Custody agreement attached.
- According to the following schedule:

B. Child Support. In New York, parents must financially support their child (including health insurance) until the child turns 21 years old. Child support includes costs for the children for basic support for daily living expenses, education and extraordinary expenses, health care coverage, uninsured and unreimbursed health care expenses, and child care expenses if child care is needed so the parent can work or attend school.

1. **Custodial Parent.** For child support purposes, one parent is the “custodial parent.” The custodial parent is usually the parent who the child lives with for most of the time. If the child lives with both parents for equal amounts of time, then the custodial parent is the parent who earns less money.

For child support purposes, the custodial parent is:

- Spouse 1. **OR**
- Spouse 2

2. **Support Collection Unit.** The Support Collection Unit (SCU) can enforce child support payments by taking them directly from the payor’s wages. Either parent may apply for child support services. Spouse 1 or Spouse 2: or both Spouse 1 and Spouse 2:

- Is/are now requesting SCU services. An application and the Support Collection Unit Information Sheet (Form UD-8a) are attached and are to be provided to the Support Collection Unit. (See the Instruction Booklet (Form JD-1)) **OR**

- Has/have already applied for SCU services. **OR**

- Already gets/get SCU services. **OR**

- Does/do not want SCU services and is/are aware that an income deduction order (also called an Income Withholding Order/Notice for Support) pursuant CPLR § 5242c, may be issued without other child support enforcement service. Payment of an administrative fee may be required.

2. **Child Support Order or Agreement.**

- Child Support Order.** We already have a child support order that we would like to continue from Family Court. According to the order, Spouse 1 or Spouse 2 will pay \$_____ every week every two weeks every month. It is attached to this Joint Affirmation and Agreement. The support order is from:

County: _____

Docket: _____

Dated: _____

(Skip to “Background Check” section.)

OR

- No Child Support Order.** We do not have a child support order from Family Court.

- Child Support Agreement.** We have a separate agreement on child support dated _____. It is attached to this Joint Affirmation and Agreement.

OR

- No Order or Separate Agreement.** We do not have a separate agreement on child support, but we agree as to child support, child care expenses, education and extraordinary expenses, and health insurance expenses in this Joint Affirmation and Agreement:

AND, Our separate child support agreement or the agreement in this Joint Affirmation and Agreement is as follows:

a. Amount of Child Support.

- The person with the higher income is: Spouse 1 or Spouse 2
- The person who will pay child support is: Spouse 1 or Spouse 2
- Child support will be paid:
 - Directly to Spouse 1. **OR**
 - Directly to Spouse 2. **OR**
 - Directly to another person (specify name): _____.
- OR**
- where support services have been applied for or are being received, through the New York State Child Support Processing Center at P.O. Box 15363, Albany, NY 12212-5263.
- Child support payments will be in the amount of \$_____
 - every week every two weeks every month
- The amount of child support is \$_____ per year calculated up to the cap of \$183,000.
- Our combined yearly income is:
 - \$183,000 or less **OR**
 - Over \$183,000. The child support amount includes does not include an amount calculated with this income.
- We have reviewed the Child Support Standards Act (the Act) for calculating child support. By law, the amount depends on a math formula based on income and the number of children. According to the Act, the amount of child support required to be paid would be \$_____ per year, up to the cap of \$183,000. (To calculate the amount of child support required, go to the Post-Divorce Maintenance Calculators available at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>. See the Joint Divorce Information Booklet (JD-1) for more information.)

This amount should be the correct amount unless we agree otherwise.
We agree to:

- Use the amount in the Act. **OR**
- Deviate from (not follow) the amount in the Act. We agree to deviate from the Act because _____

- Public assistance.
 - Neither of us or our children receive public assistance. **OR**
 - At least one of us or our child or children receives public assistance. We will serve a copy of the Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce on the local Department of Social Services in the county or counties where one of us or our child lives within 20 days after the Judgment is entered.

b. **Child Care Expenses.** Child care costs are usually shared between the parents when the parent is working or looking for work. We agree that for reasonable child care costs:

- Spouse 1 will be responsible for _____% of the total cost, in the amount of \$_____ every week every two weeks every month
- Spouse 2 will be responsible for _____% of the total cost, in the amount of \$_____ every week every two weeks every month

c. **Education and Extraordinary Expenses.** We agree that education and extraordinary costs:

- will be paid by Spouse 1:
 - for _____ in the amount of \$_____ or _____% of the cost.
 - for _____ in the amount of \$_____ or _____% of the cost
 - for _____ in the amount of \$_____ or _____% of the cost.
- will be paid by Spouse 2:
 - for _____ in the amount of \$_____ or _____% of the cost
 - for _____ in the amount of \$_____ or _____% of the cost.

- for _____ in the amount of \$ _____ or _____ % of the cost
- d. **Health Insurance.** Parents are responsible for providing health insurance coverage until the child turns 21 years old.
- The children will be covered by health insurance until 21 years old.
 - The children will be covered by:
 - A state sponsored health insurance plan, which we will apply for, because no health insurance for the children is available from either spouses' plans. **OR**
 - Spouse 1's health plan. **OR**
 - Spouse 2's health plan.
 - The health insurance premium is \$ _____ every week every two weeks every month
 - We agree that Spouse 1 will be responsible for _____ % of the health insurance premium and Spouse 2 will be responsible for _____ % of the health insurance premium of the private or public health insurance.
 - We agree that future health care expenses not covered by insurance:
 - will be paid by Spouse 1 in the amount of _____ % of the expense.
 - will be paid by Spouse 2 in the amount of _____ % of the expense.
 - We agree to tell each other about any dental, vision or other health insurance coverage we have for the children.

C. Background Check. If there are children under 18 years old, the law requires that a background check is done. If there are no children under 18 years old, skip to Section "Marital Home."

1. **Order of Protection.** A final or current Order of Protection is a court order setting rules and conditions that someone must follow for the safety of another person. The order of protection often requires a person to stay away from another person, their home, work, or school.

- We have never had an Order of Protection issued against us. **OR**
- An Order of Protection and/or current Order of Protection has been issued...

| Against... (Spouse 1 or Spouse 2) | In... (County) | Court... (Supreme, Criminal, or Family Court) | Index No. or Docket No. |
|--------------------------------------|-------------------|--|-------------------------|
| | | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |

2. **Child Abuse/Neglect Proceeding.** This is a case in Family Court brought by the Administration for Children’s Services (ACS) or Child Protective Services (CPS) against a parent for neglecting or abusing a child.

- We (and our children) have never been named in a Child Abuse/Neglect Proceeding. **OR**
- We (or our children) have been named in a Child Abuse/Neglect Proceeding. The Family Court Docket No. and the county of the court are:

3. **Sex Offender Registry.**

- Neither of us are registered under the New York State Sex Offender Registration Act.

OR

- Spouse 1 is registered under the New York State Sex Offender Registration Act.

Offender ID number: _____ Date of birth: _____

List all names and aliases : _____

- Spouse 2 is registered under the New York State Sex Offender Registration Act.

Offender ID number: _____ Date of birth: _____

List all names and aliases : _____

MARITAL HOME

The marital home is the house or apartment where a married couple lives together. One spouse can ask the court for “exclusive use and occupancy” of the home for a period of time. This means that one spouse is given the right to stay in the home, but this does not mean that the other spouse loses any rights to the property.

- Not applicable. **OR**
- We have agreed that Spouse 1 or Spouse 2 will have exclusive occupancy of the marital home located at _____,
- until _____ . **OR**
- as follows: _____.

MARITAL PROPERTY

Marital property is property and cash obtained during the marriage until the date this is filed. This can include each person’s income, property bought with that income, property bought while married, and retirement benefits earned during the marriage. In most cases, inherited property is not part of marital property.

A. Equitable Distribution. When a couple divorces, marital property is divided. This is called equitable distribution. It does not always mean an equal property division, but one that is fair, considering what each person brought to the marriage and what each person will need after the divorce.

We have already divided our property and are not seeking equitable distribution. **OR**

We have a separate written Agreement. The Agreement is attached. **OR**

We don’t have a separate written agreement, but we agree that:

B. Real Estate. Real estate, like a house or apartment, bought during the marriage is part of marital property. We are aware that there are other documents separate from the divorce required to complete the transfer of the property.

Not applicable. **OR**

Spouse 1 shall transfer title to the real estate or co-op shares to Spouse 2. We understand that there are other documents required to complete the transfer of the property.

Address of property: _____

Spouse 2 shall transfer title to the real estate or co-op shares to Spouse 1. We understand that there are other documents required to complete the transfer of the property.

Address of property: _____

C. Pensions and Retirement Accounts. If a pension or retirement plan were earned during a marriage, it is considered an asset and marital property.

A Qualified Domestic Relations Order (QDRO) is attached or will be submitted after the Judgment is entered. **OR**

We have a separate written agreement. The agreement is attached. **OR**

We waive all rights to each other’s pension and retirement benefits.

D. Debt and Liabilities.

Not applicable. **OR**

We have a separate written agreement. The Agreement is attached. **OR**

- We don't have a separate written agreement, but we agree that:

NAME CHANGE

If you changed your last name when you got married, you can change it back to a last name you used before the marriage. This is up to you.

- Spouse 1 wants to use a former last name.

Former last name: _____

- Spouse 2 wants to use a former last name.

Former last name: _____

LAWYER AND EXPERT'S FEES

The lawyer's fee is the payment to an attorney for legal services done for a client. The expert's fee is the payment to a person or company who has specialized knowledge on a specific topic like property, pension benefits, finance, or psychology. The expert is hired to help you decide the terms of your divorce.

- We will each pay our own lawyer and expert's fees, if any. **OR**
- We have agreed that Spouse 1 or Spouse 2 will pay \$_____ for the other spouse's lawyer's fees. We have agreed that experts' fees will be paid as follows: _____

CONCLUSION

A proposed Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce is attached.

We certify that all the papers that we have seen, filed or submitted to the court in this divorce action are not frivolous as defined in the subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

We agree that all ancillary (other) relief is resolved by this Joint Affirmation of Facts and Agreement, any Settlement Agreement attached, and by any additional attached pages of ancillary relief requested and agreed to by both of us.

WHEREFORE, we agree to a judgment dissolving the marriage between us on the grounds of Irretrievable Breakdown in the Marital Relationship and any other relief the court deems fit and proper.

VERIFICATION AND AFFIRMATION

I, (Print name of Spouse 2) _____ 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.

I understand that Spouse 1 (Plaintiff) is relying on my financial statements in this Affirmation.

Dated: _____

Signature of Spouse 2 (Defendant)

STATE OF _____ }

ss:

COUNTY OF _____ }

*On _____, before me, personally appeared _____,
Date Name of Spouse 2 (Defendant)

personally known to me, a Notary Public in and for the State, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual executed the instrument.

NOTARY PUBLIC

*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.

New York State Supreme Court at the
Courthouse, _____ County,
on _____.

Present: Hon. _____
 Justice JHO Referee

Index No.: _____

Calendar No.: _____

Plaintiff / Spouse 1,

– and –

Defendant / Spouse 2.

**COMBINED FINDINGS OF
FACT, CONCLUSIONS OF
LAW, AND JUDGMENT OF
DIVORCE**

with children (rev. 3/1/24)

This case came before the Court without a hearing on Spouse 1 and Spouse 2’s Joint Affidavit of Facts and Agreement for an uncontested divorce.

Spouse 1 was: represented by an attorney OR unrepresented.

Spouse 2 was: represented by an attorney OR unrepresented.

The Court, having read and considered the submitted papers, makes the following Findings of Fact, Conclusions of Law, and Judgment of Divorce.

FINDINGS OF FACT

BACKGROUND AND JURISDICTION

1. This action was started by filing the Summons with Notice and Combined Notice of Appearance and the Joint Affidavit of Facts and Agreement with the County Clerk on _____. Spouse 1 and Spouse 2 agree and appear in this action. The spouses waived the right to serve and file the Complaint and Answer, wait the 40-day period to place this case on the uncontested calendar, and service of the Notice of Settlement and all other papers in the action except service of this Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with Notice of Entry.

2. The submitted papers prove DRL § 170(7) Irretrievable Breakdown in Relationship for at Least Six Months as the grounds for divorce.
3. Spouse 1 and Spouse 2 were both eighteen (18) years of age or over when this action was started.
4. Spouse 1's address is _____
and social security number is _____.
Spouse 2's address is _____
and social security number is _____.
5. Residency.
 - At least one of the spouses has lived in New York State for the past two years. **OR**
 - One of the spouses has lived in New York State for the past one year and is a resident today and the marriage ceremony was performed in New York or the spouses have lived in New York as a married couple. **OR**
 - One of the spouses has lived in New York State for the past one year and the breakdown of the marriage happened in New York. **OR**
 - Both of the spouses live in New York State and the breakdown of the marriage happened in New York.
6. There is no judgment of divorce and no other divorce case between the spouses in this court or any other court anywhere.
7. Military.
 - Neither spouse is in the military service of the United States of America, the State of New York, or any other state. **OR**
 - At least one of the spouses is in the military: Spouse 1 and/or Spouse 2 and waives any rights under the Soldiers' and Sailors' Civil Relief Act.
8. The spouses married on _____ in _____.
Date city, town or village, state, country
9. The spouses were married in:
 - a civil ceremony. **OR**
 - a religious ceremony performed by a person like a minister or clergyman of any religion, or by a leader of the Society for Ethical Culture, **AND**

- The spouses have taken all steps solely within their power to remove all barriers to the other spouse's remarriage following divorce. DRL § 253. **OR**
- The spouses waived the requirement that any barriers to remarriage be removed.

HEALTH INSURANCE

10. Each spouse has been provided the Notice Concerning Continuation of Health Care Coverage as required by DRL § 255(1) **AND**

- There are no health plans available to the spouses through their employment.

OR

- Spouse 1 and Spouse 2 are covered by the following group health plans through their employment:

Spouse 1's Group Health Plan: _____

Address: _____

Identification or plan number: _____

Plan Administrator: _____

Spouse 2's Group Health Plan: _____

Address: _____

Identification or plan number: _____

Plan Administrator: _____

11. As required by DRL § 255(2), the Joint Affidavit of Facts and Agreement or the Stipulation of Settlement, if any, or an Addendum contain the following statements:

- The spouses know that they will no longer be covered by the other spouse's health insurance plan.
- Each spouse knows that they will be responsible for their own health insurance coverage.
- The spouses know that they may be able to get coverage through a COBRA option for a limited time.

MAINTENANCE

12. Each spouse has been provided the Notice of Maintenance Guideline as required by DRL § 236(B)(6) **AND**

- No maintenance was awarded because:
 - Neither spouse is asking for maintenance. **OR**
 - The guideline award of maintenance under the Maintenance Guideline Law, if applicable, was zero.

OR

- The spouses have agreed in the Joint Affidavit of Facts and Agreement **OR** a written agreement/stipulation dated _____ that:
 - Spouse 1 or Spouse 2 will pay maintenance to Spouse 1 or Spouse 2.
 - Maintenance will be \$_____ every week every two weeks every month Other:_____ for the period of time specified in the agreement.
 - The Joint Affidavit of Facts and Agreement or agreement was validly executed and the terms were fair and reasonable at the time the agreement for maintenance was made. At the time the judgment is signed, the terms are not unconscionable. The agreement follows the requirements of DRL § 236(B)(3) and GOB § 5-311.

CHILDREN OF THE SPOUSES

“Children of the spouses” are children who were born before or during the marriage or adopted by both spouses during the marriage who have not yet turned 21 years old.

- 13. There are children of the spouses under 18 years old.
- There are children of the spouses between the ages of 18 and 21 years old. (Do not include an emancipated child. This is a child in the military, married, or 17 years old or younger and self-supporting.)

| Children of the Spouses Under 21 Years Old (List all children who have not yet turned 21) |
|---|
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |
| Name: _____ SSN: _____ Date of birth: _____ Address: _____ |

14. Where applicable, registry checks were completed as required by DRL § 240 1(a-1).

15. There are no allegations of domestic violence or child abuse in this case.

OR

There are allegations of domestic violence and/or child abuse in this case.

The Court has found that the allegations were not supported by a preponderance of the evidence.

The Court has found that the allegations are supported by a preponderance of the evidence and the findings, facts, and circumstances were factored into custody or visitation as follows: _____

16. Custody and Visitation. Order or Agreement on Custody and Visitation.

Not applicable. There are no children of the spouses under 18 years old.

OR

There is a custody visitation order from the New York State Family Court in _____ County dated _____. The docket number is _____. The order shall continue.

OR

There is a custody visitation agreement in the Joint Affidavit of Facts and Agreement or a separate agreement attached dated _____.

17. Custodial Parent. For child support purposes, the custodial parent is Spouse 1 or Spouse 2.

18. Child Support. Child Support Order or Agreement.

There is a child support order from the New York State Family Court in _____ County under Docket No. _____ dated _____. It requires Spouse 1 or Spouse 2 to pay \$_____ every week every two weeks every month for child support. The order shall continue.

OR

There is a child support agreement in the Joint Affidavit of Facts and Agreement or a separate agreement dated _____ that follows the requirements of DRL § 240 1-b(h):

- The spouses have been informed of the Child Support Standards Act.
- The basic child support obligation (as defined in DRL § 240 1-b) presumptively results in the correct amount of child support.

- The unrepresented party, if any, has received a copy of the Child Support Standards Chart published by the Commissioner of Social Services as required by SOS § 111-I.
- **Child support calculations.** As per the Post-Divorce Maintenance Calculators available at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>
 - Adjusted gross income of spouses. The gross incomes of the spouses have been adjusted to deduct maintenance paid to, and to add maintenance received by, a party spouse.
 - The adjusted gross income of Spouse 1 is \$_____
 - The adjusted gross income of Spouse 2 is \$_____
 - The combined parental annual income is \$_____
 - The applicable child support percentage is:
 - 17% for 1 child
 - 25% for 2 children
 - 29% for 3 children
 - 31% for 4 children
 - 35% for 5 or more children
 - The combined basic child support obligation of both parents is \$_____ per year on combined income up to \$183,000.
 - Spouse 1's pro rata share of the combined parental income is _____% and Spouse 2's pro rata share is _____%
 - The non-custodial parent's pro rata share of the child support obligation on combined income up to \$183,000 is \$_____ per year. This is the presumptive amount of child support to be paid by the non-custodial parent.
 - The presumptive amount of child support to be paid by the non-custodial parent is \$_____ every week every two weeks every month
 - The spouses have agreed to apply not apply the Child Support Standards Act to combined income over \$183,000. The non-
- Findings of Fact with children (Form JD-4) rev 3/1/24

custodial parent's pro rata share of the child support obligation on combined income over \$183,000, if any, is \$_____ per year.

- o The amount of child support agreed to
 - meets the non-custodial parent's basic child support obligation. **OR**
 - deviates from the non-custodial parent's basic child support obligation for the following reasons: _____

and the court finds the deviation to be just and appropriate for the following reasons: _____

- The spouses have agreed in the Joint Affidavit of Facts or separate agreement that Spouse 1 or Spouse 2 shall pay child support of \$_____ every week every two weeks every month plus the dollar amounts or percentages for reasonable child care expenses, education and extraordinary expenses, health insurance expenses, and future health care expenses not covered by insurance.

19. The spouses agree that child support will be paid directly to Spouse 1 or directly to Spouse 2 or directly to another person: _____ or where support services have been applied for or are being received, through the New York State Child Support Processing Center.

20. The spouses have sworn that

- the spouses and the child or children are not on public assistance. **OR**
- the spouse entitled to receive child support or a child of the spouses is on public assistance and they will serve a copy of the Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce on the local Department

of Social Services in the county or counties where the spouse or child lives within 20 days after the Judgment is entered.

21. The Court or the Support Collection Unit (where a spouse is currently getting child support services or an application has been made for services):

- shall issue an income deduction order or an income execution order simultaneously. **OR**
- shall not issue an income deduction order or an income execution order because an alternative arrangement has been reached between the spouses. **OR**
- shall not issue an income deduction order or an income execution order for the following reason(s) which the court finds to constitute good cause required in DRL § 240(2)(b):[specify]: _____

MARITAL PROPERTY

22. Equitable distribution is not an issue. **OR**
- The property is divided according to the Joint Affidavit of Facts and Agreement or a separate Settlement Agreement

LAWYER AND EXPERT'S FEES

23. The Judgment of Divorce incorporates all ancillary issues, including the payment of counsel and experts' fees and expenses which issues were settled by written settlement or separation agreement or in the Joint Affidavit of Facts and Agreement.

CONCLUSIONS OF LAW

1. Residency as required by DRL § 230 has been satisfied.
2. The requirements of DRL § 255 have been satisfied.
3. The requirements of DRL § 240 1 (a) including the Records Checking Requirements in DRL § 240 1 (a-1) have been satisfied.
4. The requirements of DRL § 240(1-b) have been satisfied.
5. The requirements of DRL § 236(B)(2)(b) have been satisfied.
6. The requirements of DRL § 236(B)(6) have been satisfied.
7. Since DRL § 170(7) is the grounds alleged,
 - 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
 - custody and visitation (parenting time) with the minor children of the marriagehave been resolved by the spouses and incorporated into the judgment of divorce.
8. The spouses are entitled to a judgment of divorce under DRL § 170(7).

JUDGMENT OF DIVORCE

NOTICES REQUIRED FOR CHILD SUPPORT ORDERS

Notice on the Right to Modify a Child Support Order

EACH PARTY HAS A RIGHT TO ASK FOR A MODIFICATION (CHANGE) OF THE CHILD SUPPORT ORDER UPON A SHOWING:

- (1) OF A SUBSTANTIAL CHANGE IN CIRCUMSTANCES; OR
- (2) THAT THREE YEARS HAVE PASSED SINCE THE ORDER WAS ENTERED, LAST MODIFIED OR ADJUSTED; OR
- (3) THAT THERE HAS BEEN A CHANGE IN EITHER PARTY'S GROSS INCOME BY 15% OR MORE SINCE THE ORDER WAS ENTERED, LAST MODIFIED OR ADJUSTED.

HOWEVER, IF THE PARTIES OPTED OUT OF PARAGRAPH (2) OR (3) IN A VALIDLY EXECUTED AGREEMENT OR STIPULATION ON CHILD SUPPORT, THEN THAT BASIS TO SEEK MODIFICATION DOES NOT APPLY.

Notice When the Support Collection Unit Collects Child Support

This notice is:

- Applicable. The Support Collection Unit will collect child support.
- Not applicable. The Support Collection Unit will not collect child support.

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION BY ANY PARTY. ALL PARTIES WILL RECEIVE A COPY OF THE ADJUSTED ORDER.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION TWO HUNDRED FORTY-B OF THE DOMESTIC RELATIONS LAW, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ADJUSTED ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

IT IS ORDERED AND ADJUDGED as follows:

1. A judgment of divorce on the grounds of Irretrievable Breakdown in the Marital Relationship according to DRL § 170(7) is granted to Spouse 1 and Spouse 2.

2. Maintenance.

No maintenance was awarded. **OR**

Maintenance is awarded as agreed by the spouses.

- Spouse 1 or Spouse 2 will pay maintenance to Spouse 1 or Spouse 2
- Maintenance will be \$_____ every week every two weeks every month Other: _____ for the period of time specified in the Findings of Fact.
- If maintenance is terminated, then subject to the terms of DRL § 240(1-b), the amount of child support payable, if any, shall be adjusted without prejudice, to either party's right to seek a modification under DRL § 236 B (9)(2).

3. The custody order from New York State Family Court in _____
County, docket number _____ shall continue.

OR

Legal custody of the children of the spouses under 18 years old is awarded as
agreed by the spouses as follows:

Joint legal custody of all of the children OR _____

Spouse 1 has legal custody of all of the children OR _____

Spouse 2 has legal custody of all of the children OR _____

4. The visitation order from New York State Family Court in _____
County, docket number _____ shall continue.

OR

Visitation (parenting time) with the children of the spouses under 18 years old is
awarded as follows : Spouse 1 or Spouse 2 shall have visitation with the
children under 18 years old according to the following schedule:

5. The child support order from New York State Family Court in
_____ County, docket number _____
shall continue. A copy is attached.

OR

Child support is ordered pursuant to agreement of the spouses as follows:

• Spouse 1 or Spouse 2 shall pay child support of \$ _____
 every week every two weeks every month, together with the
following amounts or percentages.

• Child support shall be paid directly to Spouse 1 or directly to Spouse 2
or directly to another person: _____
or where support services have been applied for or are being received,

through the New York State Child Support Processing Center, PO Box 15363, Albany, NY 12212-5363

- Child Care Expenses.
 - Spouse 1 will be responsible for _____% of the total cost, in the amount of \$_____ every week every two weeks every month
 - Spouse 2 will be responsible for _____% of the total cost, in the amount of \$_____ every week every two weeks every month
- Education and Extraordinary Expenses.
 - Spouse 1 will pay:
 - for _____ in the amount of \$_____ or _____% of the cost.
 - for _____ in the amount of \$_____ or _____% of the cost.
 - for _____ in the amount of \$_____ or _____% of the cost.
 - Spouse 2 will pay:
 - for _____ in the amount of \$_____ or _____% of the cost.
 - for _____ in the amount of \$_____ or _____% of the cost.
 - for _____ in the amount of \$_____ or _____% of the cost.
- Health Insurance
 - The children will be covered by health insurance until 21 years old.
 - The children will be covered by
 - The spouses will apply to the state sponsored health insurance plan. **OR**
 - Spouse 1's health plan. **OR**
 - Spouse 2's health plan.
 - The health insurance premium is \$_____ every week every two weeks every month

- Spouse 1 will pay _____% of the health insurance premium and Spouse 2 will pay _____% of the health insurance premium of the private or public health insurance.
 - The custodial parent’s pro rata share of health insurance premiums for the children will be deducted from the child support obligation if the non-custodial parent provides the health insurance for the children.
 - The non-custodial parent’s pro rata share of health insurance premiums for the children will be added to the basic child support obligation if the custodial parent provides the health insurance for the children.
- Future health care expenses not covered by insurance:
 - will be paid by Spouse 1 in the amount of _____% of the expense.
 - will be paid by Spouse 2 in the amount of _____% of the expense.

6. The Joint Affidavit of Facts and Agreement or separate child support agreement complies with DRL § 240 1-b(h) because the basic child support obligation (as defined in DRL § 240 1-b) presumptively results in the correct amount of child support to be awarded and the agreed on amount of child support:

- meets the non-custodial parent’s basic child support obligation. The amount awarded is neither unjust nor inappropriate and the Court approves the amount awarded through the Findings of Fact and Conclusions of Law. **OR**
- deviates from the non-custodial parent’s basic child support obligation. The Court approves the amount agreed on based on the reasons found in the Findings of Fact and Conclusions of Law.

7. The Court or the Support Collection Unit

- shall issue an income deduction order or an income execution at the same time this Judgment. **OR**
- shall not issue an income deduction order for the reasons stated in the Findings of Fact.

8. A separate Qualified Medical Child Support Order (QMCSO) shall be issued at the same time this Judgment is entered.

9. Exclusive Occupancy of the Marital Home. Spouse 1 or Spouse 2 shall have exclusive occupancy of the marital home located at

_____ until _____ **OR**

as follows: _____.

10. The spouses shall duly execute all documents necessary to transfer title to real estate or co-op shares to Spouse 1 or Spouse 2 including, without limitation, an appropriate deed or other conveyance of title, and all other forms necessary to record such deed or other title documents (including satisfaction or refinance of any mortgage if necessary) to convey ownership of the property located at _____, no later than _____. Attach additional sheets if needed.

11. A separate Qualified Domestic Relations Order (QDRO) shall be issued at the same time this Judgment is entered or as soon as possible.

12. Settlement Agreement. (Fill in Box A or Box B, whichever applies)

A. There is no Settlement Agreement entered into between the spouses.

OR

B. The Settlement Agreement entered into between the spouses on the _____ day of _____ an original or a transcript of which is on file with this Court and incorporated in this judgment by reference, shall survive and shall not be merged with this judgment, and the spouses are directed to comply with all legally enforceable terms and conditions of the Settlement Agreement as if its terms and conditions were stated in their entirety here.

13. The Joint Affidavit of Facts and Agreement entered into between the spouses simultaneously with this judgment is incorporated in this judgment by reference, shall survive and shall not be merged into this judgment, and the spouses are directed to comply with all legally enforceable terms and conditions of the Joint Affidavit and Agreement as if its terms and conditions were stated in their entirety here.

14. The Supreme Court shall retain jurisdiction to hear any applications to enforce the provisions of the Settlement Agreement, if any, or the Joint Affidavit of Facts and Agreement, or to enforce or modify the provisions of this judgment, provided the court retains jurisdiction of the matter concurrently with the Family Court for the purpose of specifically enforcing, such of the provisions of that Settlement Agreement, if any, or the Joint Affidavit of Facts and Agreement, as are capable of specific enforcement, to the extent permitted by law and of modifying such judgment with respect to maintenance, support, custody or visitation to the extent permitted by law, or both.
15. Any applications brought in Supreme Court to enforce the provisions of the Settlement Agreement, if any, or the Joint Affidavit of Facts and Agreement, or to enforce or modify the provisions of this Judgment, shall be brought in a County wherein one of the parties reside; provided that if there are minor children of the marriage, such applications shall be brought in a County wherein one of the parties or the child or children reside, except, in the discretion of the judge, for good cause. Good cause applications shall be made by motion or order to show cause. Where the address of either party and any child or children is unknown and not a matter of public record, or is subject to an existing confidentiality order pursuant to DRL § 254 or FCA § 154-b, such applications may be brought in the County where the Judgment was entered.
16. Where either spouse has applied for or is receiving child support services, such spouse shall, within 20 days after this Judgment is entered, serve a copy of these Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce together with a copy of their application for child support services and the Support Collection Unit Information Sheet (Form UD-8a) on the local Support Collection Unit in the county where he or she lives.
17. Spouse 1 or Spouse 2 shall serve a copy of this Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with Notice of Entry on the other within 20 days after this Judgment is entered.

18. Spouse 1 is authorized to use the former last name _____.
- Spouse 2 is authorized to use the former last name _____

Dated: _____

ENTER:

J.S.C. JHO Referee

NOTE OF ISSUE - UNCONTESTED DIVORCE

For Use of Clerk

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

1

-----X

2

3

Plaintiff,

Index No.:

Calendar No.:

- against -

4

Defendant.

-----X

5

NO TRIAL

6

FILED BY: Plaintiff **OR** Plaintiff's Attorney **OR** Defendant **OR**
 Defendant's Attorney

7

DATE SUMMONS FILED: _____

8

DATE SUMMONS SERVED: _____

9

DATE ISSUE JOINED: **NOT JOINED -** Waiver **OR** Default **OR**
 Stipulation/Separation Agreement

10

NATURE OF ACTION: **UNCONTESTED DIVORCE**

11

RELIEF: **ABSOLUTE DIVORCE**

12

Plaintiff **OR** Attorney(s) for Plaintiff
Office and P.O. Address:

Phone No.:

Fax No.:

13

Defendant **OR** Attorney(s) for Defendant
Office and P.O. Address:

Phone No.:

Fax No.:



UNCONTESTED MATRIMONIAL
REQUEST FOR JUDICIAL INTERVENTION

UD-13
(rev. 03/01/2022)

COURT, COUNTY OF

Index No: Date Index Issued:

For Court Use Only:
IAS Entry Date
Judge Assigned
RJI Filed Date

CAPTION: Enter the complete case caption. Do not use et al or et ano.
Plaintiff
Defendant

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for every question and enter additional information where indicated.

Has a summons and complaint or summons with notice been filed? YES NO
Has a summons and complaint or summons with notice been served? YES NO
Are there children of the marriage under the age of 18? YES NO

NATURE OF JUDICIAL INTERVENTION (check all that apply):

Note of Issue (NOTE: Check this box if you are filing for an Uncontested Divorce and are submitting the required forms/documents.)
Poor Person Application
Ex Parte Application for Alternate Service
Other (specify):

PARTIES: If a party does not have an attorney, check the "Un-Rep" box and enter the party's address, phone and email.

Table with columns: Parties, Attorneys and/or Unrepresented Litigants, Issue Joined (Y/N). Rows for Role: PLAINTIFF and Role: DEFENDANT.

RELATED CASES: List any related cases, include any related criminal or Family Court cases. If none, leave blank.

Table with 5 columns: Case Title, Index/Case Number, Court, Judge (if assigned), Relationship to instant case.

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: / /

Signature

Attorney Registration Number

Print Name

MATRIMONIAL Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF

INDEX NO.

For use when there are children under the age of 18 who are subject to the matrimonial action.

Plaintiff

Last Name: _____ First Name: _____

Date of Birth: _____

Prior Names (List any other names used, including maiden and/or former married names):

Gender: Male Female

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Present Address:

(Street Address) (City) (State) (Zip)

Address History
for past 3 years:

(Street Address) (City) (State) (Zip)

(Street Address) (City) (State) (Zip)

(Street Address) (City) (State) (Zip)

Defendant

Last Name: _____ First Name: _____

Date of Birth: _____

Prior Names (List any other names used, including maiden and/or former married names):

Gender: Male Female

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Last Name: _____ First Name: _____

Present Address:

(Street Address) (City) (State) (Zip)

Address History
for past 3 years:

(Street Address) (City) (State) (Zip)

(Street Address) (City) (State) (Zip)

(Street Address) (City) (State) (Zip)

Children

Last Name: _____ First Name: _____

Gender: M F

Last Name: _____ First Name: _____

Gender: M F

Last Name: _____ First Name: _____

Gender: M F

Last Name: _____ First Name: _____

Gender: M F

Last Name: _____ First Name: _____

Gender: M F

LOCAL INDEX NUMBER

STATE FILE NUMBER

New York State Department of Health CERTIFICATE OF DISSOLUTION OF MARRIAGE

TYPE, OR
PRINT IN
PERMANENT
BLACK INK

4

9

11

15

23

| | | | | | | | | |
|---|---|--|--|--|----------------------|--|---|--|
| Wife/Husband/Spouse | 1A. NAME: FIRST MIDDLE LAST | | | 1B. BIRTH NAME, IF DIFFERENT | | 1C. SOCIAL SECURITY NUMBER | | |
| | 2A. DATE OF BIRTH Month Day Year | | 2B. STATE OF BIRTH (COUNTRY IF NOT USA) | 3. SEX (Optional) | 4A. RESIDENCE: STATE | 4B. COUNTY | 4C. LOCALITY (CHECK ONE AND SPECIFY) <input type="checkbox"/> CITY OF <input type="checkbox"/> TOWN OF <input type="checkbox"/> VILLAGE OF | |
| | 4D. STREET AND NUMBER OF RESIDENCE (INCLUDE ZIP CODE) | | | | | 4E. IF CITY OR VILLAGE, IS RESIDENCE WITHIN CITY OR VILLAGE LIMITS? YES <input type="checkbox"/> NO <input type="checkbox"/> IF NO, SPECIFY TOWN: | | |
| 5A. ATTORNEY - NAME | | | | 5B. ADDRESS (INCLUDE ZIP CODE) | | | | |
| Wife/Husband/Spouse | 6A. NAME: FIRST MIDDLE LAST | | | 6B. BIRTH NAME, IF DIFFERENT | | 6C. SOCIAL SECURITY NUMBER | | |
| | 7A. DATE OF BIRTH Month Day Year | | 7B. STATE OF BIRTH (COUNTRY IF NOT USA) | 8. SEX (Optional) | 9A. RESIDENCE: STATE | 9B. COUNTY | 9C. LOCALITY (CHECK ONE AND SPECIFY) <input type="checkbox"/> CITY OF <input type="checkbox"/> TOWN OF <input type="checkbox"/> VILLAGE OF | |
| | 9D. STREET AND NUMBER OF RESIDENCE (INCLUDE ZIP CODE) | | | | | 9E. IF CITY OR VILLAGE, IS RESIDENCE WITHIN CITY OR VILLAGE LIMITS? YES <input type="checkbox"/> NO <input type="checkbox"/> IF NO, SPECIFY TOWN: | | |
| 10A. ATTORNEY - NAME | | | | 10B. ADDRESS (INCLUDE ZIP CODE) | | | | |
| 11A. PLACE OF THIS MARRIAGE - CITY, TOWN OR VILLAGE | | | 11B. COUNTY | | | 11C. STATE (COUNTRY IF NOT USA) | | |
| 12A. DATE OF THIS MARRIAGE Month Day Year | | 12B. APPROXIMATE DATE COUPLE SEPARATED Month Year | | 13A. NUMBER OF CHILDREN EVER BORN ALIVE OF THIS MARRIAGE (SPECIFY) | | 13B. NUMBER OF CHILDREN UNDER 18 IN THIS FAMILY (SPECIFY) | | |
| DECREE | 14A. I CERTIFY THAT A DECREE OF DISSOLUTION OF THE ABOVE MARRIAGE WAS RENDERED ON Month Day Year | | | 14B. DATE OF ENTRY: Month Day Year | | 14C. TYPE OF DECREE - DIVORCE, ANNULMENT, OTHER DISSOLUTION (SPECIFY) | | |
| | 14D. COUNTY OF DECREE | | | 14E. TITLE OF COURT | | | | |
| | 14F. SIGNATURE OF COUNTY CLERK > | | | | | | | |

CONFIDENTIAL INFORMATION

| | | | | | |
|---------------------------|--|---|--|--|--|
| 24 Wife/Husband/Spouse | 15. RACE: WHITE, BLACK, AMERICAN INDIAN, OTHER (SPECIFY) | 16. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (SPECIFY) | 17. IF PREVIOUSLY MARRIED HOW MANY ENDED BY A. DEATH NUMBER _____ NONE <input type="checkbox"/> B. DIVORCE OR ANNULMENT NUMBER _____ NONE <input type="checkbox"/> | | 18. EDUCATION: INDICATE HIGHEST GRADE COMPLETED ONLY ELEMENTARY: 0 1 2 3 4 5 6 7 8 HIGH SCHOOL: 9 10 11 12 COLLEGE: 1 2 3 4 5+ 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 |
| | 19. RACE: WHITE, BLACK, AMERICAN INDIAN, OTHER (SPECIFY) | 20. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (SPECIFY) | 21. IF PREVIOUSLY MARRIED HOW MANY ENDED BY A. DEATH NUMBER _____ NONE <input type="checkbox"/> B. DIVORCE OR ANNULMENT NUMBER _____ NONE <input type="checkbox"/> | | 22. EDUCATION: INDICATE HIGHEST GRADE COMPLETED ONLY ELEMENTARY: 0 1 2 3 4 5 6 7 8 HIGH SCHOOL: 9 10 11 12 COLLEGE: 1 2 3 4 5+ 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 |
| QR | 23. PLAINTIFF: | | 24. DECREE GRANTED TO: | | 25. LEGAL GROUNDS FOR DECREE (SPECIFY) |
| QS | 26. SIGNATURE OF PERSON PREPARING CERTIFICATE > | | | | |

ATTORNEY AT LAW

NOTE: Social Security Numbers of the parties to the marriage are mandatory. They are required by New York State Public Health Law Section 4139 and 42 U.S.C. 666(a). They may be used for child support enforcement purposes.

Notification Letter or Postcard

New York State Supreme Court, _____ County
County where case is filed

Re: Uncontested Joint Divorce case:

_____ and _____
Name of Spouse 1 Name of Spouse 2

Index No.: _____

- There is a problem with your divorce papers. Please go to the Court Clerk's Office to review papers for corrections. Bring a new self-addressed stamped envelope with you.

- Judgment of Divorce signed _____. You may go to the County Clerk's Office to get a certified copy of the judgment. Bring photo identification with you.

- Judgment of Divorce signed. Please call _____ for instructions on how to get your papers for filing with the County Clerk's Office.

CHILD SUPPORT SUMMARY FORM
SUPREME COURT

COMPLETE FORM FOR EACH BASIC CHILD SUPPORT OBLIGATION ORDER

A. Court: Supreme
B. County:
C. Index #:
D. Date Action Commenced:
E. Date Judgment/Order Submitted or Signed:
F. # of Children Subject to Child Support Order:
G. Annual Gross Income Adjusted for Maintenance:
Plaintiff: \$ Defendant: \$
H. Amount of Child Support Payment:
By Plaintiff annually: By Defendant annually:
\$ \$

K. If answer to "J" was yes, specify court's reason(s):
Financial resources of parents/child.
Physical/emotional health of child:
special needs or aptitudes.
Child's expected standard of living had household
remained intact.
Tax consequences.
Non-monetary contribution toward care and
well-being of child.
Educational needs of either parent.
Substantial differences in gross income of parents.
Needs of other children of non-custodial parent.
Extraordinary visitation expenses of non-custodial
parent.
Other (specify):

I. Additional Child Support:
(Check all that apply)
By Plaintiff: By Defendant:
Medical/Med. Ins. Medical/Med. Ins.
Child Care Child Care
Education Education
Other Other
J. Did the court make a finding that the child support
award varied from the Child Support Standards Act
amount?
Yes No

L. Maintenance/Spousal Support: (select one)
None By Plaintiff By Defendant
M. Value of Maintenance/Spousal Support:
\$ annually

SUPREME COURT ONLY

N. Allocation of Property:
% to Plaintiff % to Defendant

1 Defined by FCA § 413(2) and DRL § 240 (1-b)(b)(2): "Child Support" shall mean a sum to be paid pursuant to court order or decree by either or both
parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-
one years.

**NEW YORK STATE UNIFIED COURT SYSTEM
SUPPORT SUMMARY FORM: SUPREME COURT**

INSTRUCTION SHEET

Prepare one report for each proposed judgment or final order granted pursuant to Article 4 or 5 of the Family Court Act and DRL §240 and §236 B(9)(b), which includes a provision for child support (including modification of order).

SUBMIT COMPLETED FORM TO:

**Office of Court Administration
Office of Court Research
25 Beaver Street, Room 975
New York, NY 10004**

GENERAL INSTRUCTIONS: → ALL ITEMS MUST BE ANSWERED

- If a number or amount in dollars is required and the answer is none, write 0.
- If a certain item is not applicable, write NA.
- If the information is unknown or not known to the party filling out the form, write UK.
- “mm/dd/yy” means “month/day/year”.

SPECIAL INSTRUCTIONS FOR PARTICULAR ITEMS:

- G. Use gross income figures from the last complete calendar year. Include maintenance received from a party spouse as income and deduct maintenance paid to a party spouse from income, but do not include child support.
- H. If the child support award is calculated weekly, multiply it by 52 for the annual amount; if biweekly, multiply it by 26, if semi-monthly, multiply it by 24, if monthly, multiply it by 12.
- M. If the maintenance award is calculated weekly, multiply it by 52 for the annual amount; if biweekly, multiply it by 26; if semi-monthly, multiply it by 24, if monthly, multiply it by 12. If the maintenance award calls for decreasing or increasing amounts (for example, a certain amount for five years and half that amount for another three years), then provide the average of the awards (total amount for all years divided by the number of years).

NOTE: THIS INFORMATION IS CONFIDENTIAL AND WILL BE USED FOR STATISTICAL PURPOSES ONLY.
IT WILL NOT BE RETAINED IN THE CASE FILE.

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

Index No.: _____

Plaintiff / Spouse 1,

– and –

Defendant / Spouse 2.

NOTICE OF ENTRY

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 date of entry

Dated: _____

Signature

- Spouse 1 OR Spouse 1's Attorney
- Spouse 2 OR Spouse 2's Attorney

Address:

- TO:
- Spouse 1 OR Spouse 1's Attorney
 - Spouse 2 OR Spouse 2's Attorney

Address:

STATE OF NEW YORK SUPREME COURT
COUNTY OF _____
=====

Index No.

RJI No.:

_____,
Plaintiff,

**AFFIRMATION
OF SERVICE BY
MAIL OF
JUDGMENT OF DIVORCE
WITH NOTICE OF ENTRY**

- against -

_____,
Defendant.
=====

STATE OF NEW YORK)
COUNTY OF _____) SS.:

_____, residing at _____, says, I am
not a party to the action, and am over 18 years of age.

On _____, I served a copy of the Judgment of Divorce with Notice of Entry upon
the Defendant by mailing a true copy of such papers enclosed and properly sealed in an envelope
which I deposited in an official United States Post Office depository under the exclusive care and
custody of the United States Postal Service addressed to:

_____.

Print Name: _____

I, _____, 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 MAIL**

STATE OF _____ }

ss:

COUNTY OF _____ }

_____, 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

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

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 _____ }

_____, 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: _____

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)