

LAWRENCE K. MARKS CHIEF ADMINISTRATIVE JUDGE JOHN W. MCCONNELL, ESQ. EXECUTIVE DIRECTOR

MEMORANDUM

February 27, 2020

To:

Administrative Judges

From: John W. McConnell

Re:

Revised Forms, Instructions and Calculators for Use in Uncontested and

Contested Matrimonial Actions in Supreme Court as of March 1, 2020

Attached please find a copy of Administrative Order AO/54/20, effective March 1, 2020, that, inter alia, revises seven current forms and amends the instructions in the Unified Court System's Uncontested Divorce Packet (the "UD Packet"). The revisions reflect the required statutory adjustment¹ on March 1, 2020 of the combined income cap under the Child Support Standards Act (from \$148,000 to \$154,000), and of the income cap of the maintenance payor under the Maintenance Guidelines Act (from \$184,000 to \$192,000). In addition, the revised forms reflect the increases as of March 1, 2020 in the Self Support Reserve (from \$16,861.50, to \$17,226) and in the federal Poverty Level Income for a single person (from \$12,490 to \$12,760). These changes are required pursuant to Social Services Law § 111 (i)(b), DRL §236(B) (6)(b)(4) and DRL § 240(1-b)(b)(6), and affect Maintenance and Child Support Calculations in matrimonial actions. In addition, the UD Packet contains recently revised OTDA forms and directives about child support services, as well as edits drafted under the auspices of Hon. Jeffrey Sunshine, Statewide Coordinating Judge for Matrimonial Cases, to provide information about child support orders to the local Support Collection Units on a timely basis. A list of the UD Packet in effect as of March 1, 2020 is attached as Exhibit B to the Administrative Order (Attach. A, Exh. B). The revised UD Packet is posted on the Unified Court System's Divorce Resources website at ww2.nycourts.gov/divorce/forms.shtml. Finally, the Preliminary Conference Order for use in contested cases has been amended to reflect the new income cap under the Maintenance Guidelines Law (Attach. A, Exh. C;

www.nycourts.gov/LegacyPDFS/forms/matrimonial/PreliminaryConferenceOrder.pdf).

Maintenance and Child Support Calculators and Worksheets for both uncontested and contested divorces have been amended to reflect these new income caps and Self Support Reserve Figure. The Calculators also contain newly expanded options for calculation of child support

¹ The changes and are based on increases in the Consumer Price Index for all urban consumers (CPI-U) published by the United States Department of Labor.

under various maintenance amount scenarios. The revised Worksheets and Calculators are posted at http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml. Forms relating to child support in Supreme Court are also posted at www2.nycourts.gov/divorce/childsupport/index.shtml.

Please distribute this memorandum to judges and court attorney referees assigned to matrimonial matters, as well as to Family Court judges, support magistrates, and other appropriate personnel.

Questions about the forms, instructions and calculators may be directed to Susan Kaufman, Counsel to the Statewide Coordinating Judge for Matrimonial Cases at skaufmal@nycourts.gov.

As always, thank you for your kind assistance.

cc: Hon. George J. Silver

Hon. Vito Caruso

Hon. Jeffrey Sunshine

Eileen Millett

Nancy Barry

Scott Murphy

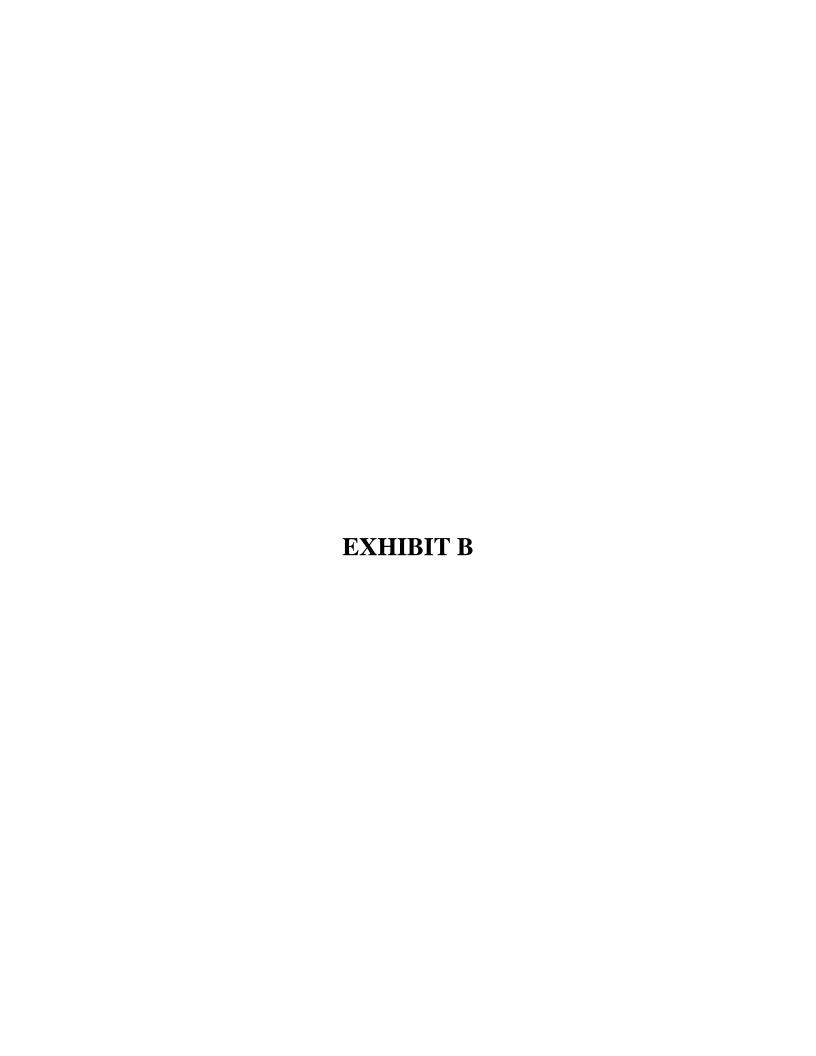
Linda Dunlap Miller

District Executives

NYC Chief Clerks, Civil Term

County Clerks

Susan Kaufman



Uncontested Joint Divorce Information Booklet (JD-1)

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 https://www.nycourts.gov/CourtHelp/GoingToCourt/findlawyer.shtml or at

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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 <u>Required Notices</u> section of this booklet starting on page 7, except for the Child Support Standards Chart (see below).

- 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. <u>Notice Concerning Continuation of Health Care Coverage</u>. 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 Affidavit 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 12 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 t	If you and your spouse can't afford the court fees:		
Fee Waiver Application to Judge (Poor Person Affidavit), if qualified	Filled out by Spouse 1 (Plaintiff). Signed and		
	notarized. 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 mainten	ance is being paid:		
Income Withholding Order Form for Spousal Support only (LDSS-5038)	Complete. See page 25 and <u>LDS-5039</u> 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 RJI. 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-5143) OR the Short Form Child Support Services Application	Complete either LDSS-5143 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 <u>LDS-5039</u> for help.		
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 in 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 <u>Fee Waiver Application</u> (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 your or your spouse don't follow these orders, a violation may be subject to contempt.

<u>Notice Concerning Continuation of Health Care Coverage</u>. 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.

<u>Child Support Standard Act Chart</u>. 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 \$192,000 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 \$192,000 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 WILL BE available as of 3/1/20 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 2019 poverty income guidelines amount for a single person as reported by the United States Department of Health and Human Services is \$12.760 and the 2019 self-support reserve is \$17,226.

Note: Where the total income of both parents exceeds the combined parental income amount of \$154,000 the law permits, but does not require, the use of the child support percentages in calculating the child support obligation on the income above \$154,000.

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

2 3 4 5+

ANNUAL OBLIGATION AMOUNT

000 - 9,999 300 300 300 300 300

1

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. Do not sign unless you are in front of the notary.
- Make a copies of the forms for yourself before filing.

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

SUPREME COURT OF THE STATE OF N	IEW YORK	Index Nø.:
		Venue: Case filed in
Plaintiff / Spouse 1,	use 1,	(4) County because:
– and –		
Defendant / S	pouse 2.	SUMMONS WITH NOTICE AND COMBINED NOTICE OF APPEARANCE

- 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 Affidavit of Facts and Agreement:

Note: If there are children under 21, use the Joint Affidavit of Facts and Agreement With Children (Form JD-3). If there are no children or no children under 21, use the Joint Affidavit 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:
 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. 	 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 \$192,000 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).

<u>Note:</u> 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.

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 Affidavit of Facts and Agreement.

- Part B: Calculation of Post-Divorce Maintenance Guideline Award.
 - Click YES for "Do you want to calculate guideline maintenance award?"
 Then complete Part B.
 - o If there are no children, select NO for Questions 6 and 7.
 - o If there are children and they are under 21, select YES for Line 6.
 - o 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.

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 Affidavit of Facts and Agreement With Children (Form JD-3). Skip this section of these instructions if you are filling out the Joint Affidavit 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 Affidavit 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 Affidavit 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 <u>combined</u> 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 \$154,000 by the applicable percentage based on the number of children. If the combined income is over \$154,000, then disregard the amount exceeding \$154,000 and multiply the appropriate percentage by \$154,000.
- Next multiply the <u>combined</u> child support by the NCP's Percentage Share of Child Support on Income Up to \$154,000. 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 \$154,000.

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). https://www.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml. Pick either the Online Calculator or the Excel Calculator (must have Excel on your computer to use this option). https://www.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml. Pick either the Online Calculator or the Excel Calculator (must have Excel on your computer to use this option). https://www.nycourts.gov/. https://

- 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.
 - o 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

Part C Calculation. Using the figures from Example 1:

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.

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.

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.

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.

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 <u>must match the answers</u> in the Joint Affidavit 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 RJI 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 been filed?	\square		If yes, date filed:	
Has a summons been served?	$\overline{\mathbf{A}}$		If yes, date filed: If yes, date served:	
Are there children of the marriage under the age of 18?			If yes, complete and attach the Matrimonial RJI Addendum (UCS-840M)	

- 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 RJI 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 Affidavit 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
- Do not sign the Application in Support unless you are in front of a notary.

The Affidavit 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 statesupervised, 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 apply for child support services, you may use Form LDSS-5143. 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/5143.pdf.

• This form provides a detailed description of the child support services provided and other important information you need to know as well as an application.

Instead of Form LDSS-5143, 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-5143 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 <u>unless</u>:

- 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 RJI.

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/MaintenanceC hildSupportTools.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 affidavit of service is filed with the County Clerk.

What is an affidavit 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 affidavit must be signed in front of a notary. The form is then filed with the County Clerk after the service is done. Make a copy of the affidavit 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_lawy er.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 Affidavit 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 Affidavit 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, sign, and get notarized the Affidavit of Service of Divorce Judgment form.
- The Affidavit of Service of Divorce Judgment form is on page 34 and also available in the Uncontested Joint Divorce Required Forms Packets.
- 5. After the Affidavit of Service of Judgment is returned, signed and notarized, make a copy for your records. Keep the copy of the Affidavit 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 Affidavit 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-5143 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 Affidavit of Service by Mail form and Affidavit 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 and notarized copy of the Affidavit of Service for your records. You may wish to also file it with the County Clerk as proof.

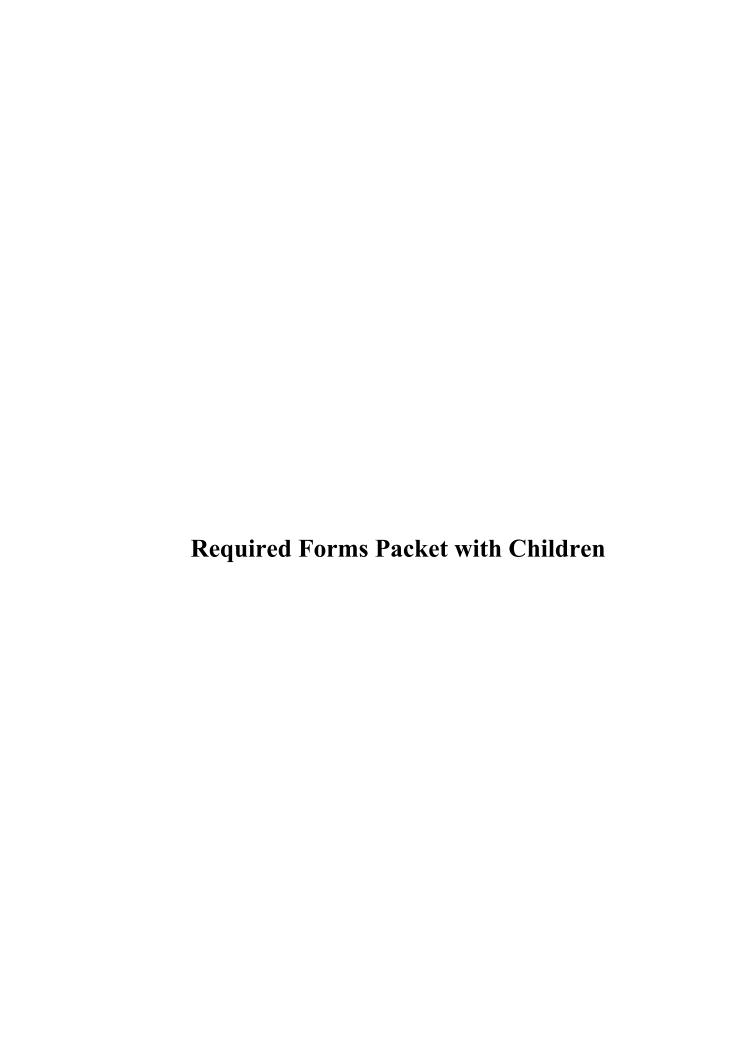
When filing an Affidavit of Service at the County Clerk's Office, remember to attach a copy of the papers that were served.

	Index No.:
Plaintiff / Spouse	 1,
– and –	NOTICE OF ENTRY
Defendant / Spou	se 2.
matter that was entered in the Office of the County, on Stamped entry date	is a true copy of a judgment of divorce in this e County Clerk of County where filed
Dated:	
Dated:	 Signature
Dated:	Signature □ Plaintiff OR □ Plaintiff's Attorney □ Defendant OR □ Defendant's Attorney Address:
Dated:	□ Plaintiff OR □ Plaintiff's Attorney□ Defendant OR □ Defendant's Attorney
Dated:	□ Plaintiff OR □ Plaintiff's Attorney□ Defendant OR □ Defendant's Attorney

	DUNTY OF			\	
				Index No.: _	
		Plaintiff / Spouse	 1,		
	– and –			THE JUDG	IT OF SERVICE OF MENT OF DIVORCE DTICE OF ENTRY
		Defendant / Spous	se 2.		
ST	ATE OF	3			
	OUNTY OF	S	s:		
	Name of Se	erver	, being d	uly sworn, say	S:
1.	I am not a party to the	e action and am o	ver 18 yea	rs of age. I live	at:
	Street address		City	State	Zip code
2.	On	, I serve	ed a true co	ppy of the Judg	gment of Divorce with
	Notice of Entry on		Name of Pers	son Served	,
	☐ by personal, in ha	nd delivery at			
	Address where delivered:	Street address	City	State	Zip code
	by mail, depositing official depositoryService within Ne	•	ve care and	d custody of th	e U.S. Postal
	Address where mailed:	Street address		City	State Zip code
	STOP! Take th	nis document to a	a Notary P	ublic BEFOR	E signing it
				Server's Signat	ure
	bscribed and Sworn to fore me on				
No	tary Public				

	JPREME COURT OF		_		
			Index No.:		
		Plaintiff / Spouse 1	,		
	– and –				IT OF SERVICE Y MAIL
		Defendant / Spous	 se 2.		
	OUNTY OF	S	S:		
	Name of	Server	_, being dul	y sworn, says:	
1.	I am not a party to t	he action and am o	ver 18 years	of age. I live a	at:
	Street address		City	State	Zip code
		ding Order □ on Unit Information e Combined Findin	Sheet, the A	application for	Child Support
	on	Name of Person/C	omnany Served		,
	by mail, depositing depository under the New York State, to	a true copy thereof e exclusive care and	enclosed in a	a post-paid wr the U.S. Posta	apper, in an official
	Address where mailed:	Street address	(City S	State Zip code
	STOP! Take	this document to a	Notary Pu	blic BEFORE	signing it
<u></u>					
				Server's Signatur	re
	bscribed and Sworn to fore me on				
No	tary Public				

	JPREME COURT OF T DUNTY OF	•			
	<u></u>	_ Index No.:			
		Plaintiff / Spouse	1,		
	– and –				Γ OF SERVICE NAL DELIVERY
		Defendant / Spou	 ise 2.		
ST	ATE OF		ss:		
CC	OUNTY OF	} }			
			, being d	uly sworn, says:	
1	Name of Se I am not a party to the		war 18 vaai	rs of age. I live at	·•
١.	ram not a party to the	action and an t	over 10 year	3 of age. I live at	
	Street address		City	State	Zip code
	Support Collection Services, and Cor Divorceby delivering the paper	nbined Findings	of Fact, Cor	nclusions of Law	and Judgment of
	Address where delivered:		City	State	Zip code
	Description of Individua Sex:	`		,	air:
	Approximate Age:				
	Other Identifying Features	::			
	STOP! Take th	is document to	a Notary P	ublic BEFORE s	signing it
	bscribed and Sworn to fore me on			Server's Signature	
No	tary Public				



Uncontested Joint Divorce With Children Required Forms Packet rev. 3/1/20

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

See the Information Booklet (JD-1 rev. 3/120) for instructions, important notices, and help.

To Start the Case:

- 1. Summons with Notice and Combined Notice of Appearance (JD-2)
- 2. Joint Affidavit of Facts and Agreement with Children (JD-3) rev. 3/1/20
- Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with Children (JD-4) rev. 3/1/20
- 4. Note of Issue
- 5. Request for Judicial Intervention (RJI) (UD-13)
- 6. Certificate of Dissolution of Marriage (DOH 2168)
- 7. Notification Letter or Postcard (2 copies and 2 stamped envelopes)
- 8. 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. Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry
- 3. Affidavit of Service by Mail
- 4. Affidavit of Service by Personal Delivery

Rev. 9/2019 Joint Divorce Pilot

SUPREME COURT OF THE STATE OF NEW YORK	Index Nø.:
COUNTY OF	Summons filed on:
Plaintiff / Spouse 1,	Venue: Case filed inCounty because:
– and –	
	SUMMONS WITH NOTICE AND COMBINED NOTICE OF
Defendant / Spouse 2.	APPEARANCE
ACTION FOR DIVORO	CE
Plaintiff/Spouse 1 asks the Defendant/Spouse 2 to app	pear in this action.
Defendant/Spouse 2 agrees and appears in this action	1.
 signed the Joint Affidavit of Facts and Agreeme without children (Form JD-5) in support of this a read and understood the Joint Divorce Informat contains: Notice of Automatic Orders Notice of Maintenance Guideline Child Support Standards Act Chart Notice Concerning Continuation of Health submit to the court with this Summons: Joint Affidavit of Facts and Agreement w without children (Form JD-5) Combined Findings of Fact, Conclusions with children (Form JD-4) or without children (Form JD-4) or without children (Forms) County is chosen as the place 	action. ion Booklet (Form JD-1) that h Care Coverage ith children (Form JD-3) or of Law, and Judgment of Divorce dren (Form JD-6)
decided (<i>venue</i>) 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 between Spouse 1 and Spouse 2 on the grounds of irr §170(7).	

Rev. 9/2019 Joint Divorce Pilot

The a	ancillary or other relief asked for or waived is: (check all that apply)				
	No ancillary or other relief is asked for. Maint	enance under the Maintenance				
	Guidelines Act and distribution of marital prop	perty is waived.				
	OR					
	Maintenance under the Maintenance Guidelin	nes Act is waived				
	Distribution of marital property is waived					
	AND					
☐ Distribution of marital property						
	Maintenance (money paid from one spouse to	o the other after the divorce)				
	Division of retirement accounts and/or pension					
	Child support (payments made to financially s	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					
Ш	Other relief					
AND	any other relief the court deems fit and proper.					
	, p					
Dated	d:					
		□ Plaintiff/Spouse 1				
		☐ Attorney for Plaintiff				
		Phone no.:				
		Address:				
The D	Defendant / Spouse 2 appears in this action and	d has also signed the Joint Affidavit.				
-	se 2 asks for the same ancillary relief as listed	in the Summons and waives any				
	tory time periods to respond.					
Jated	d:	□ Defendant/Spouse 2				
		☐ Attorney for Plaintiff				
		Phone no.:				
		Address:				

	YE STATE OF NEW YO)KK
		Index No.:
– and –	Plaintiff / Spouse 1,	JOINT AFFIDAVIT OF FACTS AND AGREEMENT (with children)
	Defendant / Spouse 2.	
STATE OF		
COUNTY OF County of	Spouse 1	
COUNTY OFCounty of	Spouse 2	

We file this Joint Affidavit of Facts and Agreement together for an uncontested divorce and ask for this case to be placed on the uncontested divorce calendar immediately. We swear (or affirm) before a notary public the truth of the facts stated.

BACKGROUND AND JURISDICTION

- **A. Jurisdiction.** Jurisdiction gives the court the power to make decisions and judgments in this case.
 - 1. We are both over 18 years old.
 - 2. We consent to the jurisdiction of this court and we appear in this action.
 - 3. We read and understood the Joint Divorce Information Booklet (Form JD-1). The Information Booklet contains:
 - Notice of Automatic Orders
 - Notice of Maintenance Guideline
 - Child Support Standards Act Chart
 - Notice Concerning Continuation of Health Care Coverage
 - 4. We waive (give up) the right to:
 - serve and file the Complaint and Answer, and
 - wait the 40-day period to place this case on the calendar, and
 - service of a copy of the Notice of Settlement and all other papers in the action, except for service of the Judgment with Notice of Entry.

	5.	Facts	We have not been threatened or pressured into signing this Joint Affidavit of Facts and Agreement. We understand that by submitting this Joint Affidavit we are asking the court to end our marriage.					
	6.	Reside	ency. 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.					
В.	Ab	out Sp	oouse 1.					
	1.	My na	me is:					
	2.	I live a	ıt					
			Don't complete if there is an Address Confidentiality Order					
		-	cial security number is					
	4.	I □aı	m □ am not on public assistance.					
C.	Ab	out Sp	oouse 2.					
	1.	My na	me is					
	2.	I live a	ıt					
	_		Don't complete if there is an Address Confidentiality Order					
		•	cial security number is					
	4.	I □ aı	m □ am not on public assistance.					
D.	Mi	litary.						
		Neithe	er of us is in the military. OR					
		We ar on dut be pos on the	st one of us is in the military: Spouse 1 and/or Spouse 2 e aware that there are special rules for divorces for active service member by under the Soldiers' and Sailors' Civil Relief Act, like the divorce case can stponed while one of us is on duty. We give consent that this case be put Uncontested Matrimonial calendar right away and waive any right either of y have under the act.					

E.	Ab	out the	e Marr	iage.				
	1.	We we	ere ma	rried on		in	sity, town or village, state, cour	
	2	We we	are ma	rried:	date	C	sity, town or village, state, cour	ntry
	۷.			vil ceremoi	ov OP			
					•	مسمسم بيطالم	an lika a mainiatan an	
		u		•	• •		on like a minister or ne Society for Ethical Cult	ture,
				before ent		ent all steps	h have taken or will take solely within our power s ivorce. OR	6O
				We waive removed.	the requiremen	t that any ba	rriers to remarriage be	
F.	Gr	ounds	for Di	vorce. This	s is the legal rea	son for the o	divorce.	
	1.	The gr	rounds	for divorce	e is irretrievable	breakdown I	DRL § 170(7).	
	2.	Our m	arriage	has been	broken for more	than six mo	onths.	
G.		_			There is no judg any other court		rce and no other divorce	case
HE	AL	TH INS	SURAN	ICE				
	1.	insura		verage and	•	•	, hospital and dental e have current until the	
	2.				are divorced, we ler's health insul	•	ger be allowed to get hea	alth
	3.						alth insurance if we are n th insurance plan.	0
	4.		ow tha BRA op	•	be able to get ou	r own insura	ance for a limited time thro	ough
	5.	Our he	ealth in	surance pl	ans are from:			
		Spous	se 1's (Group Hea	alth Plan:			
		Addre	ss:					
		Identif	ication	or plan nu	mber:			
		Plan A	dminis	strator:				

	Spouse 2's Group Health Plan:		
	Address:		
	Identification or plan number:		
	Plan Administrator:		
ΟL	IR INCOME		
Ou	r income and deductions from last year are as foll	ows:	
		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.		
MA	INTENANCE		
Ma ma bas Bo ma Ca	intenance is money paid from one spouse to the cintenance and how long the support will be paid of sed on income and the length of the marriage. (Se oklet (JD-1) for the math formula and examples or intenance would be required under the law, go to local loca	lepends, by law, ee the Joint Divor to calculate what the Post-Divorce	on a math formula ce Information It the amount of Maintenance
	Neither of us is asking for maintenance. The spot maintenance under the Maintenance Guideline A 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 \$192,000 and any deviation agreed to by the parties.						
	As written in the Maintenance Guideline Act, the Advisory period of maintenance i						
	If yo	u have been married for	Then maintenance would be payable for				
	0 to	15 years	15% - 30% of the length of the marriage				
	More	e than 15 years to 20 years	30% - 40% of the length of the marriage				
	More	e than 20 years	35% - 50% of the length of the marriage				
			ears. The Advisory period of maintenance as to years and months.				
			intenance. The Agreement is attached.				
		The agreement is dated					
		·	get maintenance from the other spouse.				
	3.	Maintenance will be \$ □ every week □ every two week 	on the day of ss □ every month □ Other:				
	4.	Maintenance will be paid for	years and months.				
	0	R					
	□ W	e do not have a separate written a	greement, but we agree that:				
	1.	□ Spouse 1 or □ Spouse 2 will	get maintenance from the other spouse.				
	2.	Maintenance will be \$ □ every month.	□ every week □ every two weeks				
	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.						
CH	IILDR	EN OF THE SPOUSES					
ad the	opted	by both spouses during the marria	were born before or during the marriage or ge who have not yet turned 21 years old. (If it and Agreement without children," Form				
	☐ 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	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	Legal custody: Joint legal custody To Spouse 1 To Spouse 2 Physical custody: Joint physical custody To Spouse 1 To Spouse 2				
Child Under 18	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	Legal custody: Joint legal custody To Spouse 1 To Spouse 2 Physical custody: Joint physical custody To Spouse 1 To Spouse 2				

Child Under 18	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	Legal custody: Joint legal custody To Spouse 1 To Spouse 2 Physical custody: Joint physical custody To Spouse 1 To Spouse 2			
	Additional children under 18 years old can be added on	a separate attached sheet.			
Do	Children of the Spouses Aged 18, 19, or 2 onot include an emancipated child. This is a child in the military, managed and self-supporting.				
Na	ame:				
	ate of birth: SSN:	_			
	Address:				
	Don't complete if there is an Address Conf	identiality Order			
Liv	ves with:				
Re	elationship to child:				
Cł	nild receives public assistance: ☐ Yes ☐ No				
Na	ame:	_			
Da	ate of birth: SSN:				
Ac	Address:				
	Don't complete if there is an Address Confidentiality Order				
Liv	Lives with:				
Re	Relationship to child:				
Cł	nild receives public assistance: ☐ Yes ☐ No				

Name: _	
Date of I	oirth:
Address	:
	Don't complete if there is an Address Confidentiality Order
Lives wi	th:
Relation	ship to child:
Child red	ceives public assistance: □ Yes □ No
	tional children aged 18, 19, or 20 years old can be added on a separate ched sheet.
1. C u	stody 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 Affidavit 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 Affidavit 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.
	renting Time. This is the time the parent spends with a child who is under 18 ars 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 Affidavit and Agreement. The support order is from: County: _____ Docket: _____ (Skip to "Background Check" section.) OR

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

Court.

u	su	ppo	Support Agreement. We have a separate agreement on child out dated It is attached to this Joint Affidavit and ment.
	OF	?	
	ag ex	ree pen	rder or Separate Agreement. We do not have a separate ment on child support, but we agree as to child support, child care ases, education and extraordinary expenses, and health insurance ases in this Joint Affidavit and Agreement:
			r separate child support agreement or the agreement in this Joint and Agreement is as follows:
a.	An	nou	ınt of Child Support.
	•	Th	e person with the higher income is: □ Spouse 1 or □ Spouse 2
	•	Th	e person who will pay child support is: □ Spouse 1 or □ Spouse 2
	•	Ch	nild 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.
	•		nild support payments will be in the amount of \$every week □ every two weeks □ every month
	•		e amount of child support is \$ per year calculated up the cap of \$154,000.
	•	Οι	ur combined yearly income is:
			\$154,000 or less OR
			Over \$154,000. The child support amount □ includes □ does not include an amount calculated with this income.
	•	for Ac \$_ the Ma	e have reviewed the Child Support Standards Act (the Act) for lculating child support. By law, the amount depends on a math mula based on income and the number of children. According to the st, the amount of child support required to be paid would be per year, up to the cap of \$154,000. (To calculate amount of child support required, go to the Post-Divorce aintenance Calculators available at p://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml.

		le agree to:	unless we agree otherwise.
		Use the amount in the Act. OR	
		Deviate from (not follow) the amount in deviate from the Act because	
	• P	ublic assistance.	
		Neither of us or our children receive pul	olic assistance. OR
		At least one of us or our child or childre assistance. We will serve a copy of the Conclusions of Law, and Judgment of Department of Social Services in the coof us or our child lives within 20 days af	Combined Findings of Fact Divorce on the local ounty or counties where one
Э.	pare	d Care Expenses. Child care costs are us nts when the parent is working or looking onable child care costs:	•
	а	pouse 1 will be responsible for mount of \$ \(\sigma\) every week every month	
	a	pouse 2 will be responsible for mount of \$ every week every month	_% of the total cost, in the □ every two weeks
Э.		cation and Extraordinary Expenses. We ordinary costs:	e agree that education and
	☐ w	ill be paid by Spouse 1:	
	•	for	in the amount of \$
		or% of the cost.	
	•	for	in the amount of \$
		or% of the cost	·
	•	for% of the cost.	_ in the amount of \$
	□ w	ill be paid by Spouse 2:	
			in the amount of \$
	J	for% of the cost	αιο αιποαιπ οι ψ
	•	for	
		or% of the cost.	

			•	for	_% of the cost	in the a	mount of \$
	d.			n Insuran	ce. Parents are res	sponsible for providir	ng health insurance
					ne child turns 21 ye		
		•	Th	e children	will be covered by	health insurance un	til 21 years old.
		•	Th	e children	will be covered by		
				because		surance plan, which e for the children is a	
				Spouse 1	's health plan. OF	R	
				Spouse 2	?'s health plan.		
		•			nsurance premium weeks □ every mo	is \$	every week
		•	he	alth insura	nce premium and 6 of the health insu	e responsible for Spouse 2 will be res rance premium of th	ponsible for
		•	We	e agree tha	at future health car	e expenses not cove	ered by insurance:
				will be pa expense.	id by Spouse 1 in	the amount of	% of the
				will be pa expense.		the amount of	% of the
		•		_	tell each other aboverage we have fo	out any dental, vision or the children.	or other health
bac	ckgro	und (che			der 18 years old, the ildren under 18 year	•
1.	rules The o	and orde	cor r of	nditions the protection	at someone must f	rder of Protection is a collow for the safety of erson to stay away f	of another person.
	□ W	e ha	ave	never had	an Order of Prote	ction issued against	us. OR
	□ A	n Or	der	of Protect	ion and/or current	Order of Protection I	nas been issued
	Agai	nst			In	Court	Index No. or
	(Spou	ise 1	or S	pouse 2)	(County)	(Supreme, Criminal, or Family Court)	Docket No.

C.

Joint Divorce Pilot

2.	Ad	nild Abuse/Neglect Iministration for Child ainst a parent for ne	dren's Services (A0	CS) or Child Protecti	
		We (and our children Proceeding. OR	en) have never bee	n named in a Child	Abuse/Neglect
		We (or our children The Family Court D	,	d in a Child Abuse/N county of the court a	0 0
3.	. Se	ex Offender Registry	y.		
		Neither of us are re Registration Act.	gistered under the	New York State Sex	c Offender
		OR			
		Spouse 1 is registe Act.	red under the New	York State Sex Offe	ender Registration
		Offender ID number:		Date of birth:	
		List all names and alias	ses:		
		Spouse 2 is registe Act.	red under the New	York State Sex Offe	ender Registration
		Offender ID number:		Date of birth:	
		List all names and alias	ses:		
MAR	ITAL	L HOME			
spou time.	se ca This	tal home is the house an ask the court for " s means that one spo that the other spous	'exclusive use and ouse is given the ri	occupancy" of the h ght to stay in the ho	ome for a period of
	Not	applicable. OR			
		have agreed that □ marital home located			clusive occupancy of
		until			

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.

Α.	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. $\ensuremath{\mathbf{OR}}$					
		We have a separate written Agreement. The Agreement is attached. OR					
		We don't have a separate written agreement, but we agree that:					
В.	ра	ral Estate. Real estate, like a house or apartment, bought during the marriage is rt of marital property. We are aware that there are other documents separate from a 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.		nsions and Retirement Accounts. If a pension or retirement plan were earned ring 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.	De	bt 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.	t
☐ 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 of 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 pai as follows:	d
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 Affidavit 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.

STOP! Take this document to a Notary Public BEFORE signing it

VERIFICATION

I, [Print name of Spouse 1]statements I have made, including all my finan I understand that Spouse 2 (Defendant) is rely affidavit. I make these statements under the period of the statement of the period of the statement of the period of the statement of	cial information, are truthful and accurate. ing on my financial statements in this
Dated:	
	Signature of Spouse 1 (Plaintiff)
STATE OF } ss:	
On, before me, personally	appeared,
Date	Name of Spouse 1 (Plaintiff)
personally known to me, a Notary Public in and basis of satisfactory evidence to be the individu within instrument and acknowledged to me that capacity, and that by his/her signature on the in instrument.	ual whose name is subscribed to the the/she executed the same in his/her
NOTARY PUBLIC	

VERIFICATION

I, [Print name of Spouse 2]	, agree that the
statements I have made, including all my finan I understand that Spouse 1 (Plaintiff) is relying affidavit. I make these statements under the pe	cial information, are truthful and accurate on my financial statements in this
Dated:	
	Signature of Spouse 2 (Defendant)
STATE OF } ss:	
COUNTY OF }	
On, before me, personally	vappeared, Name of Spouse 2 (Defendant)
personally known to me, a Notary Public in and basis of satisfactory evidence to be the individual within instrument and acknowledged to me that capacity, and that by his/her signature on the instrument.	ual whose name is subscribed to the the/she executed the same in his/her
NOTARY PUBLIC	

		New York State Supreme Courthouse,	
Pr	esent: Hon		
	□ Justice □ JHO □ Referee		
		Index No.:	
	District (Occupant)	Calendar No.:	
	Plaintiff / Spouse 1,		
	– and –	COMBINED FINDING FACT, CONCLUSIO LAW, AND JUDGME DIVORCE	NS OF
	Defendant / Spouse 2.	with children	
Aff	is case came before the Court without a head fidavit of Facts and Agreement for an uncont Spouse 1 was: represented by an att Spouse 2 was: represented by an att represented by an att represented by an att represented the subsection of Fact, Conclusions of Law, and Judge FINDINGS O	ested divorce. torney OR unrepresented. torney OR unrepresented. torney OR nakes the follow gment of Divorce.	
BA	ACKGROUND AND JURISDICTION		
1.	This action was started by filing the Summon Appearance and the Joint Affidavit of Facts Spouse 1 and		Clerk on
	action. The spouses waived the right to ser		
	wait the 40-day period to place this case on	•	•
	of the Notice of Settlement and all other par		
	Combined Findings of Fact, Conclusions of	•	
	Notice of Entry.	, 5	
	•		

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 in city, town or village, state, country
9.	The spouses were married in:
Э.	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
	any religion, or by a leader of the Society for Ethical Culture, AND

Findings of Fact with children (Form JD-4) rev 3/1/20 Page 2 of 18

☐ 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.
IEALTH INSURANCE
0. 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:
1. As required by DRL § 255(2), the Joint Affidavit of Facts and Agreement or the

- 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	MA	١N٦	ΓΕΝ	1A	NCI	Е
-------------	----	-----	-----	----	------------	---

	Children of the Spouses Under 21 Years Old	
	(List all children who have not yet turned 21)	
Name:		
	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:	
		_
SSN:	Date of birth:	
Address:		_
14 Mhoro on "-"-	ale registry checks were completed as required by DDL C 040.4/-	4١
<u> </u>	ole, registry checks were completed as required by DRL § 240 1(a-	1).
OR	o allegations of domestic violence or child abuse in this case.	
	llegations of domestic violence and/or child abuse in this case.	
_	Court has found that the allegations were not supported by a	
	onderance of the evidence.	
•		

preponderance of the evidence and the findings, facts, and circumstances were factored into custody or visitation as follows:
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 The
docket number is The order shall continue.
OR
☐ There is a ☐ custody ☐ visitation agreement in ☐ the Joint Affidavit of Facts
and Agreement or \square a separate agreement attached dated
17. Custodial Parent. For child support purposes, the custodial parent is $\; \square $ 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

Ca	alculators available at					
<u>ntt</u>	p://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml					
C	Adjusted gross income of spouses. The gross incomes of the spouse					
	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 \$154,000					
	 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 \$154,000 is \$					
	per year. This is the presumptive amount of child support to be					
	paid by the non-custodial parent.					
Э	The presumptive amount of child support to be paid by the non-					
	custodial parent is \$ every week					
	every two weeks every month					
C	The spouses have agreed to $\ \square$ apply $\ \square$ not apply the Child					
	Support Standards Act to combined income over \$154,000. The non-					

Findings of Fact with children (Form JD-4) rev 3/1/20

custodial parent's pro rata share of the child support obligation on
combined income over \$154,000, if any, is \$ per year.
 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 of counties where the spouse of 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

settlement or separation agreement or in the Joint Affidavit of Facts and Agreement.

counsel and experts' fees and expenses which issues were settled by written

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 marriage have 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

i nis no	OTICE 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 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 \$ _____ \infty every week \infty every two weeks \infty 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
	$\hfill \square$ 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
	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. S	ettlement 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 \square 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. TI	he Joint Affidavit of Facts and Agreement entered into between the spouses
si	multaneously with this judgment is incorporated in this judgment by reference, shall
SI	urvive and shall not be merged into this judgment, and the spouses are directed to
CC	omply with all legally enforceable terms and conditions of the Joint Affidavit and
A	greement 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.

Joint Divorce Pilot

8. Spouse 1 is authorized to use the former last name									
☐ Spouse 2 is authorized to use the form	ner last name								
Dated:	ENTER:								
				_					
	∐ J.S.C.	∐ JHO	Referee						

NOTE OF ISSUE - UNCONTESTED DIVORCE

For Use of Clerk

			-X		
		Plaintiff,	Index No.:		
	- against -	,	Calendar No.:		
	C				
		Defendant.	X		
NO TRIA	L				
FILED BY		OR □ Plaintiff's At at's Attorney	torney OR 🛭 Defendant OF		
DATE SU	MMONS FILED):			
DATE SU	MMONS SERV	ED:			
DATE ISS	SUE JOINED:	NOT JOINED - Stipulation	I Waiver OR □ Default On/Separation Agreement		
NATURE	OF ACTION:	UNCONTESTED I	DIVORCE		
RELIEF:		ABSOLUTE DIVO	ORCE		
☐ Plaint Office and	ff OR □ Atto P.O. Address:	rney(s) for Plaintiff			
Phone No Fax No.:	:				
\square Defendant OR \square Attorney(s) for Defendant Office and P.O. Address:					
Phone No Fax No.:	:				

UNCONTESTED MATRIMONIAL For Court Clerk Use Only: UD-13 IAS Entry Date REQUEST FOR JUDICIAL INTERVENTION (rev. 5/2011) COURT, Judge Assigned Index No: Date Index Issued:____/___/ RJI Date CAPTION: Enter the complete case caption. Do not use et al or et ano. **Plaintiff** against-Defendant STATUS OF ACTION OR PROCEEDING: Answer YES or NO, and provide additional information where indicated. YES NO If yes, date filed: Has a summons been filed? Has a summons been served? If yes, date served: ___ Are there children of the marriage under the age of 18? If yes, complete and attach the MATRIMONIAL RJI Addendum (UCS-840M). NATURE OF JUDICIAL INTERVENTION: EX PARTE APPLICATION FOR THE DISSOLUTION OF MARRIAGE ADDITIONAL RELIEF: Check all that apply Poor Person Application Application for Alternate Service Other (specify): PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space **Parties Attorneys** Issue Un-Joined Rep List party names. Provide attorney name, firm name, business address, phone number and e-mail address. (Y/N): Name: N/A Role: PLAINTIFF Name: ☐ YES □ NO Role: DEFENDANT RELATED CASES: List any related cases, include any related criminal and/or Family Court cases. Case Title Index/Case No. Court Judge (if assigned) Relationship to Instant Case I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING. **SIGNATURE** ATTORNEY REGISTRATION NUMBER **PRINT OR TYPE NAME**

LOCAL INDEX	CAL INDEX NUMBER New York State STATE FILE NUMBER								\neg							
TYPE OR	Department of Health CERTIFICATE OF DISSOLUTION OF MARRIAGE															
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11		11A, PLACE	OF THIS MAI	RIAGE - CITY	, TOWN OR VI	LAGE	11B, C	OUNTY				•••	11C, S1	TATE (COUNTRY IF NO	DT USA)	
''		12A. DATE OF THIS MARRIAGE	Month	Day Year	128. APPRO DATE (SEPAR	OUPLE		Year			R OF CHILDREN F THIS MARRIAC			13B. NUMBER OF CHI IN THIS FAMILY (
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15	끮	MARRIA	AGE WAS RE	NDERED ON		İ		ENTRY:								
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		26. SIGNATU	RE OF PERS	ON PREPARI	NG CERTIFICA	TE				-		<u>' </u>				\equiv
QS		>													ATTORNEY AT LA	w

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, Coun	ty
	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	S
	Office to review papers for corrections. Bring a new self-addressed stampe	d
	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	ce.

CHILD SUPPORT SUMMARY FORM SUPREME COURT

COMPLETE FORM FOR EACH BASIC CHILD SUPPORT OBLIGATION ORDER¹

A.	Court: Supreme	K. If answer to "J" was yes, specify court's reason(s):
B.	County:	Financial resources of parents/child.
	Index #: Date Action Commenced:	Physical/emotional health of child: special needs or aptitudes. Child's expected standard of living had household
E.	Date Judgment/Order Submitted or Signed:	remained intact. Tax consequences.
F.	# of Children Subject to Child Support Order:	Non-monetary contribution toward care and well-being of child. Educational needs of either parent.
G.	Annual Gross Income Adjusted for Maintenance: Plaintiff: \$ Defendant: \$	Substantial differences in gross income of parents. Needs of other children of non-custodial parent.
Н.	Amount of Child Support Payment: By Plaintiff annually: By Defendant annually:	Extraordinary visitation expenses of non-custodial parent. Other (specify):
	\$ \$	Omer (specify).
I.	Additional Child Support: (Check all that apply)	
	By Plaintiff:By Defendant:Medical/Med. Ins.Medical/Med. Ins.Child CareChild CareEducationEducationOtherOther	L. Maintenance/Spousal Support: (select one) None By Plaintiff By Defendant M. Value of Maintenance/Spousal Support: \$annually
J.	Did the court make a finding that the child support award varied from the Child Support Standards Act amount?	N. Allocation of Property:
	Yes No	% 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.

	 Index No.:
Plaintiff / Spouse 1	,
– and –	NOTICE OF ENTRY
Defendant / Spous	 e 2.
DI EASE TAKE NOTICE that the attached i	a a true copy of a judgment of diverse in this
PLEASE TAKE NOTICE that the attached i	s 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	
Stamped date of entry	
Dated:	
Dated:	
Dated:	Signature
Dated:	•
Dated:	Signature □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney
Dated:	☐ Spouse 1 OR ☐ Spouse 1's Attorney
Dated:	□ Spouse 1 OR □ Spouse 1's Attorney□ Spouse 2 OR □ Spouse 2's Attorney
Dated:	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:
	 □ 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:
	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:
TO: □ Spouse 1 OR □ Spouse 1's Attorney	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:

	DUNTY OF	_				
				Index No	.:	
		Plaintiff / Spouse 1	<u> </u>			
	– and –			THE JUD	OGMENT	SERVICE OF OF DIVORCE OF ENTRY
		Defendant / Spous	_ ∋ 2.			
ST	ATE OF	}				
	DUNTY OF	SS	:			
	Name of Se	erver	_, being d	uly sworn, s	says:	
1.	I am not a party to the	e action and am ov	er 18 yea	rs of age. I l	live at:	
	Street address		City	State)	Zip code
2.	On	, I serve	d a true co	ppy of the Ju	udgment c	of Divorce with
	Notice of Entry on		Name of Pers			,
	☐ by personal, in ha	and delivery at	Name of Fest	3511 661 164		
	Address where delivered:	Street address		City	State	Zip code
	official depository	g a true copy there under the exclusiv w York State, to the	e care and	d custody of	f the U.S.	Postal
	Address where mailed:	Street address		City	State	Zip code
	STOP! Take th	nis document to a	Notary P	ublic BEFC	DRE signi	ing it
				Server's Sig	nature	
	bscribed and Sworn to fore me on					
No	tary Public					

			Index No.:	
	Plaintiff / Spouse			
– and –	Plaintiil / Spouse	1,		T OF SERVICE Y MAIL
	Defendant / Spou	se 2.		
STATE OF	S	s:		
Name	e of Server	, being duly	/ sworn, says:	
1. I am not a party t	o the action and am c	over 18 years	of age. I live a	t:
Street address		City	State	Zip code
D	, I serve			
☐ Income Withh ☐ Support Colle Services, and of Divorce	olding Order Ection Unit Information the Combined Findin	☐ Qualified M Sheet, the A ngs of Fact, C	edical Child Sopplication for Conclusions of L	upport Order Child Support ∟aw and Judgmen
☐ Income Withh ☐ Support Colle Services, and of Divorce	olding Order Ection Unit Information the Combined Findin	☐ Qualified M Sheet, the A ngs of Fact, C	edical Child Sopplication for Conclusions of L	upport Order Child Support ∟aw and Judgmen
☐ Income Withh ☐ Support Colle Services, and of Divorce on by mail, depositin depository under	oate olding Order [ction Unit Information	Qualified Managery Served Company Served enclosed in and custody of	edical Child Sopplication for Conclusions of Laparage a post-paid wrathe U.S. Posta	upport Order Child Support Law and Judgmen , apper, in an officia
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□ Income Withh □ Support Colle Services, and of Divorce on □ by mail, depositin depository under New York State, □ Address where maile	Name of Person/on the address design of the	Qualified Man Sheet, the Angs of Fact, Company Served enclosed in and custody of nated by the Company Served enclosed in and Custody of nated by the Company Pulls a Notary Pulls	edical Child Sipplication for Conclusions of Lapost-paid wrathe U.S. Posta Defendant. State	upport Order Child Support Law and Judgmen apper, in an officia Il Service within Zip code

	JPREME COURT OF T DUNTY OF	THE STATE OF		\	
				Index No.:	
		Plaintiff / Spouse	1,		
	– and –				Γ OF SERVICE NAL DELIVERY
		Defendant / Spou	 ise 2.		
ST	ATE OF		ss:	_	
CC	OUNTY OF				
	Name of Se	rver	_	uly sworn, says:	
1.	I am not a party to the	e action and am o	over 18 year	rs of age. I live at	:
	Street address		City	State	Zip code
	 Income Withholdir Support Collection Services, and Cor Divorce by delivering the paper 	Unit Information	Sheet, App of Fact, Cor	olication for Child nclusions of Law	Support and Judgment of
	by delivering the pape		Name of F	Person/Company Served	,
	Address where delivered:	Street address	City	State	Zip code
	Description of Individua	I Served: (fill in app	licable inform	ation)	
	Sex:				air:
	Approximate Age: Other Identifying Features		=		_
	STOP! Take th	is document to	a Notary P	ublic BEFORE s	signing it
	bscribed and Sworn to fore me on			Server's Signature	
No	tary Public				

Additional Forms Appendix with Children (attached to the JD-1)

Uncontested Joint Divorce With Children Additional Forms Appendix

Additional Forms Depending on the Circumstances

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

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

- 1. Fee Waiver Application
- 2. Fee Waiver Order
- 3. Qualified Medical Child Support Order (UD-8b)
- Application for Child Support Services (LDSS-5143) *Not included in this Appendix. Go to https://otda.ny.gov/programs/applications/5143.pdf
- 5. Short Form Child Support Services Application
- 6. Support Collection Unit Information Sheet (UD-8a)
- Income Withholding Order for Child Support and Combined Child and Spousal Support (LDSS-5037)
- 8. New York State Case Registry Form
- 9. Addendum to RJI (UCS Form 840M)

In th	ne Matter of the Application of	
	, DI. ' 4'CC	Index No.:
For	Plaintiff. Permission to Prosecute as a Poor Person - against -	AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED AS A POOR PERSON
	, Defendant.	
	TE OF NEW YORK } ss:	
COL	JNTY OF }	
	, being	duly sworn, says:
1.	I reside at	in the City, Town or
	Village of, County of	, State of New York, and I have resided
	in the State of New York for the past	years.
2.	I am about to commence a lawsuit for divorc	e. This lawsuit is based upon **DRL §170
3.	My sole source of income is:	
	I earn \$	
4.	My property and its value are as follows:	
5.	I make this application pursuant to Section 110	01 of the Civil Practice Law and Rules upon
	the ground that I am unable to pay costs, fees an	
	am unable to obtain the funds to do so, and unl	ess an order is entered relieving me from the
	obligation to pay, I will be unable to prosecute	e my case.

IS t	beneficially interested in the recovery sought herein.			
No previous application for the same or similar relief has been made by me in this case				
OR	RE, I respectfully ask for an order permitting me to prosecute a	an action a		
ate:	ments have been carefully read by the undersigned who state	es that the		
	Plaintiff			
)				
•				

**Insert the grounds for the divorce: DRL $\S170(1)$ - cruel and inhuman treatment

DRL §170(2) - abandonment

DRL §170(3) - confinement in prison

DRL §170(4) - adultery

DRL §170(5) - living apart one year after separation decree or judgment of separation DRL §170(6) - living apart one year after execution of a separation agreement DRL §170(7) - irretrievable breakdown in relationship

1 2 3		At the Supreme Court of the State of New York, held in and for the County of at the County Courthouse at, New York, on the day of
4	PRESENT: HON. Justice of the St	upreme Court
5	In the Matter of the Application of	Index No.:
	Plaintif For Permission to Prosecute an Action -against-	
	, Defend	ant. X
		f,
	And it being alleged that sa	aid Plaintiff has a good cause of
	action or claim based upon **DRL §	170 subd, and that
	person beneficially interested in the a	
		, Plaintiff, it is hereby
		is permitted to prosecute this action as a poor
	person against	
		by Judgment or Settlement in favor of Plaintiff shall be paid to
		oution pursuant to court order, and it is further
ıne		n, including one (1) certified copy of the judgment.
		ENTER:
		J.S.C.
nse	ort the grounds for the divorce: DRL §170(1) - cruel and inhuman treatment DRL §170(2) - abandonment DRL §170(3) - confinement in prison	DRL §170(4) - adultery DRL §170(5) - living apart one year after separation decree or judgment of separation DRL §170(6) - living apart one year after execution of a separation agreement DRL §170(7) - irretrievable breakdown in relationship

1		At a term of the Supreme Court of State of New York, held in and for County of	or the
2 3		county of, New You	York
4	PRESENT: Hon		
	PRESENT: Hon		
5 6	Plaintiff,		·o.:
	-against-	-	FIED MEDICAL SUPPORT ORDER
7	Defendant.		
RI C	OTICE: YOUR WILLFUL FAILURE TO OF ESULT IN YOUR COMMITMENT TO JAIL ONTEMPT OF COURT. Pursuant to DRL §240(1). This Qualified M that the unemancipated dependents named h Name: Date of Birth:	L FOR A TERM NOT TO EXCEEI Medical Child Support Order (QMC)	O SIX MONTHS, FOR
	are entitled to be enrolled in and receive the herein is eligible, under the group health p Federal Employee Retirement Income Secu	lan named herein in accordance w	
9	The Participant (legally responsible relative Name: Soc.	•	ing Address:
10	The Dependents' Custodial Parent or Lega cards and benefit claim forms on behalf of Name:	f dependents:	with any identification Mailing Address:

11	The group health plan subject to thi Name:	s order is: Address:	Identification No.:
12	The administrator of said plan is: Name:	Address:	
13	The type of coverage provided is:		
			e health, medical, dental, pharmaceutica bove for which the Participant is eligible
15	ORDERED that said coverage sha and shall continue as available until t		ve date)tion of the aforementioned dependents.
EN	TER:		
16	DATED:		JSC/Referee

NOTICE: Pursuant to Section 5241(g)(4) of the Civil Practice Laws and Rules, if an employer, organization or group health plan fails to enroll eligible dependents or to deduct from the debtor's income the debtor's share of the premium, such employer, organization or group health plan administrator shall be jointly and severally liable for all medical expenses incurred on behalf of the debtor's dependents named in the execution while such dependents are not so enrolled to the extent of the insurance benefits that should have been provided under such execution.

The group health plan is not required to provide any type or form of benefit or option not otherwise provided under the group health plan except to the extent necessary to meet the requirements of a law relating to medical child support described in section one thousand three hundred and ninety six g-1 of title forty-two of the United States Code.

TO:

[Health Insurer]

SUPREME COURT OF THE COUNTY OF		Index No
F	Plaintiff ,	
- and -		
	Defendant	
SHORT FORM ARRIVAT	ION FOR CHILD SU	PPORT SERVICES IN CONNECTION
SHORT TOKIN AFFEIGAT	IOIT I OIL OILLED CO	PPORT SERVICES IN CONNECTION
		DIVORCE (Eff. 12/1/19)
WITH AN AF ☐ Plaintiff OR ☐ Deelerby requests child support	PPLICATION FOR A efendant in connection	DIVORCE (Eff. 12/1/19) with the action for divorce specified above
WITH AN AF ☐ Plaintiff OR ☐ Deereby requests child support his Application.¹	PPLICATION FOR A efendant in connection services pursuant to Ti	DIVORCE (Eff. 12/1/19) with the action for divorce specified above
WITH AN AF ☐ Plaintiff OR ☐ Deereby requests child support his Application.¹	PPLICATION FOR A efendant in connection services pursuant to Ti	DIVORCE (Eff. 12/1/19) with the action for divorce specified above
WITH AN AF ☐ Plaintiff OR ☐ Deereby requests child support his Application.¹	PPLICATION FOR A efendant in connection services pursuant to Ti	DIVORCE (Eff. 12/1/19) with the action for divorce specified above the 6-A of the Social Services Law by filing
WITH AN AF ☐ Plaintiff OR ☐ De	PPLICATION FOR A efendant in connection services pursuant to Ti	with the action for divorce specified above the 6-A of the Social Services Law by filing Signature of Applicant
WITH AN AF ☐ Plaintiff OR ☐ Deereby requests child support his Application.¹	PPLICATION FOR A efendant in connection services pursuant to Ti	with the action for divorce specified above the 6-A of the Social Services Law by filing Signature of Applicant Print name of Applicant
WITH AN AF ☐ Plaintiff OR ☐ Deereby requests child support his Application.¹	PPLICATION FOR A efendant in connection services pursuant to Ti	with the action for divorce specified above the 6-A of the Social Services Law by filing Signature of Applicant Print name of Applicant Phone Number:

¹ Pursuant to Section 111-g of the Social Services Law, signing this short form application requesting child support services in connection with an application for a divorce is deemed to be an application for child support services under Title IV-D of the federal Social Security Act. Important Note: To receive child support services, applicants should provide a copy of this signed form to their local Support Collection Unit within 20 days after entry of their Judgment of Divorce, together with a copy of their Judgment of Divorce and a copy of the completed Form UD-8a available at https://www.nycourts.gov/LegacyPDFS/divorce/forms instructions/ud-8a.pdf
For more information and other ways to apply for child support services, see the NYS Unified Court System's Child Support Resources Website at http://ww2.nycourts.gov/divorce/childsupport/index.shtml

-against- Defendant. The following information is required pursu Law: PLAINTIFF: Address: Date of Birth DEFENDANT: Address:	nant to Section 240(1) of the Domestic Relations SS #:
Law: PLAINTIFF: Address: Date of Birth DEFENDANT:	SS #:
Address: Date of Birth DEFENDANT:	SS #:
Date of Birth DEFENDANT:	SS #:
DEFENDANT:	
Address:	
Date of Birth	SS #:
Date and Place of Marriage:	
assistance. UNEMANCIPATED CHILDREN: Nam	ne Date of Birth
ORT: Maintenance \$ \(\bar{D} \) per week \(\bar{O} \)	R 🗆 bi-weekly OR 🗆 Semi-monthly OR 🗅 pe
	$\mathbf{OR} \ \Box \ bi$ -weekly $\mathbf{OR} \ \Box \ Semi$ -monthly $\mathbf{OR} \ \Box \ p$
Total Support \$ \(\begin{aligned} \begin	$\mathbf{OR} \ \Box \ bi$ -weekly $\mathbf{OR} \ \Box \ Semi$ -monthly $\mathbf{OR} \ \Box \ p$
Support payments are to be made to the Support Co.	nection Unit for the benefit of \(\sigma\) Piaintiff \(\mathbf{OR}\)
Tendant OR Third Party.	
If third party, list name and address:Non-custodial parent's employer:	
Address:	
Address:	

Important Notice

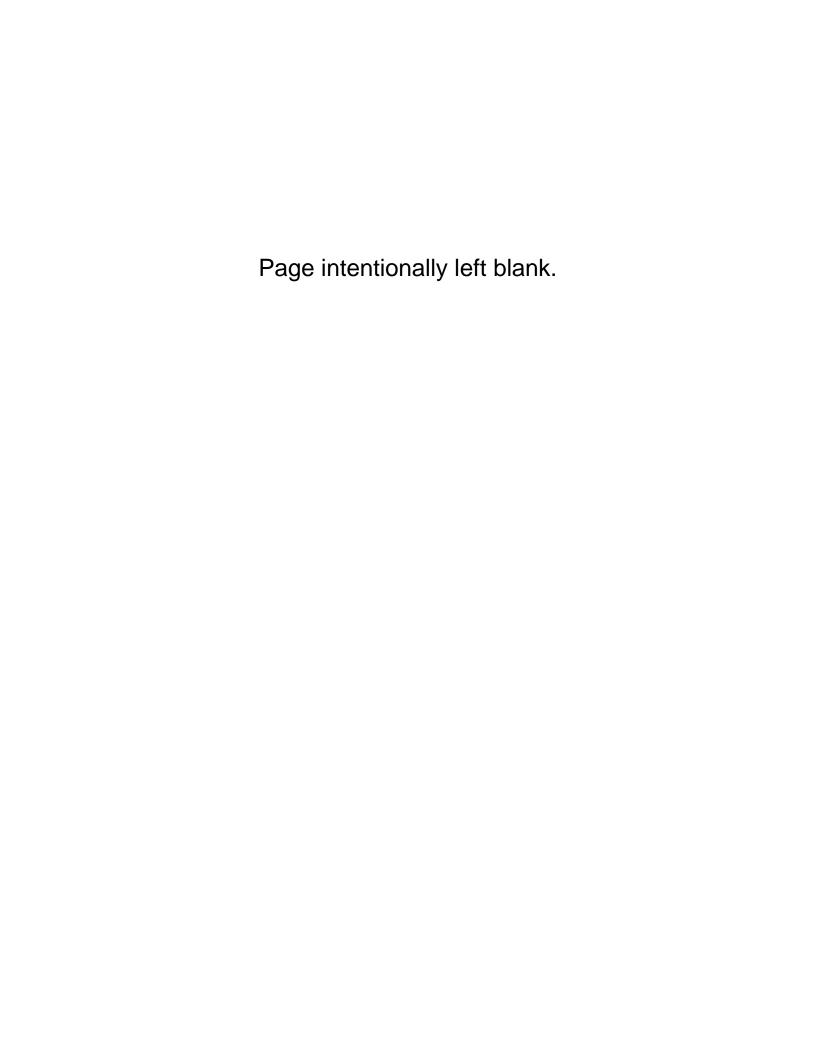
If you are issuing a Non-IV-D Income Withholding Order for child support or combined child and spousal support, you must serve the completed **LDSS-5037** as follows:

- Part A: serve <u>only</u> upon the NYS Child Support Processing Center (SDU), PO Box 15363, Albany, NY 12212-5363.
- Part B: serve upon all of the following:
 - 1. employer/income withholder;
 - 2. employee/obligor;
 - 3. custodial party/obligee; and
 - 4. NYS Child Support Processing Center (SDU) PO Box 15363, Albany, NY 12212-5363.

Note: <u>DO NOT</u> fill out this IWO if a party is already receiving child support services or wishes to apply at this time.

Court Information

□ Family Court:Co	unty Order ID (Index/Docket Number)				
□ Supreme Court: Co	punty				
Employee/Obligor Information					
Name (Last, First, Middle)					
Mailing Address					
Social Security Number	Date of Birth (MM/DD/YYYY) / /				
Custodial Party/Obligee Information					
Name (Last, First, Middle)					
Mailing Address					
Social Security Number	Date of Birth (MM/DD/YYYY) / /				



LDSS-5037 (8/18)

INCOME WITHHOLDING FOR SUPPORT

Part	
В	

 □ INCOME WITHHOLDING ORDER/NOTICE FO □ AMENDED IWO □ ONE-TIME ORDER/NOTICE FOR LUMP SUN □ TERMINATION OF IWO 	
☐ Child Support Enforcement (CSE) Agency ☐ Court	☐ Attorney ☐ Private Individual/Entity (Check One)
NOTE: This IWO must be regular on its face. Under certain	circumstances you must reject this IWO and return it to the sender (see holding-for-support-instructions). If you receive this document from
City/County/Dist./Tribe Ord	mittance ID (include w/payment)der IDse ID
	DE.
Employer/Income Withholder's Name	RE: Employee/Obligor's Name (Last, First, Middle)
Employer/Income Withholder's Address	Employee/Obligor's Social Security Number
	Employee/Obligor's Date of Birth
Employer/Income Withholder's FEIN	Custodial Party/Obligee's Name (Last, First, Middle)
Child(ren)'s Name(s) (Last, First, Middle) Child(re	en)'s Birth Date(s)
deduct these amounts from the employee/obligor's incom \$ Per current child s \$ Per past-due child \$ Per current cash n \$ Per past-due cash \$ Per past-due spous \$ Per other (must spous a per) ### AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle does not match the ordered payment cycle ### AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle does not match the ordered payment cycle ### AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle ### Description: You do not have to vary your pay cycle does not match the ordered payment cycle have your pay cycle does not match the ordered payment cycle have your pay cycle does not match the ordered payment cycle have your pay cycle does not match the ordered payment cycle have your pay cycle does not match the ordered payment cycle have your pay cycle does not match the ordered payme	support support - Arrears greater than 12 weeks? Yes No nedical support medical support sal support sal support esal sup

Expiration Date: 08/31/2020

Employer's Name:	Employer FEIN:
Employee/Obligor's Name: Case Identifier:	SSN:Order Identifier:
REMITTANCE INFORMATION: If the employee/obligor's princip withholding no later than the first pay period that occurs 14 day within 7 business days of the pay date. If you cannot withhold employee/obligor, withhold% of disposable income for all of imits from Supplemental Information. If the employee/obligor's possible withholding limitations, time requirements, and any allowable employed place of employment. State-specific www.acf.hhs.gov/css/resource/state-income-withholding-contact bayment addresses, and withholding limitation www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_nttps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htm For electronic payment requirements and centralized payment Disbursement Unit (SDU)], see www.acf.hhs.gov/css/employers/	ys after the date of service of this notice. Send payment d the full amount of support for any or all orders for this orders. If the obligor is a non-employee, obtain withholding principal place of employment is not New York State, obtain a ployer fees from the jurisdiction of the employee/obligor's withholding limit information is available at a s-and-program-requirements. For tribe-specific contacts, tions, please contact the tribe at contacts printable pdf.pdf or all. In collection and disbursement facility information [State //employer-responsibilities/payments.
Remit payment to NYS Child Support Processing Center (S at PO Box 15363, Albany, NY 12212-5363	SDU)
☐ Return to Sender [Completed by Employer/Income Withhowith sections 466(b)(5) and (6) of the Social Security Act or Tribadirected to an SDU/Tribal Payee or this IWO is not regular on its sender.	al Payee (see Payments to SDU below). If payment is not
If Required by State or Tribal Law: Signature of Judge/Issuing Official: Print Name of Judge/Issuing Official: Title of Judge/Issuing Official: Date of Signature:	
If the employee/obligor works in a state or for a tribe that is differ this IWO must be provided to the employee/obligor. □ If checked, the employer/income withholder must provide a co	rent from the state or tribe that issued this order, a copy of
ADDITIONAL INCODMATION COD EMDI	OVEDS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements.

Employers/income withholders may use OCSE's Child Support Portal (https://ocsp.acf.hhs.gov/csp/) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses, and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act). If a federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Employer's Name:	Employer FEIN:	
Employee/Obligor's Name:	SSN:_	
Case Identifier:	Order Identifier:	

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure, together with interest and reasonable attorney's fees. If you comply with this IWO you will not be subject to civil liability to any individual or agency for conduct in compliance with this IWO. In New York State, pursuant to Civil Practice Law and Rules (CPLR) §5241, upon a finding by the Family Court that you failed to withhold or remit withholdings as directed in this IWO, the Court shall issue an order directing your compliance and may direct the payment of a civil penalty not to exceed \$500 for the first instance and \$1,000 per instance for the second and subsequent instances of noncompliance.

Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO. In New York State, pursuant to CPLR §5252, the court may direct a civil penalty not to exceed \$500 for the first instance and \$1,000 per instance for the second and subsequent instances of such discrimination, including laying off or refusing to promote an employee/obligor. Such discrimination may also be punishable as a contempt of court by fine or imprisonment or both.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) [15 USC §1673(b)]; or 2) the amounts allowed by the law of the state of the employee/obligor's principal place of employment, if the place of employment is in a state; or the tribal law of the employee/obligor's principal place of employment if the place of employment is under tribal jurisdiction. Disposable income is the net income after mandatory deductions such as: state, federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - - to 55% and 65% - - if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears Greater Than 12 weeks? If the *Order Information* section does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

Supplemental Information: (1) **PART A** of this form contains sensitive information and must be served **only** upon the NYS Child Support Processing Center (SDU); **PART B**, which consists of 4 pages, must be served upon the SDU, employer/income withholder, employee/obligor, and custodial party/obligee. (2) Priority of withholding pursuant to CPLR §5241(h) is current support, followed by health insurance premiums, and then arrears payments. (3) If there are multiple IWOs against this employee/obligor, withhold the maximum amount permitted (see *Remittance Information*, above) and pay to each creditor the proportion thereof which such creditor's claim bears to the combined total. (4) Where the income of the employee or non-employee is compensation that is not paid or payable to the obligor for personal services, there is no limit to the amount you must withhold. Otherwise the noted limit applies. (5) If the employee/obligor is reinstated or reemployed within 90 days after termination, this IWO is still in effect.

Employer's Name:	Employer FEIN:
Employee/Obligor's Name:	SSN:
Case Identifier:	Order Identifier:
NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME or you are no longer withholding income for this employee/oblige sender by returning this form to the address listed in the contact in ☐ This person has never worked for this employer nor received ☐ This person no longer works for this employer nor receives per	or, you must promptly notify the CSE agency and/or the information below: periodic income.
Please provide the following information for the employee/obligor:	
Termination date:	
Last known address:	
Final payment date to SDU/Tribal Payee:	
New employer's name:	
New employer's address:	
CONTACT INFORMATION: To Employer/Income Withholder: If you have questions, contact	ct (issuer name)
by telephone:, by fax: website:	, by e-mail or
Send termination/income status notice and other correspondence	to:
	(issuer address).
<u>To Employee/Obligor:</u> If the employee/obligor has questions, co	ontact (issuer name)
by telephone:, by fax:	, by e-mail or website:
IMPORTANT: The person completing this form is advised that the	e information may be shared with the employee/obligor.

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting for this collection of information is estimated to average two to five minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

IMPORTANT NOTICE TO COURT CLERKS FOR ALL NON-IV-D ORDERS: THIS FORM, RATHER THAN THE CHILD SUPPORT ORDER, SHOULD BE MAILED BY THE COURT TO THE STATE CASE REGISTRY, P.O. BOX 15101, ALBANY, NY 12212-5101

New York State Case Registry Filing Form *

For Use With Child Support Orders and Combined Child and Spousal Support Orders Payable To Other Than A Child Support Collection Unit*

*Domestic Relations Law § 240(5) and Family Court Act § 440(5) direct that such orders be promptly provided to the State Case Registry. maintain a record of the order pursuant to Social Services Law § 111-b(4-a)(a)(2) and no order is to be filed unless specifically requested. The Office of Temporary and Disability Assistance has indicated that the information sought on this form satisfies the requirement to

Note: Full Social Security Numbers are required on this form. Redaction is not allowed.

Name of Court:		County Name:	Name:		Index Number:		
Child Support Payor:			Social Security #:	1	Date of Birth:		
(first)	(last)	(middle initial)	(Payor)		(Payor)		
Payee:			Social Security #:		Date of Birth:		
(first)	(last)	(middle initial)	(Payee)		(Payee)		
Child #1 Name:			Social Security #:		Date of Birth:		
(first)	(last)	(middle initial)	(Child #1)		(Child #1)		
Child #2 Name:			Social Security #:	1	Date of Birth:	/ /	
(first)	(last)	(middle initial)	(Child #2)		(Child #2)		
Child #3 Name:			Social Security #:	1	Date of Birth:	/	
(first) (from or children, please use additional form.)	(last) m.)	(middle initial)	(Child #3)		(Child #3)		
The order expires on: ☐ the youn	\Box the youngest child's $21^{\rm st}$ birthday, OR	birthday, OR	/WW)	(MM/DD/YYY)			
FAMILY VIOLENCE INQUIRY Has a Temporary or Final Order of Protection been If yes, which party: ☐ Payor	INQUIRY er of Protection bee □ Payor	granted on be	half of either party? □ Payee	□ Yes	□ N ₀	□ Do not know	M0
Has a request for confidentiality of address been granted on behalf of either party? \Box Payor \Box Payee	ality of address bee □ Payor	been granted on beh or □ P	behalf of either party? □ Payee	□ Yes	No		

INSTRUCTIONS FOR COMPLETING THE NEW YORK STATE CASE REGISTRY FILING FORM

Field	Instruction
Name of Court	Enter either "Supreme Court" or "Family Court."
County Name	Enter the name of the County entering the support order.
Index/Docket Number	Enter the Index Number (Supreme Court) or Docket Number (Family Court).
Child Support Payor	Enter, at a minimum, the first and last name of the child support payor. If there is more than one child support payor, please use a separate form to record the information for the additional child support payor.
Social Security Number (Payor)	Enter the <u>full</u> Social Security number of the child support payor. Enter "None" if the court record indicates that the individual has not been issued a Social Security number. Enter "Not on Record" if the Social Security number is not in the court record. Redaction is <u>not</u> allowed. An entry of "N/A," "not available," or "not applicable" is <u>not</u> allowed.
Date of Birth (Payor)	Enter the date of birth of the child support payor in the format MM/DD/YYYY.
Child Support Payee	Enter, at a minimum, the first and last name of the child support payee. An entry of "guardian" or other title is not allowed. If there is more than one child support payee, please use a separate form to record the information for the additional child support payee.
Social Security Number (Payee)	Enter the <u>full</u> Social Security number of the child support payee. Enter "None" if the court record indicates that the individual has not been issued a Social Security number. Enter "Not on Record" if the Social Security number is not in the court record. Redaction is <u>not</u> allowed. An entry of "N/A," "not available," or "not applicable" is <u>not</u> allowed.
Date of Birth (Payee)	Enter the date of birth of the child support payee in the format MM/DD/YYYY.
Child Name	Enter, at a minimum, the first and last name of each child covered by the order. If more than three (3) children are covered by the order, please use a separate form to record the information for the additional children.
Social Security Number (Child)	Enter the <u>full</u> Social Security number of each child covered by the order. Enter "None" ir the court record indicates that the individual has not been issued a Social Security number. Enter "Not on Record" if the Social Security number is not in the court record. Redaction is <u>not</u> allowed. An entry of "N/A," "not available," or "not applicable" is <u>not</u> allowed.
Date of Birth (Child)	Enter the date of birth of each child covered by the order in the format MM/DD/YYYY.
Order Expiration	Provide the expiration date for the child support order. You may either check the first box to indicate that the order expires on the youngest child's 21st birthday, or you may check the second box and provide any alternative date provided for under the terms of the support order. Provide the expiration date in the format MM/DD/YYYY.
Family Violence	Check the appropriate box to indicate whether a Temporary or Final Order of Protection has been granted on behalf of either party to the order. If "yes" is selected, check the appropriate box to indicate which party has been granted the Order of Protection.
Inquiry	Check the appropriate box to indicate whether a request for confidentiality of address has been granted on behalf of either party. If "yes" is selected, check the appropriate box to indicate the party on whose behalf the confidentiality authorization was made.

MATRIMONIAL Request for Judicial Intervention Addendum

Print Form, ucs-840M 3/2011

Supreme	COURT, COUNTY OF		INDEX NO.		
For use when there are children und	For use when there are children under the age of 18 who are subject to the matrimonial action. <i>Plaintiff</i>	matrimonial action.			
Last Name:	First Name:		Date of Birth:		
Prior Names (List any other names)	Prior Names (List any other names used, including maiden and/or former married names):	ed names):	ier: OMale	OFemale	
Last Name:	First Name:				
Fast Name:	First Name:		•		
Last Name:	First Name:				
Present Address:			New York		
Address History	(Street Address)	(City)	(State)	(Zip)	
for past 3 years:					
	(Street Address)	(City)	(State)	(Zip)	
	(Street Address)	(City)	(State)	(Zip)	
Defendant	(Street Address)	(City)	(State)	(Zip)	
Last Name:	First Name:		Date of Birth:		
Prior Names (List any other na	Prior Names (List any other names used, including maiden and/or former married names): Last Name:	d names):	Gender: OMale (OFemale	
Last Name:	First Name:				
Last Name:	First Name:				
Present Address:			New York		
Address History	(Street Address)	(City)	(State)	(Zip)	
for past 3 years:					
	(Street Address)	(City)	(State)	(Zip)	
	(Street Address)	(City)	(State)	(Zip)	
Children	(Street Address)	(City)	(State)	(Zip)	
Last Name:	First Name:		Date of Birth:		Gender:○M ○F
Last Name:	First Name:		Date of Birth:		Gender:○M ○F
Last Name:	First Name:		Date of Birth:		
Last Name:	First Name:		Date of Birth:		Gender:○M ○F
Last Name:	First Name:		Date of Birth:		Gender:○M ○F

Required Forms Packet with No Children

Uncontested Joint Divorce With No Children Required Forms Packet rev. 3/1/20

If there are children under 21, use the Uncontested Joint Divorce With Children Forms Packet

See the Information Booklet (JD-1) rev. 3/1/20 for instructions, important notices, and help.

To Start the Case:

- 1. Summons with Notice and Combined Notice of Appearance (JD-2)
- 2. Joint Affidavit of Facts and Agreement with No Children (JD-5) rev. 3/1/20
- Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with No Children (JD-6)
- 4. Note of Issue
- 5. Request for Judicial Intervention (RJI) (UD-13)
- 6. Certificate of Dissolution of Marriage (DOH 2168)
- 7. Notification Letter or Postcard (2 copies and 2 stamped envelopes)
 - ** Additional forms may be required depending on the circumstances. ** See the Uncontested Joint Divorce With No Children Forms Appendix.

Forms for After the Judgment Is Signed:

- 1. Notice of Entry
- 2. Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry
- 3. Affidavit of Service by Mail
- 4. Affidavit of Service by Personal Delivery

SUPREME COURT OF THE STATE OF NEW YORK	Index Nø.:	
COUNTY OF	Summons filed on:	
Plaintiff / Spouse 1,	Venue: Case filed inCounty because:	
– and –		
	SUMMONS WITH NOTICE AND COMBINED NOTICE OF	
Defendant / Spouse 2.	APPEARANCE	
ACTION FOR DIVORO	CE	
Plaintiff/Spouse 1 asks the Defendant/Spouse 2 to app	pear in this action.	
Defendant/Spouse 2 agrees and appears in this action	n.	
 signed the Joint Affidavit of Facts and Agreeme without children (Form JD-5) in support of this a read and understood the Joint Divorce Informat contains: Notice of Automatic Orders Notice of Maintenance Guideline Child Support Standards Act Chart Notice Concerning Continuation of Healt submit to the court with this Summons: Joint Affidavit of Facts and Agreement w without children (Form JD-5) Combined Findings of Fact, Conclusions with children (Form JD-4) or without children (Form JD-4) or without children (Forms) County is chosen as the place 	action. ion Booklet (Form JD-1) that h Care Coverage ith children (Form JD-3) or of Law, and Judgment of Divorce dren (Form JD-6)	
decided (<i>venue</i>) 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 between Spouse 1 and Spouse 2 on the grounds of irr §170(7).		

The a	ancillary or other relief asked for or waived is: (check all that apply)
	No ancillary or other relief is asked for. Maint	enance under the Maintenance
	Guidelines Act and distribution of marital prop	perty is waived.
	OR	
	Maintenance under the Maintenance Guidelin	nes Act is waived
	Distribution of marital property is waived	
	AND	
	Distribution of marital property	
	Maintenance (money paid from one spouse to	o the other after the divorce)
	Division of retirement accounts and/or pension	
	Child support (payments made to financially s	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	
Ш	Other relief	
AND	any other relief the court deems fit and proper.	
	, p	
Dated	d:	
		□ Plaintiff/Spouse 1
		☐ Attorney for Plaintiff
		Phone no.:
		Address:
The D	Defendant / Spouse 2 appears in this action and	d has also signed the Joint Affidavit.
-	se 2 asks for the same ancillary relief as listed	in the Summons and waives any
	tory time periods to respond.	
Jated	d:	□ Defendant/Spouse 2
		☐ Attorney for Plaintiff
		Phone no.:
		Address:

	THE STATE OF NEW YO	
		Index No.:
	Plaintiff / Spouse 1,	
– and –		JOINT AFFIDAVIT OF FACTS AND AGREEMENT with no children
	Defendant / Spouse 2.	
STATE OF		
COUNTY OF County of S	ss: } pouse 1	
COUNTY OF County of S	}	

We file this Joint Affidavit of Facts and Agreement together for an uncontested divorce and ask for this case to be placed on the uncontested divorce calendar immediately. We swear (or affirm) before a notary public the truth of the facts stated.

BACKGROUND AND JURISDICTION

- **A. Jurisdiction.** Jurisdiction gives the court the power to make decisions and judgments in this case.
 - 1. We are both over 18 years old.
 - 2. We consent to the jurisdiction of this court and we appear in this action.
 - 3. We read and understood the Joint Divorce Information Booklet (Form JD-1). The Information Booklet contains:
 - Notice of Automatic Orders
 - Notice of Maintenance Guideline
 - Child Support Standards Act Chart
 - Notice Concerning Continuation of Health Care Coverage
 - 4. We waive (give up) the right to:
 - serve and file the Complaint and Answer, and
 - wait the 40-day period to place this case on the calendar, and
 - service of a copy of the Notice of Settlement and all other papers in the action, except for service of the Judgment with Notice of Entry.

	5.	Facts and Agreement. We understand that by submitting this Joint Affidavit we are asking the court to end our marriage.		
6. Residency. To file for a divorce, you mus		Resid	ency. 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.	
В.	Ab	out Sp	ouse 1.	
	1.	My na	me is:	
	2.	I live a	ıt	
			Don't complete if there is an Address Confidentiality Order	
		•	cial security number is	
	4.	I□a	m □ am not on public assistance.	
C.	Ab	out Sp	oouse 2.	
	1.	My na	me is	
	2.	I live a	ıt	
			Don't complete if there is an Address Confidentiality Order	
		•	cial security number is	
	4.	I□a	m □ am not on public assistance.	
D.		children of the Spouses. We have no children under 21 years old who were born efore or during the marriage or adopted by both of us during the marriage.		
E.	Mi	litary.		
		Neithe	er of us is in the military. OR	
		We ar	st one of us is in the military: □ Spouse 1 and/or □ Spouse 2 e aware that there are special rules for divorces for active service member y under the Soldiers' and Sailors' Civil Relief Act, like the divorce case can stponed 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.

F.	Ab	out the Marriage.
	1.	We were married on in
	2.	date city, town or village, state, country 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
		□ 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.
G.	Gr	ounds for Divorce. This is the legal reason for the divorce.
	1.	The grounds for divorce is irretrievable breakdown DRL § 170(7).
	2.	Our marriage has been broken for more than six months.
Н.		nding or Prior Cases. There is no judgment of divorce and no other divorce case tween us in this court or any other court anywhere.
HE	AL	TH 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:		
ΩI.	JR INCOME		
	r income and deductions from last year are as foll	ows:	
		Spouse 1	Spouse 2
	A. Gross total income (before taxes)	Special 1	Sp 3 a a a a
	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	\$	\$
MA	AINTENANCE		
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 A OR	ct. (Skip to "Marita	al Home.")
	One of us is asking for maintenance. We have re the amount of maintenance that □ Spouse 1 or		

higher income, would be required to pay would be \$, up to the cap of \$192,000 and any deviation agreed to by the parties.			
As written in the Maintenance Guideline	e 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		
would be years and mont	years. The Advisory period of maintenance hs to years and months. aintenance. The Agreement is attached.		
The agreement is dated	_		
· ·	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:			
 □ Spouse 1 or □ Spouse 2 will 	get maintenance from the other spouse.		
 Maintenance will be \$ □ every month. 	□ every week □ every two weeks		
3. Maintenance payments will start	on and end on		
4. The payments will be □ by direct Order.	 The payments will be □ by direct payment or □ by an Income Deduction Order. 		
IARITAL 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 ime. 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:
M/	4RI	TAL PROPERTY
ile oc	ed. T ugh	I property is property and cash obtained during the marriage until the date this is This can include each person's income, property bought with that income, property twhile married, and retirement benefits earned during the marriage. In most, inherited property is not part of marital property.
Α.	cal on	uitable Distribution. When a couple divorces, marital property is divided. This is led equitable distribution. It does not always mean an equal property division, but e that is fair, considering what each person brought to the marriage and what ch person will need after the divorce.
		We have already divided our property and are not seeking equitable distribution. $\ensuremath{\mathbf{OR}}$
		We have a separate written Agreement. The Agreement is attached. OR
		We don't have a separate written agreement, but we agree that:
		
В.	pai	al Estate. Real estate, like a house or apartment, bought during the marriage is rt of marital property. We are aware that there are other documents separate from e 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.		nsions and Retirement Accounts. If a pension or retirement plan were earned ring 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.

	ebt 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:
NAM	E CHANGE
	changed your last name when you got married, you can change it back to a last 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:
LAW	YER AND EXPERT'S FEES
exper a spe	awyer's fee is the payment to an attorney for legal services done for a client. The t's fee is the payment to a person or company who has specialized knowledge on cific topic like property, pension benefits, finance, or psychology. The expert is 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:

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 Affidavit 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.

STOP! Take this document to a Notary Public BEFORE signing it

VERIFICATION

I, [Print name of Spouse 1], agree that the statements I have made, including all my financial information, are truthful and accurate I understand that Spouse 2 (Defendant) is relying on my financial statements in this affidavit. I make these statements under the penalties of perjury.		
Dated:	Signature of Spouse 1 (Plaintiff)	
STATE OF }		
COUNTY OF }		
•		
On, before me, personally	appeared,	
Date	Name of Spouse 1 (Plaintiff)	
personally known to me, a Notary Public in and basis of satisfactory evidence to be the individu within instrument and acknowledged to me that capacity, and that by his/her signature on the in instrument.	al whose name is subscribed to the he/she executed the same in his/her	
NOTARY PUBLIC		

VERIFICATION

I, [Print name of Spouse 2]	, agree that the
statements I have made, including all my finan- I understand that Spouse 1 (Plaintiff) is relying affidavit. I make these statements under the pe	cial information, are truthful and accurate on my financial statements in this
Dated:	
	Signature of Spouse 2 (Defendant)
STATE OF } ss:	
COUNTY OF } ss:	
On, before me, personally	vappeared, Name of Spouse 2 (Defendant)
personally known to me, a Notary Public in and basis of satisfactory evidence to be the individulibility within instrument and acknowledged to me that capacity, and that by his/her signature on the instrument.	ual whose name is subscribed to the the/she executed the same in his/her
NOTARY PUBLIC	

		York State Supreme Court at the thouse, County,
	on	•
Pr	esent: Hon Justice	_
	- Countries - Coun	— Laster Nie
		Index No.:
	Plaintiff / Spouse 1,	Calendar No.:
	– and –	COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT OF DIVORCE
	Defendant / Spouse 2.	with no children
Af	nis case came before the Court without a hearing of fidavit of Facts and Agreement for an uncontested Spouse 1 was: represented by an attorney Spouse 2 was: represented by an attorney ne Court, having read and considered the submitted	divorce. OR unrepresented. OR unrepresented.
Fir	nding of Fact, Conclusions of Law, and Judgment of	of Divorce.
	FINDINGS OF FAC	т
B	ACKGROUND AND JURISDICTION	
1.	This action was started by filing the Summons wit	h Notice and Combined Notice of
	Appearance and the Joint Affidavit of Facts and A	agreement with the County Clerk on
	Spouse 1 and Spous	se 2 agree and appear in this
	action. The spouses waived the right to serve and	d file the Complaint and Answer,
	wait the 40-day period to place this case on the u	ncontested 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) Irretrie	vable 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
	$\ \square$ At least one of the spouses is in the military: $\ \square$ Spouse 1 and/or $\ \square$ Spouse 2
	and waives any rights under the Soldiers' and Sailors' Civil Relief Act.
8.	The spouses married on in Date in city, town or village, state, country
	The spouses were married in:
Э.	a civil ceremony. OR
	a religious ceremony performed by a person like a minister or clergyman of
	any religions, 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 §
	(1)

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**

Rev. 8/7/2019

Joint Divorce Pilot

☐ 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 no children of the spouses.
MARITAL PROPERTY
14. Equitable distribution is not an issue. OR
☐ The property is divided according to ☐ the Joint Affidavit of Facts and
Agreement or La separate Settlement Agreement
LAWYER AND EXPERT'S FEES
15. 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 marriage have 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

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.	☐ 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:
4.	☐ 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.

5.	A separate Qualified Domestic Relations Order (QDRO) shall be issued at the
	same time this Judgment is entered or as soon as possible.
6.	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

- 7. 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.
- 8. 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.
- 9. 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.
10.	☐ 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.
11.	☐ Spouse 1 is authorized to use the former last name
	☐ Spouse 2 is authorized to use the former last name
Dа	ted: ENTER:
	☐ J.S.C. ☐ JHO ☐ Referee

NOTE OF ISSUE - UNCONTESTED DIVORCE

For Use of Clerk

			-X
		Plaintiff,	Index No.:
	- against -	,	Calendar No.:
	C		
		Defendant.	X
NO TRIA	L		
FILED BY		OR □ Plaintiff's At at's Attorney	torney OR 🛭 Defendant OF
DATE SU	MMONS FILED):	
DATE SU	MMONS SERV	ED:	
DATE ISS	SUE JOINED:	NOT JOINED - Stipulation	I Waiver OR □ Default On/Separation Agreement
NATURE	OF ACTION:	UNCONTESTED I	DIVORCE
RELIEF:		ABSOLUTE DIVO	ORCE
☐ Plaint Office and	ff OR □ Atto P.O. Address:	rney(s) for Plaintiff	
Phone No Fax No.:	:		
☐ Defend Office and	ant OR □ Ai P.O. Address:	torney(s) for Defendan	t
Phone No Fax No.:	:		

UNCONTESTED MATRIMONIAL For Court Clerk Use Only: UD-13 IAS Entry Date REQUEST FOR JUDICIAL INTERVENTION (rev. 5/2011) COURT, Judge Assigned Index No: Date Index Issued:____/___/ RJI Date CAPTION: Enter the complete case caption. Do not use et al or et ano. **Plaintiff** against-Defendant STATUS OF ACTION OR PROCEEDING: Answer YES or NO, and provide additional information where indicated. YES NO If yes, date filed: Has a summons been filed? Has a summons been served? If yes, date served: ___ Are there children of the marriage under the age of 18? If yes, complete and attach the MATRIMONIAL RJI Addendum (UCS-840M). NATURE OF JUDICIAL INTERVENTION: EX PARTE APPLICATION FOR THE DISSOLUTION OF MARRIAGE ADDITIONAL RELIEF: Check all that apply Poor Person Application Application for Alternate Service Other (specify): PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space **Parties Attorneys** Issue Un-Joined Rep List party names. Provide attorney name, firm name, business address, phone number and e-mail address. (Y/N): Name: N/A Role: PLAINTIFF Name: ☐ YES Role: DEFENDANT RELATED CASES: List any related cases, include any related criminal and/or Family Court cases. Case Title Index/Case No. Court Judge (if assigned) Relationship to Instant Case I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING. **SIGNATURE** ATTORNEY REGISTRATION NUMBER **PRINT OR TYPE NAME**

LOCAL INDEX	NUME	BER		N	ew Yor	k Sta	ate				Γ		STA	ATE FILE NUMBE	R	\neg
TYPE OR	Department of Health CERTIFICATE OF DISSOLUTION OF MARRIAGE J															
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PERMANENT BLACK INK	esr.															
BLACKINK	i/Spot	2A, DATE OF Month Day	BIRTH Year	2B. STATE (COUNTRY	OF BIRTH 'IF NOT USA)	3. SEX (Option		IA. RESIDEN	ICE: STATI	E	4B, COUNTY			C. LOCAUTY (CHECK) GIYOF TOWNOF	ONE AND SPECIFY)	,
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	뜽	14D. COUNTY OF DECREE					14E. TITLE OF COURT									
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		26. SIGNATU	RE OF PERS	ON PREPARI	NG CERTIFICA	TE				-						\equiv
QS		>													ATTORNEY AT LA	w

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, Coun	ty
	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	S
	Office to review papers for corrections. Bring a new self-addressed stampe	d
	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	ce.

	 Index No.:
Plaintiff / Spouse 1	,
– and –	NOTICE OF ENTRY
Defendant / Spous	 e 2.
DI EASE TAKE NOTICE that the attached i	a a true copy of a judgment of diverse in this
PLEASE TAKE NOTICE that the attached i	s 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	
Stamped date of entry	
Dated:	
Dated:	
Dated:	Signature
Dated:	•
Dated:	Signature □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney
Dated:	☐ Spouse 1 OR ☐ Spouse 1's Attorney
Dated:	□ Spouse 1 OR □ Spouse 1's Attorney□ Spouse 2 OR □ Spouse 2's Attorney
Dated:	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:
	 □ 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:
	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:
TO: □ Spouse 1 OR □ Spouse 1's Attorney	 □ Spouse 1 OR □ Spouse 1's Attorney □ Spouse 2 OR □ Spouse 2's Attorney Address:

	JPREME COURT OF DUNTY OF		_	\		
				Index No).:	
		Plaintiff / Spouse 1,				
	– and –			THE JUI	OGMENT	SERVICE OF OF DIVORCE OF ENTRY
		Defendant / Spouse 2	2.	_		
ST	ATE OF	1		_		
	OUNTY OF	SS:				
	Name of Se	erver ,	being du	uly sworn, s	says:	
1	I am not a party to the		r 18 vear	s of age 1	live at:	
••	ram not a party to the	o dollori dira diri ovo	. To your	o or ago. I	aro at.	
	Street address		City	State	e	Zip code
2.	On	, I served	a true co	py of the J	udgment (of Divorce with
	Notice of Entry on					
	·	1	Name of Pers	on Served		
	by personal, in ha	ind delivery at				
	Address where delivered:	Street address		City	State	Zip code
	official depository	g a true copy thereof under the exclusive w York State, to the	care and	d custody o	f the U.S.	Postal
	Address where mailed:	Street address		City	State	Zip code
	STOP! Take th	nis document to a N	lotary P	ublic BEF	DRE sign	ing it
				Server's Sig	nature	
	bscribed and Sworn to fore me on					
No	tary Public					

			Index No.:	
	Disinstiff / On access			
– and –	Plaintiff / Spouse	1,		T OF SERVICE Y MAIL
	Defendant / Spou	 ise 2.		
STATE OF	S	s:		
Name	of Server	, being duly	y sworn, says:	
1. I am not a party to	o the action and am o	over 18 years	of age. I live a	t:
Street address		City	State	Zip code
Da	, I serve			
☐ Income Withhole ☐ Support Collect Services, and of Divorce	olding Order Ection Unit Information the Combined Findin	☐ Qualified M Sheet, the A ngs of Fact, C	edical Child Sopplication for Conclusions of L	upport Order Child Support ∟aw and Judgmen
☐ Income Withhole ☐ Support Collect Services, and of Divorce	olding Order Ection Unit Information the Combined Findin	☐ Qualified M Sheet, the A ngs of Fact, C	edical Child Sopplication for Conclusions of L	upport Order Child Support ∟aw and Judgmen
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under	^{ate} olding Order	Qualified Managery Served Company Served enclosed in and custody of	edical Child Sopplication for Conclusions of Laparage post-paid wrathe U.S. Posta	upport Order Child Support Law and Judgmen, apper, in an officia
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under	olding Order ction Unit Information the Combined Findin Name of Person/o g a true copy thereof the exclusive care ar to the address design	Qualified Managery Served Company Served enclosed in and custody of	edical Child Sopplication for Conclusions of Laparage post-paid wrathe U.S. Posta	upport Order Child Support Law and Judgmen, apper, in an officia
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under New York State, t	olding Order ction Unit Information the Combined Findin Name of Person/o g a true copy thereof the exclusive care ar to the address design	Qualified Man Sheet, the Angs of Fact, Company Served enclosed in and custody of the Company Served enclosed in and custody of the Company Served enclosed in and custody of the Company Served enclosed in an actual served enclosed in a served enclosed in a served enclosed in actual served enclosed in actual served enclosed in actual served enclosed encl	edical Child Sopplication for Conclusions of Laparage post-paid wrathe U.S. Posta Defendant.	upport Order Child Support Law and Judgmen pper, in an official Service within Zip code
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under New York State, t	olding Order ction Unit Information the Combined Findin Name of Person/o g a true copy thereof the exclusive care an to the address design d: Street address	Qualified Man Sheet, the Angs of Fact, Company Served enclosed in and custody of the Company Served enclosed in and custody of the Company Served enclosed in and custody of the Company Served enclosed in an actual served enclosed in a served enclosed in a served enclosed in actual served enclosed in actual served enclosed in actual served enclosed encl	edical Child Sopplication for Conclusions of Laparage post-paid wrathe U.S. Posta Defendant.	upport Order Child Support Law and Judgmen pper, in an official Service within Zip code
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under New York State, t	olding Order ction Unit Information the Combined Findin Name of Person/o g a true copy thereof the exclusive care an to the address design d: Street address	Qualified Man Sheet, the Angs of Fact, Company Served enclosed in and custody of nated by the Discrete	edical Child Sopplication for Conclusions of Laparage post-paid wrathe U.S. Posta Defendant.	upport Order Child Support Law and Judgmen apper, in an officia Il Service within Zip code
□ Income Withho □ Support Collect Services, and of Divorce on by mail, depositin depository under New York State, t	olding Order ction Unit Information the Combined Findin Name of Person/o g a true copy thereof the exclusive care ar to the address design d: Street address Te this document to	Qualified Man Sheet, the Angs of Fact, Company Served enclosed in and custody of mated by the Discrete	pplication for Conclusions of Lapost-paid wrathe U.S. Posta Defendant.	upport Order Child Support Law and Judgmen apper, in an officia Il Service within Zip code

	JPREME COURT OF			(
				_ Index No.:			
		Plaintiff / Spouse	1,				
	– and –				Γ OF SERVICE NAL DELIVERY		
		Defendant / Spou	se 2.				
ST	ATE OF						
CC	OUNTY OF	_	s:				
	Name of So		, being d	uly sworn, says:			
1.	I am not a party to th		over 18 year	rs of age. I live a	t:		
	Street address		City	State	Zip code		
	☐ Support Collection Services, and Condition Divorce	mbined Findings o	of Fact, Cor	nclusions of Law	and Judgment of		
	by delivering the pap	ers to	Name of P	Person/Company Served	, at		
	Address where delivered:	Street address	City	State	Zip code		
	Description of Individua	al Served: (fill in app	licable informa	ation)			
	Sex:	Color of Skin:	·	Color of Hair:			
	Approximate Age: Other Identifying Feature		_		_		
	Other identifying realure	5					
	STOP! Take ti	his document to	a Notary P	ublic BEFORE s	signing it		
	bscribed and Sworn to fore me on			Server's Signature			
 No	tary Public						

Additional Forms Appendix with No Children (attached to the JD-1)

Uncontested Joint Divorce With No Children Additional Forms Appendix

Additional Forms Depending on the Circumstances

If there are children under 21, use the Uncontested Joint Divorce With Children Forms Appendix

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

- 1. Fee Waiver Application
- 2. Fee Waiver Order
- 3. Income Withholding Order for Spousal Support only (LDSS-5038)

In tl	he Matter of the Application of			
		Index No.:		
For	Plaintiff. Permission to Prosecute as a Poor Person - against -	AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED AS A POOR PERSON		
	Defendant.			
	X TE OF NEW YORK } ss:			
CO	UNTY OF }			
	, being	duly sworn, says:		
1.	I reside at	in the City, Town or		
	Village of, County of	, State of New York, and I have resided		
	in the State of New York for the past	years.		
2.	I am about to commence a lawsuit for divorce	ee. This lawsuit is based upon **DRL §170		
3.	My sole source of income is:			
	I earn \$			
4.	My property and its value are as follows:			
5.	I make this application pursuant to Section 110	01 of the Civil Practice Law and Rules upor		
	the ground that I am unable to pay costs, fees and expenses necessary to pursue my case and			
	am unable to obtain the funds to do so, and unl	ess an order is entered relieving me from the		
	obligation to pay, I will be unable to prosecute	e my case.		

No previous application for the same or similar relief has been made by me in this case except: WHEREFORE, I respectfully ask for an order permitting me to prosecute an action as a poor person. The foregoing statements have been carefully read by the undersigned who states that they rue and correct. Plaintiff Scribed and sworn to re me on NOTARY PUBLIC	6.	No other person is beneficially interested in the recovery sought herein.		
WHEREFORE, I respectfully ask for an order permitting me to prosecute an action as a poor person. The foregoing statements have been carefully read by the undersigned who states that they rue and correct. Plaintiff Scribed and sworn to re me on	7.	No previous application for the same or similar relief has been made by me in this case		
a poor person. The foregoing statements have been carefully read by the undersigned who states that the rue and correct. Plaintiff scribed and sworn to re me on		except:		
The foregoing statements have been carefully read by the undersigned who states that the rue and correct. Plaintiff scribed and sworn to re me on		WHEREFORE, I respectfully ask for an order permitting me to prosecute an action a		
Plaintiff scribed and sworn to re me on		a poor person.		
Plaintiff scribed and sworn to re me on		The foregoing statements have been carefully read by the undersigned who states that the		
scribed and sworn to re me on	are t	rue and correct.		
re me on		Plaintiff		
NOTARY PUBLIC				
		NOTARY PUBLIC		

**Insert the grounds for the divorce: DRL $\S170(1)$ - cruel and inhuman treatment

DRL §170(2) - abandonment

DRL §170(3) - confinement in prison

DRL §170(4) - adultery

DRL §170(5) - living apart one year after separation decree or judgment of separation DRL §170(6) - living apart one year after execution of a separation agreement DRL §170(7) - irretrievable breakdown in relationship

1 2 3		At the Supreme Court of the State of New York, held in and for the County of at the County Courthouse at, New York, on the day of
4	PRESENT: HON. Justice of the Sup	reme Court
5	In the Matter of the Application of	Index No.:
í	Plaintiff, For Permission to Prosecute an Action a -against-	ns a Poor Person POOR PERSON ORDER
,	, Defendan	t. X
	Upon the annexed affidavit of _	
	And it being alleged that said	Plaintiff has a good cause of
	action or claim based upon **DRL § 1	70 subd, and that
	person beneficially interested in the act	
		, Plaintiff, it is hereby
		is permitted to prosecute this action as a poor
	person against	
		y Judgment or Settlement in favor of Plaintiff shall be paid to
		tion pursuant to court order, and it is further
		Court is directed to make no charge for costs or fees in
nne	ection with the prosecution of this action,	including one (1) certified copy of the judgment.
		ENTER:
		J.S.C.
Inse	DRL §170(2) - abandonment DRL §170(3) - confinement in prison D	RL §170(4) - adultery RL §170(5) - living apart one year after separation decree or judgment of separation RL §170(6) - living apart one year after execution of a separation agreement RL §170(7) - irretrievable breakdown in relationship



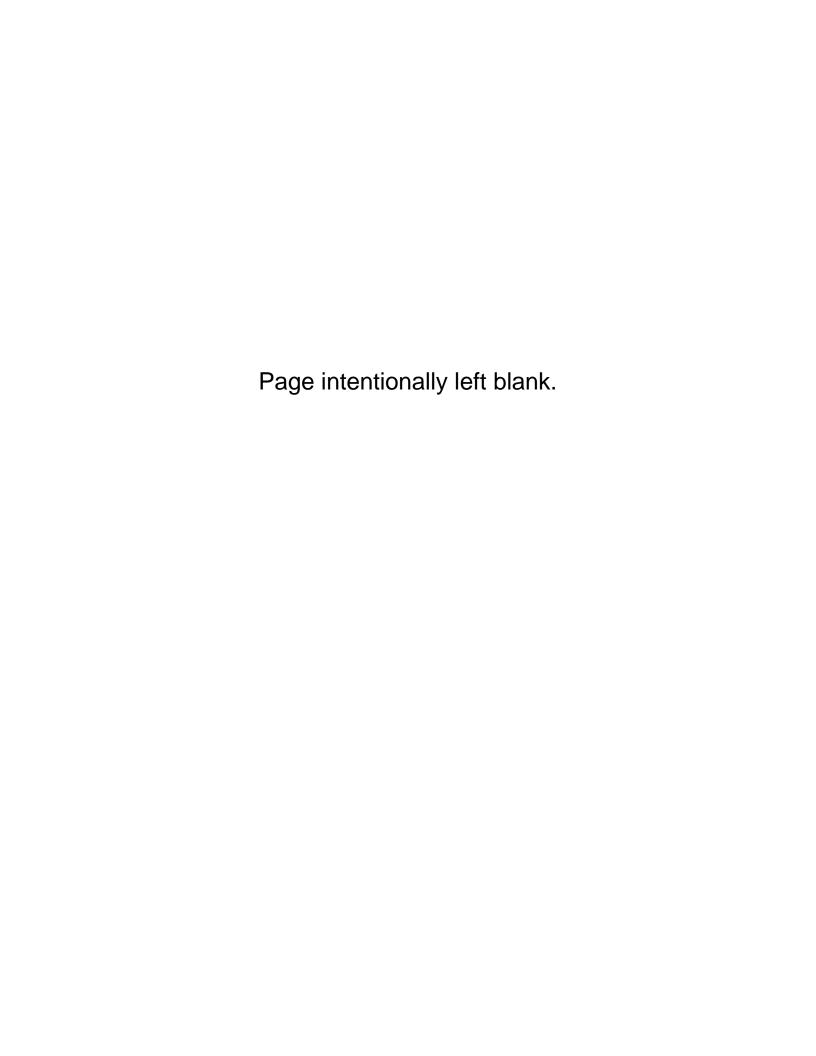
Important Notice

If you are issuing a Spousal Support Only Income Withholding Order, you must serve the completed **LDSS-5038** as follows:

- Part A: serve only upon the employer/income withholder.
- Part B: serve upon <u>all</u> of the following:
 - 1. employer/income withholder;
 - 2. employee/obligor; and
 - 3. obligee.

Court Information

□ Family Court: Cou		nty	Order ID (Index/Docket Number)		
□ Supreme Court:	Cou	nty			
Employee/Obligor Information					
Name (Last, First, Middle)					
Social Security Number Date of Bi			Birth (MM/DD/YYYY) / /		
Obligee Information					
Name (Last, First, Middle)					
Mailing Address					



LDSS-5038 (8/18)

NOTE- Grayed out areas of this form are <u>NOT</u> applicable to spousal support only cases

INCOME WITHHOLDING FOR SUPPORT

Part	
В	

 □ INCOME WITHHOLDING ORDER/NOTIC □ AMENDED IWO □ ONE-TIME ORDER/NOTICE FOR LUMP 	· ,
☐ TERMINATION OF IWO	Date:
☐ Child Support Enforcement (CSE) Agency ☐ C	Court □ Attorney □ Private Individual/Entity (Check One)
	tain circumstances you must reject this IWO and return it to the sender (see withholding-for-support-instructions). If you receive this document from t, a copy of the underlying order must be attached.
State/Tribe/Territory	Remittance ID (include w/payment)
City/County/Dist./Tribe	Order ID
Private Individual/Entity	Case ID
	DE.
Employer/Income Withholder's Name	RE: RE:
Employer/Income Withholder's Address	Employee/Obligor's Social Security Number
	Employee/Obligor's Date of Birth
Employer/Income Withholder's FEIN	Custodial Party/Obligee's Name (Last, First, Middle)
Child(ren)'s Name(s) (Last, First, Middle) ———————————————————————————————————	d(ren)'s Birth Date(s)
ORDER INFORMATION: This document is based of deduct these amounts from the employee/obligor's in \$ Per current ch	n the support order from New York State. You are required by law to acome until further notice.
\$ Per past-due of	child support Arrears greater than 12 weeks? Yes No
\$ Per current ca	sh medical support
\$ Per past-due of	eash medical support
\$ Per current sp	
\$ past-due s	
\$ Per other (must for a Total Amount to Withhold of \$	st specify)
AMOUNTS TO WITHHOLD: You do not have to varyour pay cycle does not match the ordered payment per weekly pay period per biweekly pay period (every two varyous).	ary your pay cycle to be in compliance with the <i>Order Information</i> . If cycle, withhold one of the following amounts: \$ per semimonthly pay period (twice a month) weeks)\$ per monthly pay period any existing IWO unless you receive a termination order.
_	P. 0070-0154 Evaluation Data: 08/21/2020 Page 1 of 4

Employer's Name:	Employer FEIN:SSN:
Employee/Obligor's Name:Case Identifier:	Order Identifier:
REMITTANCE INFORMATION: If the employee/obligor's prin withholding no later than the first pay period that occurs 14 of within 7 business days of the pay date. If you cannot withholding room withholding, withhold% of disposable income for all limits from Supplemental Information. If the employee/obligor's withholding limitations, time requirements, and any allowable principal place of employment. State-specific www.acf.hhs.gov/css/resource/state-income-withholding-contapayment addresses, and withholding limit www.acf.hhs.gov/sites/default/files/programs/css/tribal_agenchttps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.htps://www.bia.gov/css/employedotapayment Unit (SDU)], see www.acf.hhs.gov/css/employedotapayment Unit (SDU)]	cipal place of employment is New York State, you must begin days after the date of service of this notice. Send payment hold the full amount of support for any or all orders for this ill orders. If the obligor is a non-employee, obtain withholding is principal place of employment is not New York State, obtain employer fees from the jurisdiction of the employee/obligor's withholding limit information is available at acts-and-program-requirements. For tribe-specific contacts, itations, please contact the tribe at a contacts printable pdf.pdf or or ntml.
Include the Remittance ID, pay date and employee/obligor's n	ame on the payment.
Make payments payable in the name of the obligee identif	
Remit payment to obligee's address identified on PART A Return to Sender [Completed by Employer/Income Withhold sections 466(b)(5) and (6) of the Social Security Act or Tribadirected to an SDU/Tribal Payee or this IWO is not regular on sender.	ler]. Payment must be directed to an SDU in accordance with al Payee (see Payments to SDU below). If payment is not
If Required by State or Tribal Law: Signature of Judge/Issuing Official: Print Name of Judge/Issuing Official: Title of Judge/Issuing Official: Date of Signature:	
If the employee/obligor works in a state or for a tribe that is dit this IWO must be provided to the employee/obligor. ☐ If checked, the employer/income withholder must provide a	
ADDITIONAL INCODMATION COD CM	IDLOVEDS/INCOME WITHHOLDEDS

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements

Employers/income withholders may use OCSE's Child Support Portal (https://ocsp.acf.hhs.gov/csp/) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses, and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act. If a federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Employer's Name:	Employer FEIN:	
Employee/Obligor's Name:	SSN:	
Case Identifier:	Order Identifier:	

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure, together with interest and reasonable attorney's fees. If you comply with this IWO you will not be subject to civil liability to any individual or agency for conduct in compliance with this IWO. In New York State, pursuant to Civil Practice Law and Rules (CPLR) §5241, upon a finding by the Family Court that you failed to withhold or remit withholdings as directed in this IWO, the Court shall issue an order directing your compliance and may direct the payment of a civil penalty not to exceed \$500 for the first instance and \$1,000 per instance for the second and subsequent instances of noncompliance.

Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO. In New York State, pursuant to CPLR §5252, the court may direct a civil penalty not to exceed \$500 for the first instance and \$1,000 per instance for the second and subsequent instances of such discrimination, including laying off or refusing to promote an employee/obligor. Such discrimination may also be punishable as a contempt of court by fine or imprisonment or both.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) [15 USC §1673(b)]; or 2) the amounts allowed by the law of the state of the employee/obligor's principal place of employment if the place of employment is in a state; or the tribal law of the employee/obligor's principal place of employment if the place of employment is under tribal jurisdiction. Disposable income is the net income after mandatory deductions such as: state, federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - - to 55% and 65% - - if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears Greater Than 12 Weeks? If the *Order Information* section does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

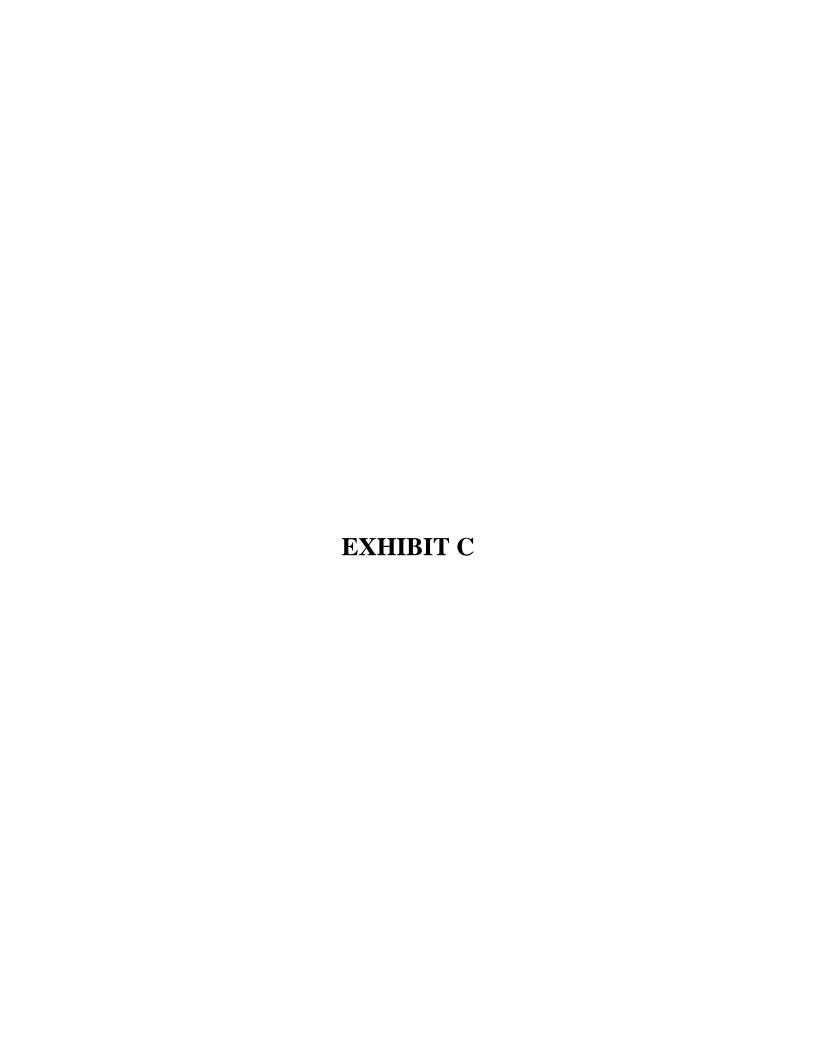
Supplemental Information: (1) **PART A** of this form contains sensitive information and must be served <u>only</u> upon the <u>employer/income withholder</u> for purposes of processing the income withholding; **PART B**, which consists of 4 pages, must be served upon the employer/income withholder, employee/obligor, and obligee. (2) Priority of withholding pursuant to CPLR §5241(h) is current support, followed by health insurance premiums, and then arrears payments. (3) If there are multiple IWOs against this employee/obligor, withhold the maximum amount permitted (see *Remittance Information*, above) and pay to each creditor the proportion thereof which such creditor's claim bears to the combined total. (4) Where the income of the employee or non-employee is compensation that is not paid or payable to the obligor for personal services, there is no limit to the amount you must withhold. Otherwise the noted limit applies. (5) If the employee/obligor is reinstated or reemployed within 90 days after termination, this IWO is still in effect.

Employer's Name:			
Employee/Obligor's Name: _	SSN:		
Case Identifier:	Order Identifier:		
you or you are no longer withholding	NT TERMINATION OR INCOME STATUS: If this emping income for this employee/obligor, you must promptle to the address listed in the contact information below:		
☐ This person has never worked	d for this employer nor received periodic income.		
☐ This person no longer works for	or this employer nor receives periodic income.		
Please provide the following inform	nation for the employee/obligor:		
Termination date:	Last known telephone	e number:	
Last known address:			
New employer's name:	ibal Payee: Final payment amou	nt:	
CONTACT INFORMATION:			
To Employer/Income Withholder	<u>r:</u> If you have questions, contact		(issuer name)
by telephone:	, by fax:,	by e-mail	or website:
Send termination/income status no	otice and other correspondence to:		
			_ (issuer address).
To Employee/Obligor: If the emp	ployee/obligor has questions, contact		(issuer name)
by telephone: website:	, by fax:	, by	e-mail or
Encryption Requirements:	prough electronic transmission, precautions must be to	aken to ensure	the security of the

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting for this collection of information is estimated to average two to five minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



Joint Divorce Pilot Instructions and Forms (as of March 1, 2020)

Joint Divorce Pilot Instructions and Forms as of March 1, 2020

I. With Children

Required

- 1. Joint Divorce Information Booklet (JD-1) rev.3/1/20
- 2. Summons with Notice and Combined Notice of Appearance (JD-2)
- 3. Joint Affidavit of Facts and Agreement with Children (JD-3) rev. 3/1/20
- 4. Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with Children (JD-4) rev. 3/1/20
- 5. Note of Issue
- 6. Request for Judicial Intervention (RJI) (UD-13)
- 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)
- 10. Notice of Entry
- 11. Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry
- 12. Affidavit of Service by Mail
- 13. Affidavit of Service by Personal Delivery

Additional – Depending on Circumstances

- 14. Fee Waiver Application
- 15. Fee Waiver Order
- 16. Qualified Medical Child Support Order (UD-8b)
- 17. Application for Child Support Services (LDSS-5143) *Not included in this Appendix. Go to https://otda.ny.gov/programs/applications/5143.pdf
- 18. Short Form Child Support Services Application
- 19. Support Collection Unit Information Sheet (UD-8a)
- 20. Income Withholding Order for Child Support and Combined Child and Spousal Support (LDSS-5037)
- 21. New York State Case Registry Form
- 22. Addendum to RJI (UCS Form 840M)

II. With No Children

Required

- 23. Joint Divorce Information Booklet (JD-1) rev. 3/1/20
- 24. Summons with Notice and Combined Notice of Appearance (JD-2)
- 25. Joint Affidavit of Facts and Agreement with No Children (JD-5) rev. 3/1/20
- 26. Combined Findings of Fact, Conclusions of Law, and Judgment of Divorce with No Children (JD-6)
- 27. Note of Issue
- 28. Request for Judicial Intervention (RJI) (UD-13)
- 29. Certificate of Dissolution of Marriage (DOH 2168)
- 30. Notification Letter or Postcard (2 copies and 2 stamped envelopes)
- 31. Notice of Entry
- 32. Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry
- 33. Affidavit of Service by Mail
- 34. Affidavit of Service by Personal Delivery

Joint Divorce Pilot Instructions and Forms as of March 1, 2020

Additional – Depending on Circumstances 35. Fee Waiver Application

36. Fee Waiver Order

37. Income Withholding Order for Spousal Support only (LDSS-5038)