

Preface to the 2025 Edition

In the years since the initial publication of *Law and The Family New York Forms* in 1995, the practice of New York Matrimonial and Family Law has changed dramatically beyond anything I could envision when the first edition of *Law and The Family New York Forms* was published. During that time my daughter Bari Brandes Corbin, Esq., of the New York Bar, and my son Evan Barrett Brandes, Esq., of the New York, Massachusetts, and New South Wales, Australia Bars were contributors to its annual updates.

The Equitable Distribution Law of 1980, which adopted the premise that contemporary marriage involves an “economic partnership,” changed the practice of law permanently and indelibly from what it was when Professor Henry H. Foster and Dr. Doris Jonas Freed wrote the First Edition of *Law and the Family New York* in the 1960s.

Massive changes to the law have come in all colors and sizes since the publication of the First Edition, especially on the Federal level. In the 90s the United States ratified the Hague Convention on the Civil Aspects of International Child Abduction, and Congress passed the International Child Abduction Remedies Act, which catapults New York lawyers into the federal courts to enforce the Convention. The federal International Parental Kidnapping Prevention Act, which provides criminal penalties for unlawfully obstructing parental rights outside of the United States, was enacted at about that time. More recently, the United States ratified the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. On the state level Congress enacted The Full Faith and Credit to Protection Orders Act, and New York adopted the Uniform Interstate Family Support Act and the Uniform Child Custody Jurisdiction and Enforcement Act.

On a more global scale, the world, the law office, and even the courts have undergone monumental changes in communication in the last two decades. Likewise, family lawyers have had to keep pace with new technology. The corded phone and answering machine have been replaced by the iPhone, android phone, and voice mail. Yester-year’s typewriters and large desktop computers with floppy drives have been replaced by laptops, notebooks, tablets, and pads. Copy machines and fax machines have been

replaced by scanners and pdf files. Stationary is rarely used when communicating with counsel or a client. Email is the preferred method. Clients are no longer satisfied with overnight delivery, scheduled conferences, and weekly correspondence with copies of papers enclosed.

Today means email with pdf files attached, text messages, and video communication by Zoom, Skype, FaceTime, and Messenger. New York Courts have adopted the New York State Electronic Filing System (NYSCEF), a program that requires the filing of legal papers by electronic means, and allows attorneys to serve papers electronically in e-filed cases. Most judges hold court conferences and arguments of motions “virtually” with Teams.

In recognition of all of these changes Law and the Family New York Forms has been greatly expanded since the First Edition. These demanding times pose increasing challenges to matrimonial lawyers. Lawyers must be able to quickly and thoroughly convert knowledge into action. Matrimonial lawyers must have an arsenal of skills at their disposal. They must master the substantive law of divorce and then some. Valuation, real estate, taxes, agreements, pensions, corporations, partnerships, bankruptcy, and more, all affect matrimonial practice today. Those engaged in this field must handle it all while having their goal and objectives in mind from day one. The matrimonial attorney must have considerable knowledge of the Civil Practice Law and Rules, the Domestic Relations Law and the Court Rules, and the electronic filing rules which affect practice in the Supreme Court and the Appellate Divisions, including the rules governing motion practice, the submission of orders and judgments in matrimonial actions, and retainer agreements.

Today it is commonplace for a lawyer to draw agreements for spouses and future spouses covering maintenance, child support, property distribution, and other conditions of the marital relationship both before and during the marriage. Lawyers are faced with preparing detailed pre-nuptial, opting-out and settlement agreements, comprehensive pleadings, detailed motion papers, extensive pre-trial disclosure, and interaction with valuation and tax experts. All of this must be done under meager time allowances.

Law and The Family New York Forms was born of necessity. The expansion of matrimonial law has become a practitioner’s headache. This set of form books is intended to ease the mounting pressure by equipping today’s lawyer for tomorrow’s needs. Within these volumes, we have compiled an exhaustive set of forms, letters, and other material to meet the ever-growing

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demands on practitioners. In so doing, we have included, in many instances, a variation of the same form as an alternative for differing factual situations. Whether you concentrate in the field of family law or handle matrimonial matters infrequently, there is a form to suit your needs. Self-explanatory, accurate, and simple, the form books are meant to be a “hands-on” tool.

All of the forms in the 2025 Edition of the set have been revised to conform to the revision of CPLR 2106 which was amended in 2024, to provide that an affirmation of any person wherever made, may be used in an action in New York in lieu of and with the same force and effect as an affidavit if it is substantially in the statutory form. The 2025 Edition of the set also contains the official 2025 uncontested divorce forms, maintenance and child support calculators, and contested divorce worksheets. There are updates to the chapters on electronic filing in the Supreme Court and in the Appellate Division, as well as complete practice tables covering time limitations and jurisdiction, retainer agreements, and form letters for office practice and litigation. It is organized in the same progression in which a matrimonial action unfolds, from commencement to trial, including the preparation of judgments. As part of the package, I have inserted forms for enforcement and modification proceedings, and appellate practice. For convenience, each section contains the relevant provisions of the Civil Practice Law and Rules, the Domestic Relations Law, and the Court Rules as well as extensive cross-references to the applicable text of Law and The Family New York, 2025 Edition.

I hope that Law and The Family New York Forms will continue to serve the needs of the bench and bar as it has for the past thirty years.

Joel R. Brandes

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