

Index

ABANDONMENT

- Divorce, §§ **14:11, 14:12**
- Pleadings, verified complaint form, § **15:7**

ABSENCE OR PRESENCE

- Spousal maintenance, presence of children, § **6:44**

ABUSE OF PERSONS

- Cruel and Inhuman Treatment** (this index)
- Custody of children, § **20:19**

ACADEMIC DEGREES

- Equitable Distribution** (this index)

ACKNOWLEDGMENT

- Separation agreements, § **10:36**
- Trial practice, acknowledgement of stipulation form, § **18:55**

ADDITIONAL ACTS OR MATTERS

- Separation agreements, additional instruments, § **10:25**

ADDRESS

- Separation agreements, notification of address change, boiler plate provisions, § **10:24**

ADJUSTMENTS

- Child support, § **7:62**

ADMINISTRATIVE ACTS OR MATTERS

- Child Support Standards Act (CSSA), § **7:58**
- Equitable Distribution** (this index)

ADOPTION

- Child support, termination of, § **7:10**

ADULTERY

- Divorce** (this index)
- Pleadings, verified complaint form, § **15:9**

ADVERSE EXPERT

- Expert witnesses, cross-examination, § **19:15**

AFFIDAVITS

- Enforcement of Awards** (this index)
- Matrimonial Litigation** (this index)
- Modification of awards, affidavit in support of application for modification form, § **9:22**
- Pendente lite motions, forms, §§ **17:44, 17:45**

AGE

- Custody of children, age of parent, § **20:5**
- Equitable distribution, age of parties, marital property distribution, § **3:31**

AGE OF MAJORITY

- Child support, § **7:7**

AGREEMENTS

- Contracts and Agreements** (this index)

ALIMONY

- Limitations, § **6:33**

ALTERATION

- Child Support Standards Act (CSSA)** (this index)
- Equitable Distribution** (this index)

AMENDMENT, MODIFICATION, OR CHANGE

- Awards
 - Enforcement of Awards** (this index)
 - Modification of Awards** (this index)
- Child Support Standards Act (CSSA)** (this index)
- Circumstances, Change in** (this index)
- Enforcement of Awards** (this index)
- Equitable Distribution** (this index)
- Spousal Maintenance** (this index)

AMOUNT OR QUANTITY

- Child Support Standards Act (CSSA), amounts awarded under cost-allocation approach, § **7:15**

ANCILLARY ACTS OR MATTERS

- Equitable distribution, ancillary relief checklist for preconsultation client intake, § **12:11**

ANSWER

Pleadings, form and content of, §§ 15:12, 15:13

APPEAL AND ERROR

Child support, § 7:5, § 7:62
Equitable distribution, marital property distribution, § 3:46
Spousal maintenance, § 6:51

APPEARANCE

Matrimonial Litigation (this index)

APPOINTMENT

Enforcement of awards, appointment of receiver, form, § 8:20

APPRECIATION OF PROPERTY

Equitable Distribution (this index)

ARBITRATION

Equitable distribution, § 12:29

ARREARS

Enforcement of Awards (this index)
Modification of awards, § 9:4

ASSET/LIABILITY WORKSHEET

Equitable distribution, § 12:24

ATTENDANCE

Witnesses (this index)

ATTORNEY-CLIENT COMMUNICATIONS

Trial practice, § 18:37

ATTORNEYS AT LAW

Expert witnesses, § 19:8

ATTORNEYS' FEES

Enforcement of awards, § 8:39
Pendente Lite Motions (this index)
Temporary counsel fees. Pendente Lite Motions (this index)

ATTORNEY'S WORK PRODUCT

Disclosure, exemptions, § 16:6

AUTHORITY AND AUTHORIZATION

Disclosure, sources of authority, § 16:2

AVAILABILITY

Custody of children, availability of parent, § 20:18

AWARDS

Awards. Modification of Awards (this index)
Child Support (this index)
Enforcement of Awards (this index)
Modification of Awards (this index)

BANKRUPTCY

Equitable distribution, marital property distribution, § 3:51

BARRIERS

Obstacles or Barriers (this index)

BEST INTEREST OF CHILD

Custody of children, § 20:2

BIFURCATION

Equitable Distribution (this index)

BINDING ACTS OR MATTERS

Separation agreements, binding effect of boiler plate provisions, § 10:19

BODEN RULE

Child support award, modification of, § 9:13

BOILER PLATE PROVISIONS

Separation Agreements (this index)

BRAIMAN RULE

Joint custody, §§ 21:3, 21:4

BREACH OF CONTRACT OR AGREEMENT

Separation Agreements (this index)

BRIEFS

Expert Witnesses (this index)

BUSINESS AND PROFESSIONAL INTERESTS

Equitable distribution, marital property, § 3:26

BUSINESS ENTERPRISES

Equitable distribution, § 5:22

BUSINESS RECORDS

Trial practice, evidentiary issues, § 18:50

BUSINESS VALUATORS

Expert Witnesses (this index)

CALENDAR CONTROL CONFERENCE

Trial practice, § 18:13

INDEX

CALENDAR PRACTICE

Trial Practice (this index)

CASE MANAGEMENT

Equitable distribution, § 12:20

CATCH-ALL PROVISIONS

Equitable distribution, marital property distribution, § 3:42

Spousal maintenance, § 6:49

CERTIFICATES AND CERTIFICATION

Equitable Distribution (this index)

Matrimonial litigation, default judgments, certificate of dissolution form, § 13:35

CHANGE

Amendment, Modification, or Change (this index)

CHANGE OF ADDRESS

Separation agreements, § 10:24

CHILD CARE

Child Support Standards Act (CSSA), child care expenses, § 7:24

CHILD CARE CREDIT

Tax consequences, § 11:23

CHILDREN AND MINORS

Custody of Children (this index)

Spousal maintenance, presence of, § 6:44

Support. **Child Support** (this index)

CHILD SUPPORT

Generally, §§ 7:1-7:63

Adjustment, review and, § 7:62

Adoption, termination of child support, § 7:10

Age of majority, § 7:7

Alteration. Modification of award, below

Appellate review, § 7:5, § 7:62

Award

Child Support Standards Act (CSSA), amounts awarded under cost-allocation approach, § 7:15

denial of matrimonial relief, § 7:4

form of, § 7:6

modification of award, below

retroactivity, § 7:3

Boden rule, modification of award, § 9:13

Change. Modification of award, below

CHILD SUPPORT—Cont'd

Changed circumstances, time period measuring, § 9:15

Child Support Standards Act (CSSA) (this index)

Circumstances, time period measuring changed, § 9:15

Content of decision, § 7:5

Costs and expenses. **Child Support Standards Act (CSSA)** (this index)

Custody negotiation and litigation, § 7:60

Death of payor as basis termination, § 7:10

Deductions. **Child Support Standards Act (CSSA)** (this index)

Education. **Child Support Standards Act (CSSA)** (this index)

Effective date, § 7:3

Emancipation of child, § 7:8

Equitable distribution, § 1:20

Form of award, § 7:6

Inclusions. **Child Support Standards Act (CSSA)** (this index)

Income. **Child Support Standards Act (CSSA)** (this index)

Joint and split custody, § 7:59

Judicial review, § 7:5

Liability, parameters of, §§ 7:7-7:10

Litigation. Negotiation and litigation, below

Mandatory acts or matters. **Child Support Standards Act (CSSA)** (this index)

Matrimonial negotiations, § 7:61

Modification of award

generally, §§ 9:13-9:15

Boden rule, § 9:13

changed circumstances, time period measuring, § 9:15

Child Support Standards Act (CSSA) (this index)

circumstances, time period measuring changed, § 9:15

standard for modification, §§ 9:14, 9:15

time period measuring changed circumstances, § 9:15

Motions. **Pendente Lite Motions** (this index)

Negotiation and litigation

Child Support Standards Act (CSSA), self-support reserve and lower

CHILD SUPPORT—Cont'd

- Negotiation and litigation—Cont'd
 - income litigants, § 7:57
 - custody of child, § 7:60
 - matrimonial negotiations, § 7:61
- Orders. **Child Support Standards Act (CSSA)** (this index)
- Parameters of liability, §§ 7:7-7:10
- Parental income. **Child Support Standards Act (CSSA)** (this index)
- Pendente Lite Motions** (this index)
- Retroactivity of award, § 7:3
- Review and adjustment, § 7:62
- Scope, § 7:1
- Split custody, § 7:59
- Standard for modification of award, §§ 9:14, 9:15
- Standards Act. **Child Support Standards Act (CSSA)** (this index)
- Statutory reference points, § 7:2
- Stepparent liability, § 7:9
- Tax Consequences** (this index)
- Temporary acts or matters
 - Child Support Standards Act (CSSA), temporary orders, § 7:56
- Pendente Lite Motions** (this index)
- Termination, other bases for, § 7:10
- Time or date
 - Pendente Lite Motions** (this index)
 - period measuring changed circumstances, § 9:15
 - temporary acts or matters, above
- Uniform Interstate Family Support Act, § 7:63

CHILD SUPPORT STANDARDS ACT (CSSA)

- Generally, §§ 7:11-7:58
- Add-ons
 - generally, §§ 7:23-7:26
 - child care expenses, § 7:24
 - educational expenses, § 7:26
 - health care expenses, §§ 7:25, 7:41
- Administrative matters, § 7:58
- Alteration. Modification, below
- Alternative approaches to child support, §§ 7:13-7:19
- Alternative methodologies, § 7:20
- Amendment. Modification, below
- Amounts awarded under cost-allocation approach, § 7:15

CHILD SUPPORT STANDARDS ACT (CSSA)—Cont'd

- Analysis of, §§ 7:20-7:58
- Applicability, § 7:12
- Applying child support percentages, § 7:22
- Change. Modification, below
- Child care expenses, § 7:24
- Cost-allocation approach, § 7:14, § 7:15
- Costs and expenses
 - child care expenses, § 7:24
 - educational expenses, § 7:26, § 7:41
 - health care expenses, §§ 7:25, 7:41
 - parental income, determination of, employee business expenses, mandatory deductions, § 7:32
 - visitation expenses, § 7:48
- Deductions
 - employee business expenses, mandatory deductions, § 7:32
 - self-employment deductions, recapture of, § 7:31
- Defaults, § 7:53
- Delaware Melson formula, § 7:18
- Disclosure, financial, § 7:52
- Discretionary imputed income inclusions, § 7:29
- Disparity in parental income, § 7:46
- Earning capacity, mandatory imputed income inclusions, § 7:30
- Education
 - educational expenses, § 7:26, § 7:41
 - needs of parent, § 7:45
- Employee business expenses, mandatory deductions, § 7:32
- Employers and employees
 - parental income, determination of, employee business expenses, mandatory deductions, § 7:32
 - self-employment deductions, recapture of, § 7:31
- Expenses. Costs and expenses, above
- Factors. Variance factors, below
- FICA, § 7:34
- Financial disclosure, § 7:52
- Financial resources of parents and child, § 7:40
- Formula amount as rebuttable presumption, § 7:36
- Formula method, § 7:21

INDEX

CHILD SUPPORT STANDARDS ACT (CSSA)—Cont'd

- Health care and health care expenses,
§§ 7:25, 7:41
- Inclusions
 - discretionary imputed income inclu-
sions, § 7:29
 - earning capacity, mandatory imputed
income inclusions, § 7:30
 - mandatory imputed income inclusions,
§§ 7:30, 7:31
 - mandatory income inclusions, § 7:28
- Income
 - income equalization theory, § 7:19
 - income-sharing models, § 7:16
 - parental income, below
- Legislative history, § 7:11
- Lower income litigants, self-support
reserve and, § 7:57
- Maintenance and child support, § 7:33
- Mandatory acts or matters
 - deductions, employee business
expenses, § 7:32
 - earning capacity, mandatory imputed
income inclusions, § 7:30
 - employee business expenses, manda-
tory deductions, § 7:32
 - imputed income inclusions, §§ 7:30,
7:31
 - income inclusions, § 7:28
- Modification
 - post-CSSA orders, § 7:55
 - pre-CSSA orders, § 7:54
- Municipal earnings taxes, § 7:34
- Nonmonetary contributions, § 7:44
- Nonrecurring payments, § 7:35
- Nonsubject children of support provider,
§ 7:47
- Opt-out agreements, § 7:50
- Orders
 - post-CSSA orders, modification, § 7:55
 - pre-CSSA orders, modification, § 7:54
 - temporary orders, § 7:56
 - written order requirement, variance
from the formula, § 7:38
- Other relevant factors, § 7:49
- Parental income
 - determination of, §§ 7:27-7:34
 - discretionary imputed income inclu-
sions, § 7:29
 - disparity in, § 7:46

CHILD SUPPORT STANDARDS ACT (CSSA)—Cont'd

- Parental income—Cont'd
 - earning capacity, mandatory imputed
income inclusions, § 7:30
 - employee business expenses, manda-
tory deductions, § 7:32
- FICA, § 7:34
- income equalization theory, § 7:19
- income-sharing models, § 7:16
- lower income litigants, self-support
reserve and, § 7:57
- maintenance and child support, § 7:33
- mandatory deductions, § 7:32
- mandatory imputed income inclusions,
§§ 7:30, 7:31
- mandatory income inclusions, § 7:28
- municipal earnings taxes, § 7:34
- public assistance, § 7:34
- self-employment deductions, recapture
of, § 7:31
- SSI, § 7:34
- Pending actions, § 7:12
- Percentages, application of child support,
§ 7:22
- Pre-separation standard of living, § 7:42
- Presumptions, formula amount as rebutta-
ble presumption, § 7:36
- Public assistance, § 7:34
- Purposes, § 7:12
- Rebuttable presumption, formula amount
as, § 7:36
- Recapture of self-employment deductions,
§ 7:31
- Schools. Education, above
- Self-employment deductions, recapture
of, § 7:31
- Self-support reserve and lower income
litigants, § 7:57
- Special needs of child, § 7:41
- SSI, § 7:34
- Tax consequences, § 7:43
- Temporary orders, § 7:56
- Unrepresented parties, § 7:51
- Variance factors, §§ 7:39-7:49
- Variance from the formula, § 7:37, § 7:38
- Visitation expenses, § 7:48
- Wisconsin formula, § 7:17
- Written order requirement, variance from
the formula, § 7:38

CIRCUMSTANCES, CHANGE IN

Awards. **Modification of Awards** (this index)

Child support award, time period, § 9:15

Maintenance awards, §§ 9:8, 9:9

Modification of Awards (this index)

CLASS OR CLASSIFICATION

Equitable Distribution (this index)

CLERGY-COMMUNICANT

Trial practice, § 18:41

CLIENT INTAKE

Equitable Distribution (this index)

CLOSELY-HELD BUSINESSES AND PROFESSIONAL PRACTICES

Equitable Distribution (this index)

CLOSING STATEMENTS

Equitable distribution, §§ 12:27, 12:28

COHABITATION

Modification of awards, § 9:17

COMMENCEMENT PROCEDURE

Contempt, enforcement of awards, § 8:32

Modification of awards, § 9:18

COMMUNITY PROPERTY

Equitable distribution, § 1:3

COMPULSORY ACTS OR MATTERS

Disclosure, motions to compel disclosure and sanctions, § 16:27

Equitable distribution, compulsory financial disclosure, § 1:17

Motions to compel disclosure and sanctions, § 16:27

Witnesses (this index)

COMPUTATIONAL METHOD

Spousal maintenance, § 6:12

CONCLUSIONS OF LAW

Findings of Fact and Conclusions of Law (this index)

CONSTITUTIONAL LAW

Equitable Distribution (this index)

CONSTRUCTION AND INTERPRETATION

Divorce, initial cruelty interpretations, § 14:5

Equitable Distribution (this index)

CONSTRUCTIVE TRUST

Equitable distribution, § 1:5

CONTEMPT

Enforcement of Awards (this index)

CONTENT

Child support, content of decision, § 7:5

Equitable distribution, content of decision, marital property distribution, § 3:46

Pendente Lite Motions (this index)

Pleadings (this index)

Spousal maintenance, content of decision, § 6:50

CONTRACTS AND AGREEMENTS

Divorce, separation pursuant to agreement, grounds, § 14:18

Equitable Distribution (this index)

Opt-Out Agreements (this index)

Separation Agreements (this index)

Spousal maintenance, modification of agreements, § 6:15

CONTRIBUTIONS

Equitable distribution, marital property distribution, § 3:35

CONVERSION ACTIONS

Enforcement of awards, conversion of proceeds by employer, income deduction order, § 8:27

Equitable distribution, cooperative conversions, § 3:11

Pendente lite motions, direct use of summary judgment in matrimonial actions, § 17:53

CONVEYANCE OF PROPERTY

Enforcement of awards, conveyance of property interest to satisfy arrears, § 8:42

COOPERATIVE CONVERSIONS

Equitable distribution, § 3:11

CORROBORATION

Divorce, corroboration of cruel and inhuman treatment, § 14:9

COST-ALLOCATION APPROACH

Child Support Standards Act (CSSA), § 7:14, § 7:15

INDEX

COST-EFFECTIVENESS

Equitable distribution, § 12:4

COSTS AND EXPENSES

Child Support Standards Act (CSSA)
(this index)

Enforcement of awards, counsel fees and expenses, § 8:39

Pendente Lite Motions (this index)
Spousal maintenance, family expenses,
§ 6:16

Tax consequences, medical expenses,
§ 11:24

COSTS OF ACTIONS

Attorneys' Fees (this index)

COUNSEL FEES

[@00fa]ttorneys' Fees (this index)

COUNTERCLAIM

Equitable distribution, Part B, effective date, § 2:10

Pleadings, form, § 15:13

“COURTROOM READY”

Expert witnesses, § 19:13

CROSS-EXAMINATION

Business valuations. **Expert Witnesses**
(this index)

Trial practice, § 18:30

CROSS-MOTIONS

Generally, §§ 17:7, 17:8

CRUEL AND INHUMAN TREATMENT

Divorce (this index)

Pleadings, verified complaint form, § 15:6

CUSTODY OF CHILDREN

Generally, §§ 20:1-20:24

Abuse and neglect, § 20:19

Age of parent, § 20:5

Alcohol and drug abuse, § 20:8

Availability of parent, § 20:18

Best interest of child standard, § 20:2

Brothers, separation of, § 20:17

Child's preference, § 20:13

Child Support (this index)

Determining factors, §§ 20:4-20:22

Domestic violence factor, § 20:24

Drug abuse, § 20:8

Emotional stability, § 20:7

Factors, §§ 20:4-20:22

CUSTODY OF CHILDREN—Cont'd

Financial condition, § 20:12

Health

mental and emotional stability, § 20:7

physical health, § 20:6

Home environment, nature and quality,
§ 20:16

Homosexuality, § 20:11

Joint Custody (this index)

Marital misconduct, § 20:9

Mental and emotional stability, § 20:7

Moral character, § 20:10

Nature of home environment, § 20:16

Neglect and abuse, § 20:19

Negotiation and litigation of custody,
§ 7:60

Noncustodial parent, willingness to foster
relationship with, § 20:15

No prima facie right to custody, § 20:3

Parent, availability of, § 20:18

Parent's age, § 20:5

Physical health, § 20:6

Preference of child, § 20:13

Primary caretaker, § 20:22

Proposals for statutory factors, § 20:23

Quality of home environment, § 20:16

Racial considerations, § 20:20

Religious considerations, § 20:14

Scope of chapter, § 20:1

Separation agreements, drafting, § 10:33

Separation of siblings, § 20:17

Siblings, separation of, § 20:17

Sisters, separation of, § 20:17

Split custody. **Joint Custody** (this index)

Stability, § 20:21

Statutory factors, proposals for, § 20:23

Support of children. **Child Support** (this
index)

Tender years presumption, § 20:3

Totality of circumstances, § 20:4

Traditional standard, best interest of child,
§ 20:2

Visitation (this index)

Willingness to foster relationship with
noncustodial parent, § 20:15

DAVIS RULE

Tax consequences, property transfers,
§ 11:5

DEATH OF PERSONS

Child support, death of payor as basis
termination, § 7:10

DEBT

Equitable distribution, debt consideration
as barrier to remarriage, § 3:45

DECREES

Judgments and Decrees (this index)

DECRETAL AWARDS

Modification of awards
no surviving separation agreement,
§ 9:7
surviving separation agreement, award
based upon, § 9:10
No surviving separation agreement, § 9:7
Surviving separation agreement, award
based upon, § 9:10

DEDUCTIONS

Child Support Standards Act (CSSA)
(this index)
Income deduction order. **Enforcement of
Awards** (this index)
Tax consequences, medical expenses,
§ 11:24

DEFAULT

Child Support Standards Act (CSSA),
§ 7:53
Judgments. **Default Judgments** (this
index)
Spousal maintenance, statutory temporary
and post-divorce maintenance,
§ 6:14, § 6:27

DEFAULT JUDGMENTS

Matrimonial Litigation (this index)

DEFENDANTS

Matrimonial litigation, appearance by
defendant, §§ 13:19, 13:20

DEFENSES

Divorce (this index)
Enforcement of awards, money judg-
ments, denial of visitation, § 8:7

DELAWARE MELSON FORMULA

Child Support Standards Act (CSSA),
§ 7:18

DEMAND

Trial Practice (this index)

DENIAL

Refusal or Denial (this index)

DEPOSITIONS

Generally, §§ 16:12-16:20
Document production at, § 16:22
Forms
notice of demand for signature, § 16:19
notice of examination before trial,
§ 16:14
Location of, § 16:15
Mode of examination, § 16:16
Notice
form, notice of demand for signature,
§ 16:19
form, notice of examination before
trial, § 16:14
priority and, § 16:13
Objections, § 16:17
Oral depositions, §§ 16:12-16:20
Place of, § 16:15
Priority and notice, § 16:13
Transcripts, § 16:18
Use of, § 16:20

DEVICES

Disclosure (this index)

DIRECT EXAMINATION

Business valutors. **Expert Witnesses**
(this index)
Trial practice, §§ 18:28, 18:29

DISCLOSURE

Generally, §§ 16:1-16:34
Attorney's work product, exemptions,
§ 16:6
Authority, sources of, § 16:2
Burden of proof, exemptions, § 16:8
Child Support Standards Act (CSSA),
financial disclosure, § 7:52

Depositions (this index)

Devices

generally, §§ 16:12-16:27
interrogatories, §§ 16:25, 16:26
motions to compel disclosure and sanc-
tions, § 16:27
physical and mental examinations,
§ 16:24

**Production of Documents and
Tangible Things** (this index)

Equitable distribution, financial
disclosure, § 1:17

INDEX

DISCLOSURE—Cont'd

- Evidence, burden of proof, exemptions, § 16:8
- Examinations, physical and mental, § 16:24
- Exemptions
 - generally, §§ 16:4-16:8
 - attorney's work product, § 16:6
 - burden of proof, § 16:8
 - litigation, material prepared for, § 16:7
 - privileged matter, § 16:5
- Financial disclosure
 - generally, §§ 16:30-16:33
 - Child Support Standards Act (CSSA), § 7:52
 - equitable distribution, § 1:17
 - nonparties, § 16:31
 - separation agreements, impact on disclosure, § 16:32
 - specificity requirements, § 16:33
- Forms
 - Depositions** (this index)
 - interrogatories, § 16:26
 - Interrogatories, §§ 16:25, 16:26
 - Judicial supervision, § 16:11
 - Litigation, material prepared for, exemptions, § 16:7
 - Maintenance, spousal, statutory temporary and post-divorce maintenance, §§ 6:14, 6:27
 - Matrimonial actions, § 16:28
 - Mental examinations, § 16:24
 - Merits, disclosure on the, § 16:29
 - Method of obtaining, § 16:10
 - Motions to compel disclosure and sanctions, § 16:27
 - Nonparties, financial disclosure, § 16:31
 - Persons subject to, § 16:9
 - Physical and mental examinations, § 16:24
 - Presumptions and burden of proof, exemptions, § 16:8
 - Privileged matter, § 16:5
 - Production of Documents and Tangible Things** (this index)
 - Protective orders, § 16:11
 - Sanctions, motions to compel disclosure and, § 16:27
 - Scope of disclosure, § 16:3
 - Separation agreements, impact on financial disclosure, § 16:32

DISCLOSURE—Cont'd

- Sources of authority, § 16:2
- Specific issues, §§ 16:28-16:34
- Spousal maintenance, statutory temporary and post-divorce maintenance, § 6:14, § 6:27
- Statutory temporary and post-divorce maintenance, § 6:14, § 6:27
- Suggested approach to matrimonial disclosure, § 16:34

DISCONTINUANCE OR DISMISSAL

- Equitable distribution, discontinued and dismissed actions, § 3:9

DISCOVERY

- Depositions** (this index)
- Interrogatories, §§ 16:25, 16:26
- Nunc pro tunc, modification of awards, increase based on newly discovered evidence, § 9:5
- Production of Documents and Tangible Things** (this index)

DISCRETIONARY ACTS OR MATTERS

- Child Support Standards Act (CSSA), discretionary imputed income inclusions, § 7:29

DISTRIBUTIVE AWARD

- Equitable distribution, marital property, § 3:47

DIVORCE

- Abandonment, §§ 14:11, 14:12
- Adultery
 - generally, §§ 14:14-14:16
 - defenses, § 14:16
 - proof of, § 14:15
- Agreement, separation pursuant to, grounds, § 14:18
- Alimony, limitations, § 6:33
- Attorneys' Fees** (this index)
- Child Support** (this index)
- Corroboration of cruel and inhuman treatment, § 14:9
- Cruel and inhuman treatment
 - generally, §§ 14:4-14:10
 - corroboration, § 14:9
 - defenses, § 14:10
 - Hessen approach, § 14:6
 - initial cruelty interpretations, § 14:5

DIVORCE—Cont'd

Cruel and inhuman treatment—Cont'd
post-EDL cruelty actions, § 14:8

post-Hessen determinations, § 14:7

Custody of Children (this index)

Defenses

abandonment, § 14:12

adultery, § 14:16

cruel and inhuman treatment, § 14:10

Evidence of adultery, § 14:15

Grounds

generally, §§ 14:3-14:18

abandonment, §§ 14:11, 14:12

agreement, separation pursuant to,
§ 14:18

cruel and inhuman treatment, above
imprisonment, § 14:13

judgment, separation pursuant to,
§ 14:17

legislative revision of, § 14:19

Hessen approach

generally, § 14:6

post-Hessen determinations, § 14:7

Imprisonment as grounds, § 14:13

Inhuman treatment. Cruel and inhuman
treatment, above

Initial cruelty interpretations, § 14:5

Irretrievable breakdown of marriage,
§ 14:2

Judgment, separation pursuant to, § 14:17

Legislative revision of grounds, § 14:19

Pendente Lite Motions (this index)

Post-divorce maintenance. **Spousal
Maintenance** (this index)

Post-EDL cruelty actions, § 14:8

Prison, imprisonment as grounds, § 14:13

Scope of chapter, § 14:1

Separation Agreements (this index)

Spousal Maintenance (this index)

DOCUMENTS

**Production of Documents and Tangible
Things** (this index)

DOMESTIC RELATIONS LAW

SECTION 243

Enforcement of awards, form, § 8:19

DOMESTIC RELATIONS LAW

SECTION 244

Enforcement of awards, form, § 8:12

DOMESTIC RELATIONS TAX

REFORM OF 1984 (DRTR)

Tax Consequences (this index)

DOMESTIC VIOLENCE

Custody of children, § 20:24

DOMICILE

Residence or Domicile (this index)

DRAFTING AGREEMENTS

Separation Agreements (this index)

DRUG ABUSE

Custody of children, § 20:8

DUAL CERTIFICATION

Equitable distribution, § 12:23

DUAL REPRESENTATION

Separation agreements, § 10:12

DURATION

Enforcement of awards, income deduction
order, § 8:26

Equitable distribution, duration of mar-
riage, § 3:31

Pendente lite motions, duration of
pendente lite award, temporary child
support, § 17:30

Spousal Maintenance (this index)

EARLY INTERVENTION

Equitable distribution, § 12:21

EARNING CAPACITY

Child Support Standards Act (CSSA),
mandatory imputed income inclu-
sions, § 7:30

Spousal maintenance, § 6:41

EAVESDROPPING

Trial practice, § 18:44

ECONOMIC PROVISIONS

Separation Agreements (this index)

EDUCATION

Child Support Standards Act (CSSA)
(this index)

Equitable Distribution (this index)

Schools and Education (this index)

EFFECTIVE DATE

Child support, § 7:3

Equitable Distribution (this index)

Spousal Maintenance (this index)

INDEX

EFFECTIVE DATE—Cont'd

Tax consequences, interspousal transfers,
§ 11:9

EFFECTIVE PRACTICE TEAM

Equitable distribution, § 12:3

EMANCIPATION OF CHILD

Child support, § 7:8

EMOTIONAL MATTERS

Custody of children, emotional stability,
§ 20:7

EMPLOYEE BUSINESS EXPENSES

Child Support Standards Act (CSSA),
mandatory deductions, § 7:32

EMPLOYERS AND EMPLOYEES

Child Support Standards Act (CSSA)
(this index)

Enforcement of Awards (this index)

ENFORCEMENT OF AWARDS

Generally, §§ 8:1-8:57

Affidavits

contempt, affidavit in support of
application to punish for, form,
§ 8:37

mistake of fact, affidavit in support of
application asserting, § 8:54

money judgments, affidavit in support
of application pursuant to Domes-
tic Relations Law Section 244
form, § 8:12

security and sequestration, affidavit in
support of application pursuant to
Domestic Relations Law Section
243 form, § 8:19

Amendment or change

money judgments, §§ 8:4, 8:5

New York State Support Enforcement
Act of 1985, related amendments
to domestic relations law enforce-
ment provisions, § 8:56

Appointment of receiver, form, security
and sequestration, § 8:20

Arrears

conveyance of property interest to
satisfy, § 8:42

money judgments, below

Attorneys' fees, § 8:39

Change. Amendment or change, above

ENFORCEMENT OF AWARDS—Cont'd

Commencement procedure, contempt,
§ 8:32

Contempt

generally, §§ 8:28-8:38

affidavit in support of application to
punish for contempt form, § 8:37

availability of remedy, § 8:28

basis for remedy, § 8:30

commencement procedure, § 8:32

determination, hearing and, § 8:33

exhaustion of remedies, § 8:29

forms. Punishment, forms, below in
this group

hearing and determination, § 8:33

jurisdiction, § 8:32

nature of remedy, § 8:28

notice of motion, § 8:35

orders

contempt order, form, § 8:38

service of underlying judgment or
order, form, § 8:31

show cause order, form, § 8:36

punishment, forms

generally, §§ 8:34-8:38

affidavit in support of application to
punish for contempt form,
§ 8:37

contempt, order of, § 8:38

notice of motion, § 8:35

show cause order, § 8:36

remedies

availability of remedy, § 8:28

basis for remedy, § 8:30

exhaustion of remedies, § 8:29

service of underlying order or judg-
ment, § 8:31

show cause order, § 8:36

underlying order or judgment, service
of, § 8:31

willful default, § 8:30

Conversion of proceeds by employer,
income deduction order, § 8:27

Conveyance of property interest to satisfy
arrears, § 8:42

Counsel fees and expenses, § 8:39

Defenses, money judgments, denial of
visitation, § 8:7

Domestic Relations Law Section 243,
form, § 8:19

ENFORCEMENT OF AWARDS—Cont'd

Domestic Relations Law Section 244, form, § 8:12

Duration, income deduction order, § 8:26

Employers and employees
income deduction order, employer's conversion of proceeds, § 8:27

New York State Support Enforcement Act of 1985, duties of employer or income payor, § 8:49

Exhaustion of remedies, contempt, § 8:29

Expenses, counsel fees and expenses, § 8:39

Family court, enforcement in, § 8:41

Forms
contempt, above
income execution for support enforcement form, § 8:52
money judgments, below
security and sequestration, below

Fraudulent conveyances, § 8:40

Hearings, contempt, § 8:33

Implied waiver of child support prohibited, new York State Support Enforcement Act of 1985, § 8:57

Income
deduction order. Income deduction order, below
New York State Support Enforcement Act of 1985, below

Income deduction order
generally, §§ 8:21-8:27
basis for relief, § 8:23
conversion of proceeds by employer, § 8:27
duration of order, § 8:26
employer's conversion of proceeds, § 8:27
income subject to deduction order, § 8:22
jurisdiction and procedure, § 8:25
procedure, § 8:25
remedies, nature and scope, § 8:21
support collection unit, § 8:24

Interest, money judgments, § 8:6

Judgments and decrees. Money judgments, below

Jurisdiction and procedure
contempt, § 8:32
income deduction order, § 8:25
money judgments, below

ENFORCEMENT OF AWARDS—Cont'd

Jurisdiction and procedure—Cont'd
security and sequestration, below

Labor and employment. Employers and employees, above

Limitation of actions, money judgments, § 8:8

Mistake of fact. New York State Support Enforcement Act of 1985, below

Modification. Amendment or change, above

Money judgments
generally, §§ 8:3-8:14
arrears
pendency, arrears accruing during, § 8:6
reduction of arrearage to money judgment, § 8:3
defenses, denial of visitation, § 8:7
denial of visitation as defense, § 8:7
forms
affidavit in support of application pursuant to Domestic Relations Law Section 244 form, § 8:12
Domestic Relations Law Section 244 form, affidavit in support of application pursuant to, § 8:12
matrimonial judgment, § 8:9
money judgment, § 8:14
order directing entry of money judgment, § 8:13
show cause order, § 8:11
interest, § 8:6
jurisdiction and procedure
generally, §§ 8:10-8:14
affidavit in support of application pursuant to Domestic Relations Law Section 244 form, § 8:12
Domestic Relations Law Section 244 form, affidavit in support of application pursuant to, § 8:12
money judgment form, § 8:14
orders, below in this group
limitation of actions, § 8:8
modification, §§ 8:4, 8:5
orders
entry of money judgment, order directing, § 8:13
show cause order, § 8:11
other enforcement devices, § 8:5

INDEX

ENFORCEMENT OF AWARDS—Cont'd

- Money judgments—Cont'd
 - pendency, arrears accruing during, § 8:6
 - procedure. Jurisdiction and procedure, above in this group
 - reduction of arrearage to money judgment, § 8:3
 - statute of limitations, § 8:8
 - waiver, § 8:8
- New York State Support Enforcement Act of 1985
 - generally, §§ 8:43-8:57
 - affidavit in support of application asserting mistake of fact, § 8:54
 - amendments to domestic relations law enforcement provisions, § 8:56
 - amount of deduction, § 8:50
 - application asserting mistake of fact, § 8:53
 - domestic relations law enforcement provisions, amendments to, § 8:56
 - duties of employer or income payor, § 8:49
 - employer or income payor, duties of, § 8:49
 - forms, income execution for support enforcement, § 8:52
 - implied waiver of child support prohibited, § 8:57
 - income execution for support enforcement
 - generally, §§ 8:44-8:50
 - amount of deduction, § 8:50
 - duties of employer or income payor, § 8:49
 - form, § 8:52
 - mistake of fact, § 8:47
 - notice, § 8:45
 - service, § 8:46
 - vacatur, § 8:48
 - income payable by state
 - generally, §§ 8:51-8:54
 - affidavit in support of application asserting mistake of fact, § 8:54
 - amendments to domestic relations law enforcement provisions, § 8:56
 - application asserting mistake of fact, § 8:53

ENFORCEMENT OF AWARDS—Cont'd

- New York State Support Enforcement Act of 1985—Cont'd
 - income payable by state—Cont'd
 - forms, income execution for support enforcement, § 8:52
 - implied waiver of child support prohibited, § 8:57
 - income deduction order under Act, § 8:55
 - income execution for support enforcement form, § 8:52
 - mistake of fact, affidavit in support of application asserting, §§ 8:53, 8:54
 - notice of motion, § 8:53
 - related amendments to domestic relations law enforcement provisions, § 8:56
 - mistake of fact
 - application asserting, § 8:53
 - income execution for support enforcement, § 8:47
 - income payable by state, affidavit in support of application asserting, § 8:54
 - notice
 - income execution for support enforcement, § 8:45
 - income payable by state, § 8:53
 - service, income execution for support enforcement, § 8:46
 - state. Income payable by state, above in this group
 - statutory scheme, § 8:43
 - vacatur, income execution for support enforcement, § 8:48
- Notice
 - contempt, notice of motion form, § 8:35
 - income execution for support enforcement, § 8:45
- New York State Support Enforcement Act of 1985, above
- Orders
 - contempt, above
 - income deduction order, above
 - money judgments, above
 - New York State Support Enforcement Act of 1985, income deduction order under, § 8:55
 - security and sequestration, below

ENFORCEMENT OF AWARDS—Cont'd

- Orders—Cont'd
 - show cause orders, below
- Part B, awards under, § 8:2
- Pendency, arrears accruing during, § 8:6
- Process. Service of process, below
- Property interest, conveyance to satisfy arrears, § 8:42
- Receivers, order directing sequestration and appointing receiver form, § 8:20
- Remedies
 - contempt, above
 - income deduction order, § 8:21
- Scope, § 8:1
- Security and sequestration
 - generally, §§ 8:15-8:20
 - affidavit in support of application pursuant to Domestic Relations Law Section 243 form, § 8:19
 - appointment of receiver, form, § 8:20
 - basis for relief, § 8:16
 - Domestic Relations Law Section 243 form, affidavit in support of application pursuant to, § 8:19
- forms
 - affidavit in support of application pursuant to Domestic Relations Law Section 243, § 8:19
 - appointment of receiver, § 8:20
 - Domestic Relations Law Section 243, § 8:19
 - order directing sequestration and appointing receiver, § 8:20
 - show cause order, § 8:18
- jurisdiction and procedure
 - generally, §§ 8:17-8:20
 - affidavit in support of application pursuant to Domestic Relations Law Section 243 form, § 8:19
 - sequestration and appointing receiver, order directing, § 8:20
 - show cause order, form, § 8:18
- nature of relief, § 8:15
- orders
 - sequestration and appointing receiver, order directing, § 8:20
 - show cause order, § 8:18
- procedure. Jurisdiction and procedure, above in this group

ENFORCEMENT OF AWARDS—Cont'd

- Security and sequestration—Cont'd
 - receivers, order directing sequestration and appointing receiver form, § 8:20
 - scope of relief, § 8:15
- Separation Agreements** (this index)
- Sequestration. Security and sequestration, above
- Service of process
 - New York State Support Enforcement Act of 1985, income execution for support enforcement, § 8:46
 - underlying order or judgment, contempt, § 8:31
- Show cause orders
 - contempt, § 8:36
 - money judgments, § 8:11
 - security and sequestration, § 8:18
- Statute of limitations, money judgments, § 8:8
- Support collection unit, income deduction order, § 8:24
- Time, duration of income deduction order, § 8:26
- Underlying order or judgment, service of, contempt, § 8:31
- Vacatur, New York State Support Enforcement Act of 1985, income execution for support enforcement, § 8:48
- Visitation, denial of, money judgments, § 8:7
- Waiver
 - money judgments, § 8:8
 - New York State Support Enforcement Act of 1985, implied waiver of child support prohibited, § 8:57
- Willful default, contempt, § 8:30

ENHANCED EARNINGS

- Equitable distribution, educational degrees and professional licenses, § 5:30
- Spousal maintenance, no longer marital property, § 6:5

EQUITABLE DISTRIBUTION

- Generally, §§ 1:1-1:23
- Academic degrees. Educational degrees and professional licenses, below
- Actions and proceedings
 - discontinued and dismissed actions, § 3:9

EQUITABLE DISTRIBUTION—Cont'd

- Actions and proceedings—Cont'd
 - foreign judgments, proceedings following, § 1:23
 - Part B, below
 - prior actions, § 1:13
 - qualifying matrimonial actions, § 3:9
 - statute, actions governed by, § 2:4
- Active-passive distinction, appreciation of separate property, § 3:18
- Additional insights, § 1:10
- Administration of equitable distribution cases
 - generally, §§ 12:1-12:30
 - arbitration, fee disputes and, § 12:29
 - asset/liability worksheet, sample form, § 12:24
 - case management issues, § 12:20
 - closing statement, §§ 12:27, 12:28
 - cost-effectiveness, use of technology for, § 12:4
 - dual certification, sample form, § 12:23
 - early judicial intervention, § 12:21
 - effective practice team, development of, § 12:3
 - expert witnesses, § 12:26
 - fee disputes and arbitration, § 12:29
 - forms. Sample forms, below in this group
 - initial consultation. Preconsultation client intake, below
 - multiple alternative clauses, retainer agreement, § 12:19
 - net worth statement, preparation of, § 12:22
 - new practice environment, § 12:2
 - nonrefundable retainer fees, § 12:17
 - preconsultation client intake, below
 - retainer agreement, sample form/ multiple alternative clauses, § 12:19
 - sample forms
 - asset/liability worksheet, § 12:24
 - closing statement, § 12:28
 - dual certification, § 12:23
 - retainer agreement, § 12:19
 - state of net worth, § 12:25
 - scope of chapter, § 12:1
 - security interests, § 12:18
 - sexual relationship with client, § 12:30

EQUITABLE DISTRIBUTION—Cont'd

- Administration of equitable distribution cases—Cont'd
 - statement of net worth, preparation of, § 12:22
 - state of net worth, sample form, § 12:25
 - technology, use for cost-effectiveness, § 12:4
 - witnesses, expert, § 12:26
 - written retainer agreements, § 12:16
- Age of parties, marital property distribution, § 3:31
- Agreements. Contracts and agreements, below
- Alteration. Amendment or modification, below
- Amendment or modification
 - generally, § 1:22
 - bifurcation, structure of amended statute, §§ 1:12, 2:2
 - constitutionality and retroactivity of amended statute, §§ 2:1-2:10
 - Part B, amendment of pre-equitable distribution pleadings, § 2:7
 - retroactivity of amended statute, constitutionality and, §§ 2:1-2:10
 - transmutation, below
- Ancillary relief checklist, preconsultation client intake, § 12:11
- Appellate review, marital property distribution, § 3:46
- Appreciation of separate property
 - generally, §§ 3:17-3:21
 - active-passive distinction, § 3:18
 - burden of proof, § 3:19
 - price doctrine in application, § 3:21
 - time frame, appreciation of, § 3:20
- Approaches to property distribution, §§ 1:2-1:6
- Arbitration, fee disputes and, § 12:29
- Asset/liability worksheet, sample form, § 12:24
- Bankruptcy considerations, marital property distribution, § 3:51
- Barriers to remarriage, §§ 3:44, 3:45
- Bifurcation
 - statute, § 1:12
 - structure of amended statute, § 2:2
- Burden of proof. Presumptions and burden of proof, below

EQUITABLE DISTRIBUTION—Cont'd

- Business and professional interests as marital property, § 3:26, § 5:21
- Business enterprises, § 5:22
- Case management issues, § 12:20
- Catch-all factor, marital property distribution, § 3:42
- Certificates and certification
 - dual certification, sample form, § 12:23
 - educational degrees and professional licenses, post O'Brien status of degrees and certifications, § 5:29
- Change. Amendment or modification, above
- Child support, § 1:20
- Classification of marital and separate property
 - generally, §§ 3:2-3:27
 - appreciation of separate property, above
 - construction and interpretation. Judicial construction of marital property, below in this group
 - cooperative conversions, § 3:11
 - discontinued and dismissed actions, § 3:9
 - during marriage, property acquired, § 3:6
 - exchanges of separate property, § 3:16
 - gifts, inheritance, § 3:14
 - Hartog case, § 3:22
 - inheritance, §§ 3:13-3:15
 - judicial construction of marital property
 - generally, §§ 3:3-3:10
 - discontinued and dismissed actions, § 3:9
 - during marriage, property acquired, § 3:6
 - postcommencement acquisitions, § 3:8
 - presumption in favor of marital property, § 3:7
 - prior to marriage, property acquired, § 3:5
 - qualifying matrimonial actions, § 3:9
 - "source of funds" approach, § 3:10
 - time of acquisition, §§ 3:4-3:6, 3:8
 - types of assets covered, §§ 3:3-3:10
 - personal injury, compensation for, § 3:15
 - postcommencement acquisitions, § 3:8

EQUITABLE DISTRIBUTION—Cont'd

- Classification of marital and separate property—Cont'd
 - presumption in favor of marital property, § 3:7
 - prior to marriage, property acquired, § 3:5
 - qualifying matrimonial actions, § 3:9
 - reduction of separate property debt using marital funds, § 3:27
 - source, separate property by, § 3:12
 - "source of funds" approach, § 3:10
 - special issues, § 3:11
 - time of acquisition, §§ 3:4-3:6, 3:8
 - transmutation, below
 - types of assets covered, §§ 3:3-3:10
- Client intake. Preconsultation client intake, below
- Closely-held businesses and professional practices
 - generally, §§ 5:21-5:25
 - business and professional interests as marital property, § 5:21
 - distribution of business and professional interests, § 5:25
 - equitable distribution, professional practice subject to, § 5:23
 - growth of business enterprise, § 5:22
 - inception of business enterprise, § 5:22
 - valuation of business and professional interests, § 5:24
- Closing statement, §§ 12:27, 12:28
- Community property, § 1:3
- Compulsory financial disclosure, § 1:17
- Conferment of educational degrees and professional licenses, time of, § 5:31
- Consideration of debt as barrier to remarriage, § 3:45
- Constitutional catalyst, § 1:7
- Constitutionality and retroactivity of amended statute, §§ 2:1-2:10
- Construction and interpretation. Classification of marital and separate property, above
- Constructive trust, § 1:5
- Content of decision, marital property distribution, § 3:46
- Contracts and agreements
 - parties, agreements between, § 1:16
 - retainer agreements, below

EQUITABLE DISTRIBUTION—Cont'd

- Contributions, marital property distribution, § 3:35
- Cooperative conversions, § 3:11
- Cost-effectiveness, use of technology for, § 12:4
- Custodial need for marital residence, marital property distribution, § 3:32
- Date. Time or date, below
- Debt consideration as barrier to remarriage, § 3:45
- Deferred compensation plans. Pensions and deferred compensation plans, below
- Degrees. Educational degrees and professional licenses, below
- Difficulty of evaluation, marital property distribution, § 3:38
- Disclosure, compulsory financial, § 1:17
- Discontinued and dismissed actions, § 3:9
- Disposition of property, § 1:18
- Distribution of marital property. Marital property distribution, below
- Distributive award, marital property, § 3:47
- Dual certification, sample form, § 12:23
- Duration of marriage, marital property distribution, § 3:31
- During marriage, property acquired, § 3:6
- Early judicial intervention, § 12:21
- Educational degrees and professional licenses
 - generally, §§ 5:26-5:34
 - conferment of license or degree, time of, § 5:31
 - distributability, § 5:27
 - distributive analysis, § 5:32
 - enhanced earning capacity, § 5:30
 - O'Brien v. O'Brien, §§ 5:28-5:34
 - post O'Brien status of degrees and certifications, § 5:29
 - security for award, § 5:33
 - student spouse-working spouse, § 5:26
 - tax impact, § 5:34
 - time of conferment of license or degree, § 5:31
- Effective date of Part B. Part B, effective date of, below
- Effective practice team, development of, § 12:3

EQUITABLE DISTRIBUTION—Cont'd

- Encumbrances, fraudulent, marital property distribution, § 3:41
- Enforcement and modification, § 1:22
- Enhanced earning capacity, educational degrees and professional licenses, § 5:30
- Equal division, equitable distribution not necessarily, §§ 3:29-3:51
- Evaluation, difficulty of, marital property distribution, § 3:38
- Evidence
 - pensions and deferred compensation plans, § 5:17
 - presumptions and burden of proof, below
- Exchanges of separate property, § 3:16
- Expert witnesses, § 12:26
- Federal preemption, pensions and deferred compensation plans, § 5:18
- Fees
 - disputes and arbitration, § 12:29
 - preconsultation client intake, § 12:15
- Financial disclosure, compulsory, § 1:17
- Foreign judgments, proceedings following, § 1:23
- Forms
 - administration of equitable distribution cases, above
 - ancillary relief checklist, § 12:11
 - asset/liability worksheet, § 12:24
 - dual certification, § 12:23
 - intake sheet, § 12:8
 - preconsultation client intake, below
 - retainer agreements, § 12:19
 - state of net worth, § 12:25
- Fraudulent transfers and encumbrances, marital property distribution, § 3:41
- Future financial circumstances, marital property distribution, § 3:37
- Genesis of law, §§ 1:7-1:10
- Gifts, inheritance, § 3:14
- Hartog case, § 3:22
- Health of parties, marital property distribution, § 3:31
- Inception of business enterprise, § 5:22
- Income and property of parties, marital property distribution, § 3:30
- Inheritance
 - generally, §§ 3:13-3:15
 - gifts, § 3:14

EQUITABLE DISTRIBUTION—Cont'd

Inheritance—Cont'd
 loss of, § 3:33
 personal injury, compensation for, § 3:15
 Initial consultation. Preconsultation client intake, below
 Judgments, proceedings following foreign judgments, § 1:23
 Judicial power, limitations on, marital property distribution, § 3:49
 Legislative history, § 1:8
 Legislative intent, § 1:9
 Licenses and permits. Educational degrees and professional licenses, above
 Liens and encumbrances, fraudulent, marital property distribution, § 3:41
 Liquidity considerations, marital property distribution, § 3:36
 Loss of inheritance and pension rights, marital property distribution, § 3:33
 Maintenance
 generally, § 1:19
 interrelationship of marital property distribution with, § 3:34
 pensions and deferred compensation plans, relationship between maintenance and, § 5:13
 Majauskas benchmark, pensions and deferred compensation plans, § 5:7
 Manner. Method or mode, below
 Marital fault, marital property distribution, § 3:43
 Marital property distribution
 generally, §§ 3:28-3:51
 age of parties, § 3:31
 appellate review, § 3:46
 bankruptcy considerations, § 3:51
 barriers to remarriage, §§ 3:44, 3:45
 catch-all factor, § 3:42
 consideration of debt as barrier to remarriage, § 3:45
 content of decision, § 3:46
 contributions, § 3:35
 custodial need for marital residence, § 3:32
 debt consideration as barrier to remarriage, § 3:45
 difficulty of evaluation, § 3:38

EQUITABLE DISTRIBUTION—Cont'd

Marital property distribution—Cont'd
 disposition and distribution, effect of statement of proposed, § 3:50
 distributive award, § 3:47
 duration of marriage, § 3:31
 encumbrances, fraudulent, § 3:41
 equal division, equitable distribution not necessarily, §§ 3:29-3:51
 fraudulent transfers and encumbrances, § 3:41
 future financial circumstances, § 3:37
 health of parties, § 3:31
 income and property of parties, § 3:30
 inheritance, loss of, § 3:33
 interrelationship with maintenance, § 3:34
 judicial power, limitations on, § 3:49
 limitations on judicial power, § 3:49
 liquidity considerations, § 3:36
 loss of inheritance and pension rights, § 3:33
 maintenance, interrelationship with, § 3:34
 manner of distribution, § 3:48
 marital fault, § 3:43
 marital residence, custodial need for, § 3:32
 pension rights, loss of, § 3:33
 proposed disposition and distribution, effect of statement of, § 3:50
 remarriage, barriers to, §§ 3:44, 3:45
 residence, custodial need for marital, § 3:32
 statement of proposed disposition and distribution, effect of, § 3:50
 tax consequences, § 3:39
 transfers and encumbrances, fraudulent, § 3:41
 wasteful dissipation of marital property, § 3:40
 Marital residence, custodial need for, § 3:32
 Marketing considerations, preconsultation client intake, § 12:12
 Method or mode
 marital property distribution, manner of, § 3:48
 pensions and deferred compensation plans, § 5:10

EQUITABLE DISTRIBUTION—Cont'd

- Method or mode—Cont'd
 - valuation of marital property, § 4:5, § 4:7
- Minors, support of, § 1:20
- Mode. Method or mode, above
- Modification. Amendment or modification, above
- Multiple alternative clauses, retainer agreement, § 12:19
- Net worth
 - statement, preparation of, § 12:22
 - state of net worth, sample form, § 12:25
- New practice environment, § 12:2
- Nonrefundable retainer fees, § 12:17
- Nonvested pension interests, § 5:8
- O'Brien v. O'Brien, educational degrees and professional licenses, §§ 5:28-5:34
- Overview, §§ 1:11-1:23
- Part B
 - abandoned actions, § 2:9
 - actions
 - abandoned actions, effective date of, § 2:9
 - counterclaims and counteractions, effective date of, § 2:10
 - discontinuance of pending actions, effective date of, § 2:8
 - types of actions governed, § 1:15
 - counterclaims and counteractions, § 2:10
 - discontinuance of pending actions, § 2:8
 - DRL Section 236, see lines throughout this group
 - effective date
 - generally, §§ 2:5-2:10
 - abandoned actions, § 2:9
 - amendment of pre-equitable distribution pleadings, § 2:7
 - counterclaims and counteractions, § 2:10
 - discontinuance of pending actions, § 2:8
 - retroactive application of Part B, § 2:6
 - enforcement of awards under, § 8:2
 - pre-equitable distribution pleadings, amendment of, § 2:7

EQUITABLE DISTRIBUTION—Cont'd

- Part B—Cont'd
 - retroactive application of Part B, § 2:6
 - time or date. Effective date, above in this group
 - types of actions governed, § 1:15
- Parties, agreements between, § 1:16
- Pensions and deferred compensation plans
 - generally, §§ 5:1-5:20
 - determination and distribution of pension awards, § 5:9
 - employment-related benefits, additional, § 5:20
 - evidence and information, valuation of pensions, § 5:17
 - federal preemption, § 5:18
 - maintenance, relationship between pension award and, § 5:13
- Majauskas benchmark, § 5:7
- methods of distribution, § 5:10
- nature of, §§ 5:5, 5:6
- nonvested pension interests, § 5:8
- optional retirement dates, valuation of pensions, § 5:16
- other employment-related benefits, § 5:20
- property, valuation of, § 5:2
- qualified domestic relations order, § 5:19
- rights, loss of, § 3:33
- security of deferred pension awards, § 5:12
- stock options, § 5:11
- tax impacts, § 5:15
- terminology, § 5:6
- tuition benefits, valuation of, § 5:3
- valuation
 - evidence and information, § 5:17
 - optional retirement dates, § 5:16
 - pensions, §§ 5:14-5:17
 - property, § 5:2
 - retirement dates, optional, § 5:16
 - tax impacts, § 5:15
 - tuition benefits, § 5:3
- Personal injury, compensation for, § 3:15
- Postcommencement acquisitions, § 3:8
- Post O'Brien status of degrees and certifications, § 5:29
- Preconsultation client intake
 - generally, §§ 12:5-12:8

EQUITABLE DISTRIBUTION—Cont'd

Preconsultation client intake—Cont'd
 ancillary relief checklist, sample form, § 12:11
 fees and billing issues, discussion of, § 12:15
 forms
 ancillary relief checklist, sample form, § 12:11
 intake sheet, § 12:8
 foundation laying, § 12:10
 initial consultation
 generally, §§ 12:9-12:15
 ancillary relief checklist, sample form, § 12:11
 fees and billing issues, discussion of, § 12:15
 foundation laying, § 12:10
 laying foundation, § 12:10
 marketing considerations, § 12:12
 sample form, ancillary relief checklist, § 12:11
 “selling” team approach, § 12:13
 “selling” technology advantage, § 12:14
 intake sheet, §§ 12:7, 12:8
 laying foundation, § 12:10
 marketing considerations, § 12:12
 sample form. Forms, above in this group
 “selling” team approach, § 12:13
 “selling” technology advantage, § 12:14
 Preemption, federal, pensions and deferred compensation plans, § 5:18
 Presumptions and burden of proof
 appreciation of separate property, § 3:19
 in favor of marital property, § 3:7
 transmutation, § 3:24
 valuation of marital property, § 4:3
 Price doctrine in application, appreciation of separate property, § 3:21
 Prior acts or matters
 actions or proceedings, § 1:13
 Part B, amendment of pre-equitable distribution pleadings, § 2:7
 property acquired prior to marriage, § 3:5
 Proceedings. Actions and proceedings, above

EQUITABLE DISTRIBUTION—Cont'd

Professional licenses. Educational degrees and professional licenses, above
 Professional practices. Closely-held businesses and professional practices, above
 Property and property division
 generally, §§ 3:1-3:51
 approaches to property distribution, §§ 1:2-1:6
 classification of marital and separate property, above
 closely-held businesses and professional practices, § 5:21
 community property, § 1:3
 distribution systems, §§ 1:2-1:6
 marital property distribution, above
 pensions and deferred compensation plans, valuation of property, § 5:2
 separate property, below
 valuation of marital property, below
 Proposed disposition and distribution of marital property, effect of statement of, § 3:50
 Qualified domestic relations order, pensions and deferred compensation plans, § 5:19
 Qualifying matrimonial actions, § 3:9
 Reduction of separate property debt using marital funds, § 3:27
 Reform legislation, scope of, § 1:11
 Remarriage, barriers to, §§ 3:44, 3:45
 Residence, custodial need for marital, § 3:32
 Retainer agreements
 multiple alternative clauses, § 12:19
 nonrefundable retainer fees, § 12:17
 sample forms, § 12:19
 written retainer agreements, § 12:16
 Retainer fees, nonrefundable, § 12:17
 Retroactivity of amended statute, constitutionality and, §§ 2:1-2:10
 Schools and education
 educational degrees and professional licenses, above
 tuition benefits, valuation, pensions and deferred compensation plans, § 5:3
 Scope, § 1:1, § 2:1
 Security for award, educational degrees and professional licenses, § 5:33

INDEX

EQUITABLE DISTRIBUTION—Cont'd

- Security interests, § 12:18
- Security of deferred pension awards, § 5:12
- “Selling” team approach, § 12:13
- “Selling” technology advantage, § 12:14
- Separate property
 - appreciation of separate property, above
 - classification of marital and separate property, above
- Sexual relationship with client, § 12:30
- Source, separate property by, § 3:12
- “Source of funds” approach, § 3:10
- Special relief, § 1:21
- Statements
 - closing statement, §§ 12:27, 12:28
 - net worth, preparation of statement, § 12:22
 - proposed disposition and distribution of marital property, effect of, § 3:50
- State of net worth, sample form, § 12:25
- Statutes
 - actions governed by, § 2:4
 - bifurcation, §§ 1:12, 2:2
 - constitutionality and retroactivity of amended statute, §§ 2:1-2:10
 - retroactivity of amended statute, constitutionality and, §§ 2:1-2:10
 - statutory terminology, § 1:14
- Stock options, pensions and deferred compensation plans, § 5:11
- Student spouse-working spouse, educational degrees and professional licenses, § 5:26
- Support of child, § 1:20
- Tax consequences
 - educational degrees and professional licenses, § 5:34
 - marital property distribution, § 3:39
 - pensions and deferred compensation plans, valuation, § 5:15
- Technology
 - cost-effectiveness, use for, § 12:4
 - “selling” technology advantage, § 12:14
- Terminology. Words and phrases, below
- Time or date
 - acquisition of property, §§ 3:4-3:6, 3:8
 - appreciation of time frame, § 3:20

EQUITABLE DISTRIBUTION—Cont'd

- Time or date—Cont'd
 - duration of marriage, marital property distribution, § 3:31
 - during marriage, property acquired, § 3:6
 - educational degrees and professional licenses, conferment of, § 5:31
 - effective date of Part B. Part B, above
 - future financial circumstances, marital property distribution, § 3:37
 - inception of business enterprise, § 5:22
 - initial consultation. Preconsultation client intake, above
 - Part B, above
 - postcommencement acquisitions, § 3:8
 - post O'Brien status of degrees and certifications, § 5:29
 - prior acts or matters, above
 - retirement dates, optional, valuation of pensions, § 5:16
 - retroactivity of amended statute, constitutionality and, §§ 2:1-2:10
- Title distribution, § 1:4
- Transfers and encumbrances, fraudulent, § 3:41
- Transmutation
 - generally, §§ 3:23-3:27
 - burden of proof, § 3:24
 - business and professional interests, § 3:26
 - equitable distribution, § 3:25
- Tuition benefits, valuation, pensions and deferred compensation plans, § 5:3
- Types of actions governed by Part B, § 1:15
- Valuation of marital property
 - generally, §§ 4:1-4:7
 - burden of proof, § 4:3
 - closely-held business interests, § 4:6
 - date selection, § 4:4
 - excess earnings-return on net tangible assets, § 4:7
 - methodologies, § 4:5
 - methods of valuation, § 4:7
 - Revenue Ruling 59-60, § 4:6
 - scope of chapter, § 4:1
 - valuation date selection, § 4:4
- Value and valuation
 - business and professional interests, § 5:24

EQUITABLE DISTRIBUTION—Cont'd

Value and valuation—Cont'd
 closely-held businesses and professional practices, § 5:24
 marital property. Valuation of marital property, above
 pensions and deferred compensation plans, above
 Wasteful dissipation of marital property, § 3:40
 Witnesses, expert, § 12:26
 Words and phrases
 pensions and deferred compensation plans terminology, § 5:6
 statutory terminology, § 1:14
 Written retainer agreements, § 12:16

ERROR

Appeal and Error (this index)

ESTATE TAX

Tax consequences, interspousal transfers, § 11:7

EVIDENCE

Burden of proof. **Presumptions and Burden of Proof** (this index)
 Disclosure, burden of proof, exemptions, § 16:8
 Divorce, evidence of adultery, § 14:15
Equitable Distribution (this index)
Expert Witnesses (this index)
 Matrimonial litigation, proof of service of summons and appearance, §§ 13:17, 13:18
 Modification of awards, nunc pro tunc increase based on newly discovered, § 9:5
Presumptions and Burden of Proof (this index)
 Proof of service of summons and appearance, matrimonial litigation, §§ 13:17, 13:18
Trial Practice (this index)
 Witnesses. **Expert Witnesses** (this index)

EXAMINATION OR EXAMINATIONS

Cross-Examination (this index)
Depositions (this index)
Direct Examination (this index)
 Disclosure, physical and mental examinations, § 16:24
Expert Witnesses (this index)

EXAMINATION OR EXAMINATIONS—Cont'd

Physical and mental examinations, disclosure, § 16:24

EXCLUSIVE ACTS OR MATTERS

Pendente Lite Motions (this index)
 Use and possession of marital property. **Pendente Lite Motions** (this index)

EXECUTION

Separation agreements, § 10:36

EXEMPTIONS

Dependency exemptions. **Tax Consequences** (this index)
Disclosure (this index)
Tax Consequences (this index)

EXHAUSTION OF REMEDIES

Enforcement of awards, contempt, § 8:29

EXPEDITED ACTS OR MATTERS

Matrimonial litigation, expedient service of summons and appearance, § 13:15

EXPENSES

Costs and Expenses (this index)

EXPERT WITNESSES

Generally, §§ 18:45-18:49
 Adverse expert, cross-examination, § 19:15
 Attorney and expert, § 19:8
 Basis of opinion, § 18:47
 Briefs
 lack of marketability/minority interest discount, sample point brief, § 19:21
 pretrial preparation, trial briefs, § 19:12
 sample point brief, below
 Business valuator
 cross-examination, § 19:18
 direct examination, §§ 19:18, 19:19
 “Courtroom ready” making expert, § 19:13
 Cross-examination
 adverse expert, § 19:15
 business valuator, § 19:18
 direct and, paradigm, § 19:17
 general techniques, adverse expert, § 19:15
 impeachment, § 19:16
 Date. Time or date, below

INDEX

EXPERT WITNESSES—Cont'd

- Direct examination
 - generally, § 19:14
 - business valuator, §§ 19:18, 19:19
 - cross-examination and, paradigm, § 19:17
 - real estate expert, § 18:49
- Direct examination questions for real estate expert, § 18:49
- Equitable distribution, § 12:26
- Examination
 - cross-examination, above
 - direct examination, above
- Factual predicates for expert opinion, § 19:5
- Handling, generally, §§ 19:1-19:21
- Hypothetical questions, § 18:48, § 19:6
- Impeachment, cross-examination, § 19:16
- Initial conference, pretrial preparation, § 19:10
- Interim conferences, pretrial preparation, § 19:11
- Lack of marketability/minority interest discount, sample point brief, § 19:21
- Lay witness, opinion testimony of, § 19:2
- Opinion testimony
 - generally, § 19:3
 - factual predicates, § 19:5
 - lay witness, § 19:2
 - trial practice, basis of opinion, § 18:47
- Pendente lite motions, temporary counsel fees and litigation expenses, § 17:40
- Preparation. Pretrial preparation, below
- Presentation of, § 18:48
- Pretrial preparation
 - generally, §§ 18:18, 19:10-19:13
 - “courtroom ready” making expert, § 19:13
 - initial conference, § 19:10
 - interim conferences, § 19:11
 - trial briefs, § 19:12
- Qualifications, § 18:46, § 19:4
- Real estate expert, direct examination questions for, § 18:49
- Sample point brief
 - lack of marketability/minority interest discount, § 19:21
 - tax consequences, § 19:20
- Scope of chapter, § 19:1
- Selection of right expert, § 19:9
- Synergistic unit, § 19:8

EXPERT WITNESSES—Cont'd

- Tax consequences, sample point brief, § 19:20
- Time or date
 - pendente lite motions, temporary counsel fees and litigation expenses, § 17:40
 - pretrial preparation, above
- Trial briefs, pretrial preparation, § 19:12
- Ultimate issue rule, § 19:7

FAMILY COURT

- Enforcement of awards, § 8:41

FAMILY EXPENSES

- Spousal maintenance, § 6:16

FAULT

- Pendente lite motions, direct use of summary judgment in matrimonial actions, § 17:52
- Spousal maintenance, marital fault, § 6:49

FEDERAL PREEMPTION

- Equitable distribution, pensions and deferred compensation plans, § 5:18

FEES

- Attorneys' Fees** (this index)
- Equitable Distribution** (this index)

FICA

- Child Support Standards Act (CSSA), § 7:34

FINANCES

- Custody of children, § 20:12
- Disclosure** (this index)
- Equitable distribution, future financial circumstances, marital property distribution, § 3:37
- Maintenance awards, change in financial circumstances, § 9:9
- Separation agreements, obtaining financial information, § 10:9

FINANCIAL DISCLOSURE

- Disclosure** (this index)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- Default judgments, form, §§ 13:29-13:32
- Trial practice, § 18:56

FOREIGN JUDGMENTS

- Equitable distribution, § 1:23

FOREIGN STATE

Matrimonial Litigation (this index)

FORM OR FORMAT

Pendente Lite Motions (this index)

Pleadings (this index)

Spousal maintenance, form of maintenance award, § **6:51**, § **6:54**

FORMS

Depositions (this index)

Disclosure (this index)

Enforcement of Awards (this index)

Equitable Distribution (this index)

Matrimonial Litigation (this index)

Pendente Lite Motions (this index)

Pleadings (this index)

Separation agreements, statement of premises, § **10:15**

Trial Practice (this index)

Witnesses (this index)

FORMULAE

Spousal maintenance, deviation from formulae, § **6:23**

FRAUDULENT CONVEYANCES

Enforcement of awards, § **8:40**

FRAUDULENT TRANSFERS AND ENCUMBRANCES

Equitable distribution, marital property distribution, § **3:41**

FREEDOM FROM CONTROL

Separation agreements and, § **10:17**

FUTURE ACTS OR MATTERS

Equitable distribution, future financial circumstances, marital property distribution, § **3:37**

GEOGRAPHIC RELOCATION

Visitation, § **21:12**

GIFTS

Equitable distribution, § **3:14**

GIFT TAX

Interspousal transfers, § **11:7**

GOVERNING LAW OR AUTHORITY

Separation agreements, § **10:23**

Trial practice, calendar practice, § **18:2**

GRANDPARENTS AND GRANDCHILDREN

Joint custody, § **21:14**

HARTOG CASE

Equitable distribution, § **3:22**

HEAD OF HOUSEHOLD STATUS

Tax consequences, § **11:22**

HEALTH AND HEALTH MATTERS

Child Support Standards Act (CSSA), health care expenses, §§ **7:25**, **7:41**

Custody of Children (this index)

Equitable distribution, marital property distribution, § **3:31**

Parents. **Custody of Children** (this index)

HEARINGS

Contempt, enforcement of awards, § **8:33**

Modification of awards, §§ **9:20-9:22**

HESSEN APPROACH

Divorce (this index)

“HOLD HARMLESS” PROVISION

Separation agreements, § **10:29**

HOMOSEXUALITY

Custody of children, § **20:11**

HOUSE OR HOME

Custody of children, nature and quality of home environment, § **20:16**

HYPOTHETICAL QUESTIONS

Expert witnesses, § **19:6**

IMMUNITIES

Privileges and Immunities (this index)

IMPEACHMENT

Expert witnesses, cross-examination, § **19:16**

Trial practice, § **18:51**

IMPLIED WAIVER

Enforcement of awards, implied waiver of child support prohibited, New York State Support Enforcement Act of 1985, § **8:57**

IMPRISONMENT

Divorce, grounds, § **14:13**

INCLUSIONS

Child Support Standards Act (CSSA) (this index)

INDEX

INCOME

Child Support Standards Act (CSSA)
(this index)

Deduction order. **Enforcement of Awards** (this index)

Enforcement of Awards (this index)
Spousal maintenance, § 6:39

INCOME DEDUCTION ORDER

Enforcement of Awards (this index)

INHERITANCE

Equitable Distribution (this index)

INHUMAN TREATMENT

Cruel and Inhuman Treatment (this index)

INITIAL ACTS OR MATTERS

Consultation. **Equitable Distribution**
(this index)

Divorce, initial cruelty interpretations,
§ 14:5

Equitable Distribution (this index)
Expert witnesses, initial conference, pretrial preparation, § 19:10

INNOCENT SPOUSE RULE

Tax consequences, § 11:25

IN PERSONAM JURISDICTION

Matrimonial litigation, § 13:3

IN REM JURISDICTION

Matrimonial Litigation (this index)

INSURANCE

Life Insurance (this index)

Medical Insurance (this index)

Pendente Lite Motions (this index)

Spousal Maintenance (this index)

INTEREST

Enforcement of awards, money judgments, § 8:6

INTERFERENCE

Modification of awards, interference with visitation, § 9:16

Visitation, interference with, § 21:11

INTERIM ACTS OR MATTERS

Expert witnesses, interim conferences, pretrial preparation, § 19:11

Pendente Lite Motions (this index)

INTERPRETATION

Construction and Interpretation (this index)

INTERROGATORIES

Disclosure, §§ 16:25, 16:26

INTERSPOUSAL TRANSFERS

Tax Consequences (this index)

IRC SECTION 1041

Tax consequences, application and election under interspousal transfers,
§§ 11:8, 11:9

IRRETRIEVABLE BREAKDOWN OF MARRIAGE

Generally, § 14:2

JOINT CUSTODY

Generally, §§ 21:2-21:5

Braiman rule, §§ 21:3, 21:4

Concept and practicality of, § 21:2

Grandparent's rights, § 21:14

Parent vs. nonparent, §§ 21:13-21:15

Practice implications, § 7:59

Siblings' rights, § 21:15

Superiority of natural parent's right,
§ 21:13

Termination or modification of joint custody arrangements, § 21:5

JOINT TAX RETURNS

Tax consequences, § 11:21

JUDGMENTS AND DECREES

Default judgments. **Matrimonial Litigation** (this index)

Divorce, separation pursuant to judgment,
§ 14:17

Enforcement of Awards (this index)

Equitable distribution, proceedings following foreign judgments, § 1:23

Money judgments. **Enforcement of Awards** (this index)

Pendente Lite Motions (this index)

Separation Judgments (this index)

JUDICIAL ACTS OR MATTERS

Disclosure, judicial supervision, § 16:11

Equitable distribution, limitations on judicial power, § 3:49

JUDICIAL REVIEW

Appeal and Error (this index)

JURISDICTION

Enforcement of Awards (this index)
Matrimonial Litigation (this index)
 Modification of awards, § 9:18

JURY AND JURY TRIAL

Calendar practice, demand for trial by jury, § 18:12
 Selection of jury, § 18:24

KNOWLEDGE

Notice or Knowledge (this index)

LABOR AND EMPLOYMENT

Employers and Employees (this index)

LAY WITNESS

Expert witnesses, opinion testimony of lay witness, § 19:2

LEGISLATIVE INTENT

Equitable distribution, § 1:9

LESTER RULE

Tax consequences, support payments, § 11:14

LIABILITY

Child support, §§ 7:7-7:10

LICENSES AND PERMITS

Equitable Distribution (this index)

LIENS AND ENCUMBRANCES

Equitable distribution, fraudulence, § 3:41

LIFE INSURANCE

Pendente lite motions, interim award, § 17:32
 Separation agreements, economic provisions, § 10:35
 Spousal maintenance, § 6:53

LIMITATION OF ACTIONS

Enforcement of awards, money judgments, § 8:8
 Matrimonial litigation, § 13:23

LIMITATIONS AND RESTRICTIONS

Actions. **Limitation of Actions** (this index)
 Alimony, § 6:33
 Equitable distribution, limitations on judicial power, marital property distribution, § 3:49
 Spousal maintenance, § 6:33

LIMITATIONS AND RESTRICTIONS

—Cont'd

Statute of limitations. **Limitation of Actions** (this index)
 Visitation, supervised and restricted, denial of visitation, § 21:9

LIQUIDATION

Equitable distribution, liquidity considerations, marital property distribution, § 3:36

LITIGATION

Child Support (this index)
 Custody of children, § 7:60
 Disclosure, exemption of material prepared for litigation, § 16:7
 Expenses. **Pendente Lite Motions** (this index)
 Expert witnesses, pendente lite motions, temporary counsel fees and litigation expenses, § 17:40
Matrimonial Litigation (this index)
Pendente Lite Motions (this index)

LOCATION

Place or Location (this index)

LOW INCOME

Child Support Standards Act (CSSA), self-support reserve and lower income litigants, § 7:57

MAIL

Matrimonial Litigation (this index)

MAINTENANCE

Awards. **Modification of Awards** (this index)
 Disclosure, §§ 6:14, 6:27
Equitable Distribution (this index)
Modification of Awards (this index)
Pendente Lite Motions (this index)
Spousal Maintenance (this index)
 Temporary maintenance. **Pendente Lite Motions** (this index)

MAJASKAS

Equitable distribution, pensions and deferred compensation plans, § 5:7

MANDATORY ACTS OR MATTERS

Child Support Standards Act (CSSA) (this index)

INDEX

MARITAL PROPERTY

Distribution. **Equitable Distribution** (this index)

Equitable Distribution (this index)

MARKETING

Equitable distribution, preconsultation client intake, § 12:12

MATRIMONIAL LITIGATION

Generally, §§ 13:1-13:35

Affidavits

default judgments, below
service of summons and appearance,
affidavit of service form, § 13:18

Appearance. Service of summons and appearance, below

Default judgments

generally, §§ 13:24-13:35

affidavits

Domestic Relations Law Section
75-j, affidavit pursuant to, form,
§ 13:28

plaintiff affidavit of merit form,
§ 13:27

affirmation of regularity form, § 13:26

certificate of dissolution form, § 13:35

Domestic Relations Law Section 75-j,
affidavit pursuant to, form,
§ 13:28

findings of fact and conclusions of law
form, §§ 13:29-13:32

forms

affirmation of regularity, § 13:26
certificate of dissolution, § 13:35
Domestic Relations Law Section
75-j, affidavit pursuant to,
§ 13:28

findings of fact and conclusions of
law, §§ 13:29-13:32

judgment, §§ 13:32-13:34

plaintiff affidavit of merit, § 13:27

judgment form, §§ 13:32-13:34

matrimonial judgments, uniform rules,
§ 13:33

plaintiff affidavit of merit form,
§ 13:27

referee's report, §§ 13:31, 13:34

supporting papers, § 13:25

uniform rules

findings of fact and conclusions of
law, §§ 13:30, 13:32

MATRIMONIAL LITIGATION—Cont'd

Default judgments—Cont'd
uniform rules—Cont'd

judgment form, §§ 13:33, 13:34

Defendant, appearance by, §§ 13:19,
13:20

Evidence, proof of service of summons
and appearance, §§ 13:17, 13:18

Expedient service of summons and
appearance, § 13:15

Forms

default judgments, above
service of summons and appearance,
below

In personam jurisdiction, § 13:3

In rem jurisdiction

generally, §§ 13:6, 13:7

quasi in rem jurisdiction through
sequestration, § 13:7

sequestration, quasi in rem jurisdiction
through, § 13:7

Judgments. Default judgments, above
Jurisdiction

generally, §§ 13:2-13:7

in personam jurisdiction, § 13:3

in rem jurisdiction, above

out-of-state service which obtains
personal jurisdiction, below

Supreme Court jurisdiction, § 13:2

Limitation of actions, § 13:23

Mail

nail and mail, § 13:14

service of summons and appearance,
§ 13:12

Matrimonial summons, service of,
§§ 13:8, 13:9

Methods of service of summons and
appearance, §§ 13:10-13:16

Nail and mail, service of summons and
appearance, § 13:14

Notice

appearance, notice of, form, § 13:20

summons with notice, form, § 13:9

Out-of-state service which obtains
personal jurisdiction

generally, § 13:4

long-arm jurisdiction, § 13:5

Personal delivery of summons and
appearance, § 13:11

MATRIMONIAL LITIGATION—Cont'd

Personal jurisdiction. Out-of-state service which obtains personal jurisdiction, above

Process and service of process. Service of summons and appearance, below

Proof of service of summons and appearance, §§ **13:17, 13:18**

Publication, service of summons by, § **13:16**

Residency requirements, § **13:21**

Service of summons and appearance generally, §§ **13:8-13:20**
affidavit of service form, § **13:18**
appearance by defendant, §§ **13:19, 13:20**
expedient service, § **13:15**
forms
affidavit of service, § **13:18**
notice of appearance, § **13:20**
summons with notice, § **13:9**
mail, §§ **13:12, 13:14**
matrimonial summons, §§ **13:8, 13:9**
methods of service, §§ **13:10-13:16**
nail and mail, § **13:14**
notice of appearance form, § **13:20**
personal delivery, § **13:11**
proof of service, §§ **13:17, 13:18**
publication, service by, § **13:16**
summons with notice, form, § **13:9**

Statute of limitations, § **13:23**

Summons. Service of summons and appearance, above

Supreme Court jurisdiction, § **13:2**

Threshold considerations, §§ **13:1-13:35**

Uniform rules. Default judgments, above

Venue, § **13:22**

MEDICAL EXPENSES

Tax consequences, deductions, § **11:24**

MEDICAL INSURANCE

Pendente lite motions, interim award, § **17:32**

Spousal maintenance, § **6:52**

MENTAL HEALTH

Custody of children, § **20:7**

MERITS

Disclosure on the merits, § **16:29**

Pendente lite award, affect on, § **17:27**

METHOD OR MODE

Depositions, mode of examination, § **16:16**

Disclosure, method of obtaining, § **16:10**

Equitable Distribution (this index)

Matrimonial litigation, methods of service of summons and appearance, §§ **13:10-13:16**

Spousal maintenance, statutory temporary and post-divorce maintenance, § **6:8, 6:21**

MINORS

Children and Minors (this index)

MISCONDUCT

Custody of children, marital misconduct, § **20:9**

MISTAKE OF FACT

Enforcement of Awards (this index)

MODE

Method or Mode (this index)

MODIFICATION

Generally. **Amendment, Modification, or Change** (this index)

Awards. **Modification of Awards** (this index)

MODIFICATION OF AWARDS

Generally, §§ **9:1-9:22**

Affidavit in support of application for modification form, hearing, § **9:22**

Arrears, § **9:4**

Catholic church. **Decretal Awards** (this index)

Child support. **Child Support** (this index)

Circumstances, change in
financial circumstances, § **9:9**
maintenance awards, §§ **9:8, 9:9**
substantial change, § **9:8**

Cohabitation, remarriage and, § **9:17**

Commencement procedure, jurisdiction and, § **9:18**

Decretal Awards (this index)

Evidence, nunc pro tunc increase based on newly discovered, § **9:5**

Hearings, §§ **9:20-9:22**

Interference with visitation, § **9:16**

Jurisdiction, § **9:18**

Maintenance awards
generally, §§ **9:7-9:12**

INDEX

MODIFICATION OF AWARDS—Cont'd

- Maintenance awards—Cont'd
 - change in financial circumstances, § 9:9
 - circumstances, change in, §§ 9:8, 9:9
 - decretal awards, above
 - financial circumstances, change in, § 9:9
 - no surviving separation agreement, § 9:7
 - pre-equitable distribution modification of judgments incorporating surviving agreements, § 9:11
 - substantial change in circumstances, § 9:8
- Newly discovered evidence, nunc pro tunc increase based on, § 9:5
- Nunc pro tunc increase based on newly discovered evidence, § 9:5
- Opposing papers, supporting and, § 9:19
- Order to show cause form, hearing, § 9:21
- Papal letters. **Decretal Awards** (this index)
- Pre-EDL judgments, § 9:6
- Procedural aspects, §§ 9:18-9:22
- Property awards, § 9:3
- Remarriage and cohabitation, § 9:17
- Scope of chapter, § 9:1
- Show cause order form, hearing, § 9:21
- Statutory provisions, § 9:2
- Supporting and opposing papers, § 9:19
- Visitation, interference with, § 9:16

MONEY JUDGMENTS

- Enforcement of Awards** (this index)

MORAL CHARACTER

- Custody of children, § 20:10

MOTION PRACTICE

- Generally, §§ 17:1-17:54
- Checklist, § 17:14
- Child support. **Pendente Lite Motions** (this index)
- Content. **Pendente Lite Motions** (this index)
- Costs and expenses. **Pendente Lite Motions** (this index)
- Counsel fees. **Pendente Lite Motions** (this index)
- Cross-motions, §§ 17:7, 17:8
- Decision and order, §§ 17:11, 17:12

MOTION PRACTICE—Cont'd

- Exclusive use and possession of property. **Pendente Lite Motions** (this index)
- Form and content of motion papers. **Pendente Lite Motions** (this index)
- Forms
 - notice of cross-motion and opposition to main motion, § 17:8
 - notice of motion, § 17:4
 - request for judicial intervention, § 17:5
 - show cause orders, § 17:6
- Insurance. **Pendente Lite Motions** (this index)
- Interim awards. **Pendente Lite Motions** (this index)
- Judgments and decrees. **Pendente Lite Motions** (this index)
- Litigation expenses. **Pendente Lite Motions** (this index)
- Local rule and custom, § 17:9
- Maintenance. **Pendente Lite Motions** (this index)
- Notice and service requirements
 - generally, §§ 17:3-17:6
 - notice of cross-motion and opposition to main motion form, § 17:8
 - notice of motion form, § 17:4
 - order to show cause form, § 17:6
 - request for judicial intervention form, § 17:5
- Orders
 - decision and, §§ 17:11, 17:12
 - form, § 17:12
 - prior orders, motions affecting, § 17:13
 - show cause orders, § 17:6
- Pendente Lite Motions** (this index)
- Possession of marital property. **Pendente Lite Motions** (this index)
- Practical checklist, § 17:14
- Prior orders, motions affecting, § 17:13
- Property. **Pendente Lite Motions** (this index)
- Scope of chapter, § 17:1
- Service of process. Notice and service requirements, above
- Show cause orders, § 17:6
- Situs of motion, § 17:2
- Submission of motions, argument for, § 17:10
- Summary judgment. **Pendente Lite Motions** (this index)

MOTION PRACTICE—Cont'd

Temporary child support. **Pendente Lite Motions** (this index)

Temporary counsel fees and litigation expenses. **Pendente Lite Motions** (this index)

Temporary exclusive use and possession of marital property. **Pendente Lite Motions** (this index)

Temporary maintenance. **Pendente Lite Motions** (this index)

Time or date. **Pendente Lite Motions** (this index)

Transfers, § 17:13

MOTIONS

Disclosure, motions to compel disclosure and sanctions, § 16:27

MOTION TO STRIKE NOTE OF ISSUE

Trial practice, § 18:9

MULTIPLE

Equitable distribution, multiple alternative clauses, retainer agreement, § 12:19

MUNICIPAL EARNINGS TAXES

Child Support Standards Act (CSSA), § 7:34

MUTUAL RELEASES

Separation agreements, § 10:18

NAIL AND MAIL

Matrimonial litigation, service of summons and appearance, § 13:14

NEGOTIATION OR NEGOTIATIONS

[@00fc]hild Support (this index)

Custody of children, negotiation and litigation of, § 7:60

Separation Agreements (this index)

NET WORTH

Equitable Distribution (this index)

NEWLY DISCOVERED EVIDENCE

Modification of awards, nunc pro tunc increase based on, § 9:5

NEW PRACTICE ENVIRONMENT

Equitable distribution, § 12:2

NEW YORK STATE SUPPORT AND ENFORCEMENT ACT OF 1985

Enforcement of Awards (this index)

NONCUSTODIAL PARENT

Custody of children, § 20:15

NONDISCLOSURE

Spousal maintenance, statutory temporary and post-divorce maintenance, § 6:14, § 6:27

NONMONETARY CONTRIBUTIONS

Child Support Standards Act (CSSA), § 7:44

NONPARTIES

Disclosure, financial disclosure, § 16:31

NONRECURRING PAYMENTS

Child Support Standards Act (CSSA), § 7:35

NONSUBJECT CHILDREN OF SUPPORT PROVIDER

Child Support Standards Act (CSSA), § 7:47

NONVESTED PENSION INTERESTS

Equitable distribution, § 5:8

NOTE OF ISSUE

Trial Practice (this index)

NOTICE OR KNOWLEDGE

Depositions (this index)

Enforcement of Awards (this index)

Matrimonial Litigation (this index)

Separation agreements, notification of address change, § 10:24

Witnesses, notice to produce, § 18:22

NUNC PRO TUNC

Modification of awards, increase based on newly discovered evidence, § 9:5

OBJECTIONS

Depositions, § 16:17

Trial practice, § 18:31

O'BRIEN V. O'BRIEN

Equitable distribution, educational degrees and professional licenses, §§ 5:28-5:34

OBSTACLES OR BARRIERS

Equitable distribution, barriers to remarriage, §§ 3:44, 3:45

Remarriage, barriers to, §§ 3:44, 3:45, 6:29

INDEX

OBSTACLES OR BARRIERS—Cont'd

Spousal maintenance, barriers to remarriage, § 6:29

OPINION TESTIMONY

Expert Witnesses (this index)

OPT-OUT AGREEMENTS

Child Support Standards Act (CSSA), § 7:50

Pendente lite award, affect on, § 17:28

OPT-OUT RIGHT

Spousal maintenance, statutory temporary and post-divorce maintenance, §§ 6:6, 6:13, 6:19, 6:26

ORDERS

Child Support Standards Act (CSSA) (this index)

Enforcement of Awards (this index)

Show Cause Orders (this index)

Spousal maintenance, modification of statutory temporary and post-divorce maintenance, § 6:15, § 6:28

OUT-OF-STATE

Matrimonial Litigation (this index)

OVER-THE-CAP PAYOR INCOME

Spousal maintenance, §§ 6:9, 6:22, § 6:22

PAPAL LETTERS

Decretal Awards (this index)

PARENT-CHILD COMMUNICATIONS

Trial practice, § 18:42

PAROL ACTS OR MATTERS

Depositions, oral, §§ 16:12-16:20

Oral depositions, §§ 16:12-16:20

PART B

Enforcement of awards, § 8:2

Equitable Distribution (this index)

PARTIAL ACTS OR MATTERS

Pendente lite motions, §§ 17:50, 17:54

Separation agreements, partial invalidity, § 10:22

PENDENTE LITE MOTIONS

Generally, §§ 17:15-17:54

Affidavits, forms, §§ 17:44, 17:45

Attorney fees. Temporary counsel fees and litigation expenses, below

PENDENTE LITE MOTIONS—Cont'd

Child support. Temporary child support, below

Content. Form and content of motion papers, below

Conversion actions, direct use of summary judgment in matrimonial actions, § 17:53

Costs and expenses. Temporary counsel fees and litigation expenses, below

Counsel fees. Temporary counsel fees and litigation expenses, below

Decrees. Judgments and decrees, below

Disposition of marital property, § 17:48

Duration of pendente lite award, temporary child support, § 17:30

Exclusive use and possession of marital property. Temporary exclusive use and possession of marital property, below

Expenses. Costs and expenses, above

Expert witnesses, temporary counsel fees and litigation expenses, § 17:40

Fault grounds, direct use of summary judgment in matrimonial actions, § 17:52

Form and content of motion papers

generally, §§ 17:43-17:46

affidavit in support of motion, § 17:44

affidavit of attorney, § 17:45

statement of net worth form, § 17:46

Format, § 17:16

Form of award

temporary child support, § 17:29

temporary maintenance, § 17:22

Insurance

life insurance, interim award for, § 17:32

medical insurance, interim award for, § 17:32

Interim awards

generally, § 17:37

medical and life insurance, § 17:32

Judgments and decrees

summary judgment in matrimonial actions, below

temporary child support, affect of separation judgments on pendente lite award, § 17:28

temporary maintenance, affect of separation judgments on pendente

PENDENTE LITE MOTIONS—Cont'd

Judgments and decrees—Cont'd
 lite award, § 17:21
 Life insurance, interim award for, § 17:32
 Litigation expenses. Temporary counsel fees and litigation expenses, below
 Maintenance. Temporary maintenance, below
 Medical insurance, interim award for, § 17:32
 Merits, affect on pendente lite award, § 17:27
 Nature, § 17:15
 Opting-out agreements, affect on pendente lite award, § 17:28
 Partial summary judgment in matrimonial actions, § 17:50
 Possession of marital property. Temporary exclusive use and possession of marital property, below
 Presumptions, rebuttable presumption, § 17:37
 Pretrial restraints on property transfers, § 17:47
 Property
 disposition of marital property, § 17:48
 pretrial restraints on property transfers, § 17:47
 temporary exclusive use and possession of marital property, below
 Rebuttable presumption, § 17:37
 Reverse partial summary judgment, § 17:54
 Role, § 17:15
 Separation judgments, affect on pendente lite award, § 17:28
 Standards and determinants of allowance, temporary child support, § 17:26
 Summary judgment in matrimonial actions
 generally, §§ 17:49-17:54
 conversion actions, direct use in, § 17:53
 fault grounds, direct use on, § 17:52
 partial, § 17:50
 practical reasons for use, § 17:51
 reverse partial summary judgment, § 17:54
 Temporary child support
 generally, §§ 17:25-17:31

PENDENTE LITE MOTIONS—Cont'd

Temporary child support—Cont'd
 duration of pendente lite award, § 17:30
 form of award, § 17:29
 interrelationship between pendente lite award and trial determination, § 17:31
 merits, affect on pendente lite award, § 17:27
 opting-out agreements, affect on pendente lite award, § 17:28
 separation judgments, affect on pendente lite award, § 17:28
 standards and determinants of allowance, § 17:26
 trial determination, interrelationship between pendente lite award and, § 17:31
 Temporary counsel fees and litigation expenses
 generally, §§ 17:36, 17:38-17:42
 actions in which award authorized, § 17:38
 experts, allowance for, § 17:40
 merits, effect on pendente lite award, § 17:41
 opting-out agreement, effect on pendente lite award, § 17:42
 standards and determinants for allowance, § 17:39
 Temporary exclusive use and possession of marital property
 generally, §§ 17:33-17:35
 marital residence, § 17:34
 personalty, § 17:35
 Temporary maintenance
 generally, §§ 17:17-17:24
 duration of pendente lite award, § 17:23
 form of award, § 17:22
 formula, § 17:18
 interrelationship between pendente lite award and trial determination, § 17:24
 merits, affect on pendente lite award, § 17:20
 opting-out agreements, affect on pendente lite award, § 17:21
 standards and determinants for allowance, § 17:19

INDEX

PENDENTE LITE MOTIONS—Cont'd

- Temporary maintenance—Cont'd
 - temporary maintenance formula,
§ 17:18
 - trial determination, interrelationship
between pendente lite award and,
§ 17:24
- Time or date
 - fees and expenses. Temporary counsel
fees and litigation expenses, above
 - interim awards, above
 - maintenance. Temporary maintenance,
above
 - use and possession of marital property.
Temporary exclusive use and pos-
session of marital property, above
- Timing, § 17:16
- Trial determination, interrelationship
between pendente lite award and,
§ 17:31
- Use, occupancy, and enjoyment.
Temporary exclusive use and posses-
sion of marital property, above
- Witnesses, expert, temporary counsel fees
and litigation expenses, § 17:40

PENDING ACTIONS

- Child Support Standards Act (CSSA),
§ 7:12
- Pendente Lite Motions** (this index)

PENSIONS AND DEFERRED COMPENSATION PLANS

- Equitable Distribution** (this index)

PERCENTAGES

- Child Support Standards Act (CSSA),
application of child support percent-
ages, § 7:22

PERSONAL DELIVERY

- Matrimonial litigation, personal delivery
of summons and appearance, § 13:11

PERSONAL INJURY

- Equitable distribution, compensation,
§ 3:15

PERSONAL JURISDICTION

- Matrimonial Litigation** (this index)

PHYSICAL AND MENTAL EXAMINATIONS

- Disclosure, § 16:24

PHYSICAL HEALTH

- Custody of children, § 20:6

PHYSICIAN-CLIENT PRIVILEGE

- Trial practice, § 18:39

PHYSICIAN-PATIENT PRIVILEGE

- Trial practice, § 18:38

PLACE OR LOCATION

- Depositions, § 16:15
- Motion practice, § 17:2
- Separation agreements, § 10:23
- Visitation, geographic relocation, § 21:12

PLEADINGS

- Generally, §§ 15:1-15:16
- Abandonment, verified complaint form,
§ 15:7
- Adultery, verified complaint form, § 15:9
- Answer, form and content of, §§ 15:12,
15:13
- Checklist, verified complaint, § 15:5
- Content. Form and content, below
- Counterclaim, form, § 15:13
- Cruel and inhuman treatment, verified
complaint form, § 15:6
- Form and content
 - generally, § 15:3
 - answer, §§ 15:12, 15:13
 - reply, §§ 15:14, 15:15
- Forms. Verified complaint, below
- General concepts, § 15:2
- Particularity in matrimonial pleadings,
§ 15:4
- Reply, form and content, §§ 15:14, 15:15
- Scope of chapter, § 15:1
- Separation agreements, verified complaint
form, § 15:11
- Separation judgment, pursuant to, verified
complaint form, § 15:10
- Strategic considerations, § 15:16
- Verified complaint
 - checklist, § 15:5
 - forms
 - generally, §§ 15:6-15:11
 - abandonment, § 15:7
 - adultery, § 15:9
 - cruel and inhuman treatment, § 15:6
 - imprisonment, § 15:8
 - separation agreement, pursuant to,
§ 15:11

PLEADINGS—Cont’d

Verified complaint—Cont’d
forms—Cont’d
separation judgment, pursuant to,
§ 15:10

**POSSESSION OF MARITAL
PROPERTY**

Pendente Lite Motions (this index)

**POSTCOMMENCEMENT
ACQUISITIONS**

Equitable distribution, § 3:8

**POST-EQUITABLE DISTRIBUTION
AGREEMENTS**

Separation agreements, validity and
enforceability, § 10:5

PRACTICE AND PROCEDURE

Enforcement of Awards (this index)
Modification of awards, §§ 9:18-9:22

**PRECONSULTATION CLIENT
INTAKE**

Equitable Distribution (this index)

PREEMPTION

Equitable distribution, federal preemp-
tion, pensions and deferred
compensation plans, § 5:18

**PRE-EQUITABLE DISTRIBUTION
AGREEMENTS**

Separation agreements, validity and
enforceability, § 10:4

PREEXISTING INSTRUMENT

Tax consequences, form, § 11:11

PREFERENCES AND PRIORITIES

Custody of children, child’s preference,
§ 20:13
Depositions, § 16:13
Trial practice, calendar practice, § 18:8
Visitation, preference of child, § 21:8

PREJUDICE OR BIAS

Spousal maintenance without prejudice to
post-divorce maintenance award,
§ 6:17

**PRE-SEPARATION ACTS OR
MATTERS**

Child Support Standards Act (CSSA),
pre-separation standard of living,
§ 7:42

PRESERVATION OF RIGHTS

Spousal maintenance, preservation of opt-
out right, §§ 6:6, 6:19, 6:26

**PRESUMPTIONS AND BURDEN OF
PROOF**

Child Support Standards Act (CSSA),
formula amount as rebuttable
presumption, § 7:36
Custody of children, tender years
presumption, § 20:3
Disclosure, exemptions, § 16:8
Equitable Distribution (this index)
Pendente lite motions, rebuttable
presumption, § 17:37
Rebuttable Presumptions (this index)

PRETRIAL ACTS OR MATTERS

Expert Witnesses (this index)
Pendente lite motions, pretrial restraints
on property transfers, § 17:47
Trial Practice (this index)

PRETRIAL CONFERENCE

Trial practice, § 18:14

PRICE DOCTRINE

Equitable distribution, appreciation of
separate property, § 3:21

PRIMA FACIE

Custody of children, no prima facie right
to, § 20:3

PRIMARY CARETAKER

Custody of children, § 20:22

PRIOR ACTS OR MATTERS

Equitable Distribution (this index)

PRIOR INCONSISTENT STATEMENTS

Trial practice, § 18:52

PRIORITIES

Preferences and Priorities (this index)

PRIVILEGES AND IMMUNITIES

Disclosure, § 16:5
Physician-client privilege, § 18:39
Physician-patient privilege, § 18:38
Self-incrimination privilege, § 18:35
Social worker-client privilege, § 18:40
Trial practice, evidentiary issues,
§§ 18:34-18:43

INDEX

PROCESS AND SERVICE OF PROCESS AND PAPERS

Enforcement of Awards (this index)

Matrimonial Litigation (this index)

PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS

Generally, §§ 16:21-16:23

Deposition, document production at,
§ 16:22

Discovery and production, § 16:23

PROFESSIONAL LICENSES

Equitable Distribution (this index)

PROFESSIONAL PRACTICES

Equitable Distribution (this index)

PROOF

Evidence (this index)

PROPERTY

Appreciation of property. **Equitable Dis-
tribution** (this index)

Equitable Distribution (this index)

Modification of awards, property awards,
§ 9:3

Pendente Lite Motions (this index)

Spousal maintenance, § 6:39

Tax Consequences (this index)

PROPERTY INTEREST

Enforcement of awards, conveyance to
satisfy arrears, § 8:42

PROPOSALS

Custody of children, proposals for statu-
tory factors, § 20:23

Equitable distribution, effect of statement
of proposed disposition and distribu-
tion of marital property, § 3:50

PROTECTIVE ORDERS

Disclosure, § 16:11

PUBLIC ASSISTANCE

Child Support Standards Act (CSSA),
§ 7:34

PUBLICATION

Matrimonial litigation, service of sum-
mons by publication, § 13:16

QUALIFICATION OR DISQUALIFICATION

Expert witnesses, § 19:4

QUALIFIED DOMESTIC RELATIONS ORDER

Equitable distribution, pensions and
deferred compensation plans, § 5:19

QUALITY

Custody of children, quality of home
environment, § 20:16

RACE

Custody of children, racial considerations,
§ 20:20

READINESS

Trial practice, readiness requirements in
matrimonial actions, § 18:5

REBUTTABLE PRESUMPTIONS

Child Support Standards Act (CSSA),
§ 7:36

Pendente lite motions, § 17:37

RECAPTURE RULE

Tax Consequences (this index)

RECEIVERS AND RECEIVERSHIP

Enforcement of awards, order directing
sequestration and appointing receiver
form, § 8:20

REFUSAL OR DENIAL

Child support award where matrimonial
relief denied, § 7:4

Spousal maintenance, denial of matrimo-
nial relief, § 6:37

Visitation (this index)

REHABILITATION

Spousal maintenance, rehabilitative role
of maintenance, § 6:34

RELIGION AND RELIGIOUS MATTERS

Custody of children, religious
considerations, § 20:14

RELOCATION

Visitation, geographic relocation, § 21:12

REMARRIAGE

Equitable distribution, barriers, §§ 3:44,
3:45

Modification of awards, § 9:17

Obstacles or barriers to, §§ 3:44, 3:45,
6:29

Spousal maintenance, barriers to remar-
riage, § 6:29

REPLY

Pleadings, §§ 15:14, 15:15

RESIDENCE OR DOMICILE

Equitable distribution, custodial need for marital residence, § 3:32

Matrimonial litigation, residency requirements, § 13:21

Pendente lite motions, temporary exclusive use and possession of marital residence, § 17:34

RESTRICTED VISITATION

Generally, § 21:9

RESTRICTIONS

Limitations and Restrictions (this index)

RETAINER AGREEMENTS

Equitable Distribution (this index)

RETAINER FEES

Equitable distribution, nonrefundable, § 12:17

RETIREMENT

Equitable Distribution (this index)

Pensions and deferred compensation plans. **Equitable Distribution** (this index)

Spousal maintenance, modification based on retirement, § 6:30

RETROACTIVE ACTS OR MATTERS

Child support award, § 7:3

Equitable distribution, constitutionality and retroactivity of amended statute, §§ 2:1-2:10

Spousal maintenance, retroactivity of award, § 6:35

REVERSE PARTIAL SUMMARY JUDGMENT

Pendente lite motions, § 17:54

SANCTIONS

Disclosure, motions to compel disclosure and sanctions, § 16:27

SCHOOLS AND EDUCATION

Child Support Standards Act (CSSA) (this index)

Equitable Distribution (this index)

SECURITY

Enforcement of Awards (this index)

SECURITY—Cont'd

Equitable distribution, security for award, educational degrees and professional licenses, § 5:33

SECURITY INTERESTS

Equitable distribution, § 12:18

SELF-EMPLOYMENT

Child Support Standards Act (CSSA), recapture of self-employment deductions, § 7:31

SELF-INCRIMINATION PRIVILEGE

Trial practice, § 18:35

SELF-SUFFICIENCY

Spousal maintenance, preparation for self-sufficiency, § 6:43

SELF-SUPPORT

Child Support Standards Act (CSSA), lower income litigants, self-support reserve, § 7:57

Spousal Maintenance (this index)

“SELLING” TEAM APPROACH

Equitable distribution, § 12:13

“SELLING” TECHNOLOGY ADVANTAGE

Equitable distribution, § 12:14

SEPARATE ABODES AND FREEDOM FROM CONTROL

Generally, § 10:17

SEPARATE ACTS OR MATTERS

Agreements. **Separation Agreements** (this index)

Equitable Distribution (this index)

SEPARATION AGREEMENTS

Acknowledgment and execution, § 10:36

Additional instruments, boiler plate provisions, § 10:25

Address change, notification of, boiler plate provisions, § 10:24

Binding effect of boiler plate provisions, § 10:19

Boiler plate provisions

generally, §§ 10:16-10:29

additional instruments, § 10:25

address change, notification of, § 10:24

binding effect, § 10:19

breach, § 10:21

SEPARATION AGREEMENTS—Cont'd

Boiler plate provisions—Cont'd
change of address, notification of, § 10:24
division of debts of “hold harmless” provision, § 10:29
freedom from control, separate abodes and, § 10:17
governing law, situs and, § 10:23
“hold harmless” provision, division of debts of, § 10:29
legal representation, voluntary execution statement of and, § 10:26
mutual releases, § 10:18
notification of address change, § 10:24
partial invalidity, § 10:22
separate abodes and freedom from control, § 10:17
side agreements, enforceability, § 10:20
situs and governing law, § 10:23
statement of legal representation, voluntary execution and, § 10:26
subsequent divorce and incorporation, § 10:27
voluntary execution and statement of legal representation, § 10:26
waiver of estate claims, § 10:28

Breach
boiler plate provisions, § 10:21
negotiation and preparation, § 10:6

Change of address, notification of, boiler plate provisions, § 10:24

Child custody, drafting agreements, § 10:33

Client, preparation for negotiations, § 10:8

Custody of children, drafting agreements, § 10:33

Date. Time or date, below

Disclosure, impact on financial, § 16:32

Division of debts of “hold harmless” provision, § 10:29

Drafting
generally, §§ 10:13-10:36
boiler plate provisions, above
child custody and visitation, § 10:33
economic provisions, below
execution and acknowledgment, § 10:36
form, statement of premises, § 10:15
premises, statement of, §§ 10:14, 10:15

SEPARATION AGREEMENTS—Cont'd

Drafting—Cont'd
statement of premises, §§ 10:14, 10:15
style, § 10:13
visitation, child custody and, § 10:33

Dual representation, § 10:12

Economic provisions
generally, §§ 10:30-10:32
child support, § 10:34
disposition of property, § 10:31
life insurance, § 10:35
maintenance, § 10:32
special relief, § 10:35

Enforcement and enforceability
boiler plate provisions, side agreements, § 10:20
negotiation and preparation, § 10:6
post-equitable distribution agreements, § 10:5
pre-equitable distribution agreements, § 10:4

Financial information, obtaining, § 10:9

Form, statement of premises, § 10:15

Freedom from control, separate abodes and, § 10:17

Governing law, situs and, § 10:23
“Hold harmless” provision, division of debts of, § 10:29

Legal representation, voluntary execution statement of and, § 10:26

Mutual releases, boiler plate provisions, § 10:18

Negotiation and preparation
generally, §§ 10:1-10:36
breach, § 10:6
client, preparation for negotiations, § 10:8
dual representation, § 10:12
enforcement, § 10:6
financial information, obtaining, § 10:9
nature, § 10:2
objectives, determination of, § 10:10
post-equitable distribution agreements, validity and enforceability, § 10:5
practitioner, preparation for marital negotiations, § 10:7
pre-equitable distribution agreements, validity and enforceability, § 10:4
psychology of negotiations, § 10:11
purposes, § 10:2
statutory framework, § 10:3

SEPARATION AGREEMENTS—Cont'd

- Negotiation and preparation—Cont'd
validity and enforceability, §§ **10:4**,
10:5
- Notification of address change, boiler
plate provisions, § **10:24**
- Objectives, determination of, § **10:10**
- Partial invalidity, boiler plate provisions,
§ **10:22**
- Pleadings, verified complaint form,
§ **15:11**
- Post-equitable distribution agreements,
validity and enforceability, § **10:5**
- Practitioner, preparation for marital nego-
tiations, § **10:7**
- Pre-equitable distribution agreements,
validity and enforceability, § **10:4**
- Premises, statement of, §§ **10:14**, **10:15**
- Preparation. Negotiation and preparation,
above
- Psychology of negotiations, § **10:11**
- Separate abodes and freedom from
control, boiler plate provisions,
§ **10:17**
- Side agreements, enforceability, boiler
plate provisions, § **10:20**
- Situs and governing law, boiler plate pro-
visions, § **10:23**
- Statement
premises, statement of, §§ **10:14**, **10:15**
voluntary execution and statement of
legal representation and, § **10:26**
- Statutory framework, negotiation and
preparation, § **10:3**
- Style, § **10:13**
- Subsequent divorce and incorporation,
boiler plate provisions, § **10:27**
- Time or date
post-equitable distribution agreements,
validity and enforceability, § **10:5**
pre-equitable distribution agreements,
validity and enforceability, § **10:4**
- Validity or invalidity
boiler plate provisions, partial invalid-
ity, § **10:22**
partial invalidity, § **10:22**
post-equitable distribution agreements,
§ **10:5**
pre-equitable distribution agreements,
§ **10:4**
- Visitation, child custody and, § **10:33**

SEPARATION AGREEMENTS—Cont'd

- Voluntary execution and statement of
legal representation, boiler plate pro-
visions, § **10:26**
- Waiver of estate claims, boiler plate pro-
visions, § **10:28**

SEPARATION JUDGMENTS

- Pendente lite motions, affect on pendente
lite award, § **17:28**
- Pleadings, verified complaint form,
§ **15:10**

SEQUESTRATION

- Enforcement of Awards** (this index)

SETTLEMENT

- Trial practice, stipulations of settlement,
§§ **18:54**, **18:55**

SEX AND SEXUAL MATTERS

- Equitable distribution, sexual relationship
with client, § **12:30**

SHOW CAUSE ORDERS

- Enforcement of Awards** (this index)
- Modification of awards, hearing, § **9:21**
- Motion practice, notice and service
requirements, § **17:6**

SIBLINGS

- Custody of children, separation of
siblings, § **20:17**
- Joint custody, § **21:15**

SIDE AGREEMENTS

- Separation agreements, enforceability,
§ **10:20**

SITUS

- Place or Location** (this index)

SIX-YEAR RULE AND RECAPTURE

- Tax consequences, support payments,
§ **11:16**

**SOCIAL WORKER-CLIENT
PRIVILEGE**

- Trial practice, § **18:40**

SOURCE

- Equitable distribution, separate property
by source, § **3:12**

“SOURCE OF FUNDS” APPROACH

- Equitable distribution, § **3:10**

INDEX

SPECIAL NEEDS OF CHILD

Child Support Standards Act (CSSA),
§ 7:41

SPLIT CUSTODY

Joint Custody (this index)

SPOUSAL COMMUNICATIONS

Trial practice, § 18:36

SPOUSAL MAINTENANCE

Generally, §§ 6:2-6:51

Alimony, limitations, § 6:33

Allocation of family expenses, § 6:16

Amendment or modification

DRL § 248, § 6:31

statutory temporary and post-divorce
maintenance, below

Appellate review, § 6:51

Barriers to remarriage, § 6:29

Catch-all provision, § 6:49

Change. Amendment or modification,
above

Children, presence of, § 6:44

Computational method, deviations from,
§ 6:12

Content of decision, § 6:50

Date. Time or date, below

Defaults and non-disclosure, statutory
temporary and post-divorce mainte-
nance, § 6:14, § 6:27

Definitions, §§ 6:2, 6:7, 6:20

Denial of matrimonial relief, maintenance
award, § 6:37

Disclosure, statutory temporary and post-
divorce maintenance, § 6:14, § 6:27

Duration

maintenance award, § 6:36

marriage, § 6:40

post-divorce maintenance award,
§ 6:24

temporary maintenance, § 6:11

Earning capacity of each party, § 6:41

Effective date

award, § 6:35

statutory temporary and post-divorce
maintenance, § 6:32

Enhanced earnings no longer marital
property, § 6:5

Family expenses, allocation of, § 6:16

Form of awards, §§ 6:51, 6:54

Formulae, deviation from, § 6:23

SPOUSAL MAINTENANCE—Cont'd

Income and property, § 6:39

Insurance

life insurance, § 6:53

medical insurance, § 6:52

Life insurance, § 6:53

Limitations of alimony, § 6:33

Maintenance determinations

generally, §§ 6:38-6:49

catch-all provision, § 6:49

children, presence of, § 6:44

duration of marriage, § 6:40

earning capacity of each party, § 6:41

income and property, § 6:39

marital fault, § 6:49

marital standard of living, § 6:45

preparation or self-sufficiency, § 6:43

presence of children, § 6:44

property and income, § 6:39

self-sufficiency, preparation for, § 6:43

self-supporting capacity, § 6:42

spousal contributions, § 6:47

standard of living during marriage,
§ 6:45

status of parties, § 6:40

tax consequences, § 6:46

wasteful dissipation of family assets,
§ 6:48

Marital fault, § 6:49

Marital standard of living, § 6:45

Medical insurance, § 6:52

Methodology, statutory temporary and
post-divorce maintenance, § 6:8,
§ 6:21

Modification. Amendment or modifica-
tion, above

Modification. Statutory temporary and
post-divorce maintenance, below

Non-disclosure, statutory temporary and
post-divorce maintenance, § 6:14,
§ 6:27

Opt-out right, statutory temporary and
post-divorce maintenance, §§ 6:6,
6:13, 6:19, 6:26

Opt-out right preserved, statutory
temporary and post-divorce mainte-
nance, §§ 6:6, 6:19, 6:26

Orders, modification of statutory
temporary and post-divorce mainte-
nance, § 6:15, § 6:28

Over-the-cap payor income, §§ 6:9, 6:22

SPOUSAL MAINTENANCE—Cont'd

Post-divorce maintenance. Statutory temporary and post-divorce maintenance, below

Prejudice to post-divorce maintenance award, absence of, § 6:17

Preparation or self-sufficiency, § 6:43

Presence of children, § 6:44

Preservation of opt-out right, §§ 6:6, 6:19, 6:26

Property and income, § 6:39

Purpose, § 6:2

Rehabilitative role of maintenance, § 6:34

Remarriage, barriers to, § 6:29

Retirement, modification based on, § 6:30

Retroactivity of award, § 6:35

Right to opt-out, §§ 6:6, 6:13, 6:19, 6:26

Self-sufficiency, preparation for, § 6:43

Self-supporting capacity, § 6:42

reserve, § 6:10

Special relief, §§ 6:52-6:54

Spousal contributions, § 6:47

Standard of living during marriage, § 6:45

Status of parties, § 6:40

Statutory factors, § 6:38

Statutory temporary and post-divorce maintenance

agreements, modification of, §§ 6:15, 6:28

allocation of family expenses, § 6:16

amendment of DRL § 248, § 6:31

barriers to remarriage, § 6:29

computational method, deviations from, § 6:12

dates, effective dates, § 6:32

defaults and non-disclosure, § 6:14, § 6:27

definitional change, § 6:4

definitions, § 6:7, § 6:20

duration

post-divorce maintenance award, § 6:24

temporary maintenance, § 6:11

effective dates, § 6:32

enhanced earnings no longer marital property, § 6:5

family expenses, allocation of, § 6:16

formulae, deviation from, § 6:23

limitations of alimony, § 6:33

methodology, § 6:8, § 6:21

SPOUSAL MAINTENANCE—Cont'd

Statutory temporary and post-divorce maintenance—Cont'd

modification

agreements, §§ 6:15, 6:28

orders and agreements, §§ 6:15, 6:28

retirement, modification based on, § 6:30

non-disclosure, § 6:14, § 6:27

opt-out right, §§ 6:6, 6:13, 6:19, 6:26

opt-out right preserved, §§ 6:6, 6:19, 6:26

orders, modification of, §§ 6:15, 6:28

over-the-cap payor income, §§ 6:9, 6:22

post-divorce maintenance, § 6:18

prejudice to post-divorce maintenance award, absence of, § 6:17

preservation of opt-out right, §§ 6:6, 6:19, 6:26

remarriage, barriers to, § 6:29

retirement, modification based on, § 6:30

right to opt-out, §§ 6:6, 6:13, 6:19, 6:26

self-support reserve, § 6:10

underrepresented parties, § 6:25

Tax consequences, § 6:46

Temporary maintenance. Statutory temporary and post-divorce maintenance, below

Time or date

duration, above

effective date, above

post-divorce maintenance. Statutory temporary and post-divorce maintenance, above

retroactivity of award, § 6:35

2015 Statutory temporary and post-divorce maintenance. Statutory temporary and post-divorce maintenance, above

Underrepresented parties, § 6:25

Wasteful dissipation of family assets, § 6:48

SSI

Child Support Standards Act (CSSA), § 7:34

STANDARD OF LIVING

Child Support Standards Act (CSSA), pre-separation standard of living, § 7:42

INDEX

STANDARD OF LIVING—Cont'd

Spousal maintenance, § 6:45

STATEMENTS

Equitable Distribution (this index)

Separation Agreements (this index)

STATE OF NET WORTH

Sample form, § 12:25

STATUTE OF LIMITATIONS

Limitation of Actions (this index)

STATUTES

Child support, statutory reference points,
§ 7:2

Custody of children, proposals for statu-
tory factors, § 20:23

Equitable Distribution (this index)

STATUTORY ACTS OR MATTERS

Disclosure, statutory temporary and post-
divorce maintenance, § 6:14, § 6:27

Separation agreements, statutory
framework, § 10:3

Spousal maintenance, factors, § 6:38

Tax consequences, statutory contempla-
tion, § 11:3

Temporary and post-divorce maintenance.
Spousal Maintenance (this index)

STEPPARENTS AND STEPCHILDREN

Child support, liability, § 7:9

STIPULATIONS

Trial practice, settlement, §§ 18:54, 18:55

STOCK OPTIONS

Equitable distribution, pensions and
deferred compensation plans, § 5:11

STUDENT SPOUSE-WORKING SPOUSE

Equitable distribution, educational
degrees and professional licenses,
§ 5:26

SUBPOENA

Witnesses, compulsory attendance of,
form, § 18:20

SUBPOENA DUCES TECUM

Witnesses, compulsory attendance of,
form, § 18:21

SUBSEQUENT ACTS OR MATTERS

Separation agreements, subsequent
divorce and incorporation, § 10:27

SUBSTANCE ABUSE

Custody of children, abuse of alcohol and
drugs, § 20:8

SUMMARY JUDGMENT

Pendente Lite Motions (this index)

SUMMONS

Matrimonial Litigation (this index)

SUPERVISED AND RESTRICTED VISITATION

Generally, § 21:9

SUPPORT COLLECTION UNIT

Enforcement of awards, income deduction
order, § 8:24

SUPPORT OF PERSONS

Child Support (this index)

SUPPORT PAYMENTS

Tax Consequences (this index)

SUPREME COURT

Matrimonial litigation, jurisdiction, § 13:2

TAX CONSEQUENCES

Generally, §§ 11:1-11:25

Child care credit, § 11:23

Child support

Child Support Standards Act (CSSA),
§ 7:43

excess front loading and recapture
under Tax Reform Act of 1986,
§ 11:18

unallocated spousal and child support,
§ 11:14

Child Support Standards Act (CSSA),
§ 7:43

Date. Time or date, below

Davis rule, property transfers, § 11:5

Dependency exemptions

child care credit, § 11:23

deductions for medical expenses,
§ 11:24

entitlement under DRTR, § 11:20

head of household status, § 11:22

innocent spouse rule, § 11:25

marital status and joint returns, § 11:21

TAX CONSEQUENCES—Cont'd

Dependency exemptions—Cont'd
 medical expenses, deductions for, § 11:24
 pre-DRTR rules, § 11:19
 Domestic Relations Tax Reform of 1984 (DRTR), generally, §§ 11:4, 11:6-11:11
 Effective date, interspousal transfers, § 11:9
Equitable Distribution (this index)
 Estate tax treatment, interspousal transfers, § 11:7
 Excess front-loading, support payments, §§ 11:16-11:18
 Exemptions. Dependency exemptions, above
 Expert witnesses, sample point brief, § 19:20
 Gift tax treatment, interspousal transfers, § 11:7
 Head of household status, § 11:22
 Innocent spouse rule, § 11:25
 Interspousal transfers
 generally, §§ 11:6-11:11
 DRTR of 1984, §§ 11:6-11:11
 effective dates, § 11:9
 gift and estate tax treatment, § 11:7
 IRC Section 1041, application and election under, §§ 11:8, 11:9
 preexisting instrument, election regarding, form, § 11:11
 transfers after 1983, election regarding, form, § 11:10
 transition period, § 11:9
 IRC Section 1041, application and election under interspousal transfers, §§ 11:8, 11:9
 Joint returns, marital status and, § 11:21
 Lester rule, support payments, § 11:14
 Marital status and joint returns, § 11:21
 Medical expenses, deductions for, § 11:24
 Pre-Domestic Relations Tax Reform rules, § 11:19
 support payments, treatment of, §§ 11:13, 11:14
 transfers, § 11:5
 Preexisting instrument, election regarding, form, § 11:11
 Property transfers
 generally, §§ 11:5-11:11

TAX CONSEQUENCES—Cont'd

Property transfers—Cont'd
 Davis rule, § 11:5
 interspousal transfers, above
 pre-DRTR transfers, § 11:5
 Recapture rule
 child support, § 11:18
 excess front loading, §§ 11:17, 11:18
 six-year rule, § 11:16
 support payments, §§ 11:16-11:18
 Returns, joint, § 11:21
 Role of tax law in matrimonial practice, § 11:2
 Scope of chapter, § 11:1
 Six-year rule and recapture, support payments, § 11:16
 Spousal maintenance, § 6:46
 Statutory contemplation of, § 11:3
 Support payments
 generally, §§ 11:12-11:18
 child support, payments treated as, excess front loading and recapture under Tax Reform Act of 1986, § 11:18
 excess front-loading and recapture, §§ 11:16-11:18
 historical perspective, § 11:12
 Lester rule, § 11:14
 pre-DRTR treatment, §§ 11:13, 11:14
 six-year rule and recapture, § 11:16
 treatment of support payments under DRTR, §§ 11:15, 11:16
 unallocated spousal and child support, § 11:14
 Time or date
 interspousal transfers, effective date, § 11:9
 pre-Domestic Relations Tax Reform, above
 Transfers
 interspousal transfers, above
 property transfers, above
 Treatment of support payments under DRTR, §§ 11:15, 11:16
 Unallocated spousal and child support, § 11:14
 Witnesses, expert, sample point brief, § 19:20

TECHNOLOGY

Equitable Distribution (this index)

INDEX

TEMPORARY ACTS OR MATTERS

- Child Support** (this index)
- Counsel fees. **Pendente Lite Motions** (this index)
- Exclusive use and possession of marital property. **Pendente Lite Motions** (this index)
- Litigation expenses. **Pendente Lite Motions** (this index)
- Maintenance. **Pendente Lite Motions** (this index)
- Pendente Lite Motions** (this index)
- Use and possession of marital property. **Pendente Lite Motions** (this index)

TENDER YEARS PRESUMPTION

- Custody of children, § 20:3

TERMINATION OR CANCELLATION

- Child support, other bases for termination, § 7:10
- Joint custody arrangements, § 21:5

THERAPY

- Visitation in conjunction with therapy, § 21:10

TIME OR DATE

- Business valuations. **Expert Witnesses** (this index)
- Child Support** (this index)
- Duration** (this index)
- Effective Date** (this index)
- Enforcement of awards, duration of income deduction order, § 8:26
- Equitable Distribution** (this index)
- Initial Acts or Matters** (this index)
- Interim Acts or Matters** (this index)
- Pendente Lite Motions** (this index)
- Postcommencement acquisitions, equitable distribution, § 3:8
- Post-equitable distribution agreements, separation agreements, § 10:5
- Pretrial Acts or Matters** (this index)
- Retroactive Acts or Matters** (this index)
- Separation Agreements** (this index)
- Spousal Maintenance** (this index)
- Tax Consequences** (this index)
- Temporary Acts or Matters** (this index)

TIMING

- Pendente lite motions, § 17:16

TITLE AND OWNERSHIP

- Equitable distribution, title distribution, § 1:4

TOTALITY OF CIRCUMSTANCES

- Custody of children, § 20:4

TRADE SECRETS

- Trial practice, § 18:43

TRANSCRIPTS

- Depositions, § 16:18

TRANSFERS

- Equitable distribution, fraudulent transfers and encumbrances, § 3:41
- Interspousal. **Tax Consequences** (this index)
- Tax Consequences** (this index)

TRANSMUTATION

- Equitable Distribution** (this index)

TRIAL BRIEFS

- Expert witnesses, pretrial preparation, § 19:12

TRIAL DETERMINATION

- Pendente lite motions, interrelationship between pendente lite award and, § 17:31

TRIAL PRACTICE

- Generally, §§ 18:1-18:56
- Acknowledgement of stipulation form, § 18:55
- Attorney-client communications, § 18:37
- Business records, evidentiary issues, § 18:50
- Calendar control conference, § 18:13
- Calendar practice
 - generally, §§ 18:2-18:14
 - calendar control conference, § 18:13
 - demand
 - note of issue, demand for filing, § 18:10
 - trial by jury, § 18:12
 - governing authority, § 18:2
 - jury, demand for trial by, § 18:12
 - motion to strike note of issue, § 18:9
 - note of issue
 - generally, §§ 18:3-18:7
 - demand for filing, § 18:10
 - forms, §§ 18:4, 18:7
 - motion to strike note of issue, § 18:9

TRIAL PRACTICE—Cont'd

Calendar practice—Cont'd
 note of issue—Cont'd
 readiness requirements in matrimonial actions, § 18:5
 statement of proposed disposition, §§ 18:6, 18:7
 pretrial conference, § 18:14
 readiness requirements in matrimonial actions, note of issue, § 18:5
 statement of proposed disposition, note of issue, §§ 18:6, 18:7
 trial preference, § 18:8
 Clergy-communicant, § 18:41
 Clients
 attorney-client communications, § 18:37
 physician-client privilege, § 18:39
 pretrial preparation, § 18:16
 social worker-client privilege, § 18:40
 Closure of matrimonial trials, § 18:53
 Cross-examination, § 18:30
 Demand. Calendar practice, above
 Direct examination, §§ 18:28, 18:29
 Eavesdropping evidence, § 18:44
 Evidentiary issues
 generally, §§ 18:33-18:51
 authority, § 18:33
 business records, § 18:50
 eavesdropping evidence, § 18:44
 Expert Witnesses (this index)
 impeachment evidence, § 18:51
 prior inconsistent statements, § 18:52
 privileges, §§ 18:34-18:43
 Witnesses (this index)
 File organization, pretrial preparation, § 18:15
 Findings of fact and conclusions of law, § 18:56
 Forms
 acknowledgement of stipulation, § 18:55
 note of issue, §§ 18:4, 18:7
 statement of proposed disposition, § 18:7
 Witnesses (this index)
 Governing authority, calendar practice, § 18:2
 Impeachment evidence, § 18:51
Jury and Jury Trial (this index)
 Motion to strike note of issue, § 18:9

TRIAL PRACTICE—Cont'd

Note of issue. Calendar practice, above
 Objections, § 18:31
 Outline, §§ 18:26, 18:27
 Parent-child communications, § 18:42
 Physician-client privilege, § 18:39
 Physician-patient privilege, § 18:38
 Preferences, calendar practice, § 18:8
 Pretrial conference, § 18:14
 Pretrial preparation
 generally, §§ 18:15-18:23
 client preparation, § 18:16
 compulsory attendance of witnesses.
 Witnesses (this index)
 file organization, § 18:15
 preparation of client, § 18:16
 Witnesses (this index)
 Prior inconsistent statements, § 18:52
 Privileges, evidentiary issues, §§ 18:34-18:43
 Proposed findings of fact and conclusions of law, § 18:56
 Readiness requirements in matrimonial actions, § 18:5
 Sample direct examination, § 18:29
 Sample trial outline, § 18:27
 Scope of chapter, § 18:1
 Self-incrimination privilege, § 18:35
 Sequence, § 18:25
 Settlement, stipulations of, §§ 18:54, 18:55
 Social worker-client privilege, § 18:40
 Spousal communications, § 18:36
 Statements
 prior inconsistent statements, § 18:52
 statement of proposed disposition, §§ 18:6, 18:7
 Stipulations of settlement, §§ 18:54, 18:55
 Submission of proposed findings, §§ 18:55, 18:56
 Trade secrets, § 18:43
 Trial, generally, §§ 18:24-18:32
 Trial motions, § 18:32
Witnesses (this index)

TUITION

Equitable distribution, valuation of tuition benefits, pensions and deferred compensation plans, § 5:3

INDEX

ULTIMATE ISSUE RULE

Expert witnesses, § 19:7

UNDERREPRESENTED PARTIES

Spousal maintenance, § 6:25

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Generally, § 7:63

UNIFORM RULES

Matrimonial Litigation (this index)

UNREPRESENTED PARTIES

Child Support Standards Act (CSSA), § 7:51

USE, OCCUPANCY AND ENJOYMENT

Pendente Lite Motions (this index)

VACATUR

Enforcement of awards, New York State Support Enforcement Act of 1985, income execution for support enforcement, § 8:48

VALIDITY OR INVALIDITY

Separation Agreements (this index)

VALUE AND VALUATION

Business valuations. **Expert Witnesses** (this index)

Equitable Distribution (this index)

VENUE

Matrimonial litigation, § 13:22

VERIFIED COMPLAINT

Pleadings (this index)

VISITATION

Generally, §§ 21:6-21:12

Child's preference, § 21:8

Denial of visitation

generally, §§ 21:7-21:10

child's preference, § 21:8

enforcement of awards, defenses, § 8:7

money judgments, § 8:7

preference of child, § 21:8

supervised and restricted visitation, § 21:9

therapy, visitation in conjunction with, § 21:10

Enforcement of awards, denial of visitation as defense, § 8:7

Geographic relocation, § 21:12

VISITATION—Cont'd

Interference with visitation, § 21:11

Preference of child, § 21:8

Supervised and restricted visitation, § 21:9

Therapy, visitation in conjunction with, § 21:10

VOLUNTARY ACTS OR MATTERS

Separation agreements, voluntary execution and statement of legal representation, § 10:26

WAIVER

Enforcement of Judgments (this index)

Separation agreements, waiver of estate claims, § 10:28

WASTE

Equitable distribution, wasteful dissipation of marital property, § 3:40

Spousal maintenance, wasteful dissipation of family assets, § 6:48

WILLFUL ACTS OR MATTERS

Enforcement of awards, willful default, contempt, § 8:30

WISCONSIN FORMULA

Child Support Standards Act (CSSA), § 7:17

WITNESSES

Attendance. Compulsory attendance of witnesses, below

Compulsory attendance of witnesses generally, §§ 18:19-18:21

legal preparation, § 18:23

notice to produce, § 18:22

subpoena duces tecum form, § 18:21

subpoena form, § 18:20

Expert Witnesses (this index)

Forms

subpoena, § 18:20

subpoena duces tecum form, § 18:21

Pretrial preparation

compulsory attendance of witnesses, above

expert witnesses, § 18:18

nonparty witnesses, §§ 18:17, 18:18

Subpoena duces tecum form, § 18:21

Subpoena form, § 18:20

WORDS AND PHRASES

Equitable Distribution (this index)
Spousal maintenance, §§ **6:2, 6:7, 6:20**

WRITINGS AND WRITTEN

INSTRUMENTS

Child Support Standards Act (CSSA),
written order requirement, § **7:38**

WRITINGS AND WRITTEN

INSTRUMENTS—Cont'd

Equitable distribution, written retainer
agreements, § **12:16**