

Table of Contents

Volume 1

PART I. INTRODUCTION

CHAPTER 1. TIME TABLES, SERVICE OF PAPERS, AND FORM OF PAPERS INCLUDING UNCONTESTED DIVORCES

- § 1:1 Table 1—Time Table for Actions and Procedures—
Statute of Limitations
- § 1:2 Table 2—Durational Residency Requirements
- § 1:3 Table 3—Form of Papers
- § 1:4 Table 4—Required Signature on Filed Papers
- § 1:5 *[Reserved]*
- § 1:6 Table 6—Service of Papers
- § 1:7 Table 7. Table of Poverty Income Guidelines Amount,
Self-Support Reserve, Combined Parental Income and
Income Cap
- § 1:8 Table 1-8. Table of Effective Dates of Revisions to
Domestic Relations Law §§ 236, 237, and 240
- § 1:9 Time Table for Service of Motion Papers

CHAPTER 2. DEFINITIONS, RULES AND NOTICES

- § 2:1 Definition of Matrimonial Action Applicable to the
CPLR
- § 2:2 Definition of Matrimonial Action in NY Dom Rel Law
§ 236(B)(2) Applicable to Certain Proceedings Com-
menced on or after July 19, 1980
- § 2:3 Personal Service Upon a Natural Person
- § 2:4 Personal Service Upon an Infant, Incompetent or
Conservatee
- § 2:5 Fees Payable to County Clerks
- § 2:6 22 NYCRR §§ 202.7 and 202.8 Motion Procedure
- § 2:7 Motion Practice; Preparation, Service and Filing of
Motion and Orders
- § 2:8 Notice of Motion or Order to Show Cause—In General
- § 2:9 Notice of Motion—Notice of Settlement
- § 2:10 —Notice of Entry

- § 2:11 —Notice of Entry Form
- § 2:12 Practice Under the Calendar Control Rules
- § 2:13 Proposed judgements and orders in matrimonial actions

CHAPTER 3. BASIC FORMS FOR UNIVERSAL USE

- § 3:1 Caption box
- § 3:2 Heading above caption box—Court of Appeals
- § 3:3 —Appellate Division
- § 3:4 —Supreme Court
- § 3:5 Caption box—Hague Convention Proceeding
- § 3:6 Notice of motion—Official form 22 NYCRR § 202.7
- § 3:7 Notice of motion introduction—Listing date and place of motion
- § 3:8 Sixteen-Day notice pursuant to N.Y.C.P.L.R. Art. 4 for answering papers seven days before motion to be heard
- § 3:9 Notice of cross motion
- § 3:10 IAS part heading for order or judgment
- § 3:11 Order to show cause
- § 3:12 Heading for order/judgment
- § 3:13 Format for affidavit
- § 3:14 Form for affirmation of client incorporating attorney's affirmation
- § 3:15 Affirmation of any person wherever made in Lieu of Affidavit
- § 3:15.50 Use of affirmation for statement of net worth prohibited
- § 3:15.70 Use of affirmation for sworn statement of removal of barriers to remarriage prohibited
- § 3:16 Format for affirmation which may be filed in an action or proceeding in a court of law
- § 3:17 Jurat for notary public signature
- § 3:18 Acknowledgment
- § 3:19 Heading for jurat
- § 3:20 Date format
- § 3:21 Indorsement to attorneys—N.Y.C.P.L.R. Rule 2103
- § 3:22 Verification
- § 3:22.50 Verification by affirmation
- § 3:23 Verification by affirmation of attorney
- § 3:24 Certificate of acknowledgment
- § 3:25 Affirmation of service of papers—CPLR 2103
- § 3:26 Summons with notice in action for divorce, separation, annulment, declaration of nullity of void marriage
- § 3:27 Summons with notice—Requests for ancillary relief

TABLE OF CONTENTS

§ 3:28	Summons to be served with complaint
§ 3:29	Notice of appearance
§ 3:30	Request for judicial intervention—Additional form for matrimonial actions and instructions
§ 3:31	Residence requirements in action for dissolution of marriage on the ground of absence—N.Y. Dom. Rel. Law § 220 (Necessary Allegations)
§ 3:32	Residence requirements in action for divorce, separation, annulment or to declare nullity of void marriage—N.Y. Dom. Rel. Law § 230—(Necessary Allegations)
§ 3:33	N.Y. Dom. Rel. Law § 253—Necessary allegation of removal of barriers to remarriage
§ 3:34	Ancillary relief in action for divorce—Complaint endings
§ 3:35	Ancillary relief in action for separation—Complaint endings
§ 3:36	Ancillary relief in action for annulment—Complaint endings
§ 3:37	Ancillary relief in action to declare nullity of void marriage—Complaint endings
§ 3:38	All purpose verified complaint format for action for divorce, separation, annulment or declaration of nullity of void marriage
§ 3:39	Format for first paragraph of complaint
§ 3:40	Verified answer
§ 3:41	Verified answer and counterclaim for divorce, separation, or annulment
§ 3:42	Format for first paragraph of answer
§ 3:43	Verified reply
§ 3:44	Format for first paragraph of reply
§ 3:45	Notice of petition—N.Y.C.P.L.R. Art. 4
§ 3:46	Order to show cause in lieu of notice of petition—N.Y.C.P.L.R. Art. 4
§ 3:47	Petition—N.Y.C.P.L.R. Art. 4
§ 3:48	Reply to answer to petition—N.Y.C.P.L.R. Art. 4
§ 3:49	Writ of habeas corpus
§ 3:50	Petition for writ of habeas corpus
§ 3:51	Return to petition for writ of habeas corpus
§ 3:52	Format for discovery and inspection notice—N.Y.C.P.L.R. Rule 3120
§ 3:53	Format for interrogatories—N.Y.C.P.L.R. Rule 3130
§ 3:54	Format for notice for physical, mental, or blood examination—N.Y.C.P.L.R. Rule 3121
§ 3:55	Response to notice for disclosure, inspection, examination—Pursuant to N.Y.C.P.L.R. Rule 3120
§ 3:56	Statement of net worth: Official form—N.Y. Dom. Rel. Law § 236

- § 3:57 Statement of proposed disposition—Official form
- § 3:58 Contempt notice required by judiciary law
- § 3:59 Order to show cause for contempt—N.Y. Jud. Law
§ 756
- § 3:60 Format for front of order
- § 3:61 Judicial subpoena to compel attendance of witness
- § 3:62 Notice of settlement
- § 3:63 Notice of entry
- § 3:64 Format for findings of fact caption
- § 3:65 Findings of fact and conclusion of law and
judgment—Official form 22 NYCRR § 202.50—
With children
- § 3:66 — —Without children
- § 3:67 Format for resettled judgment
- § 3:68 Notice of appeal—From all or part of judgment
- § 3:69 Notice of cross appeal—From order or judgment

CHAPTER 4. RETAINER AGREEMENTS, BILLING FORMS, AND CLIENT INFORMATION

- § 4:1 Rules of Professional Conduct for Family Law
Attorneys
- § 4:2 Retainer Agreements and Nonrefundable Retainer
Fees under Part 1400
- § 4:3 Confession of Judgment and Fee Arbitration under
Part 1400
- § 4:4 Fee Arbitration Rules—22 NYCRR Part 137
- § 4:5 Calendar Control Rules for Certain Matrimonial
Actions: 22 NYCRR 202.16
- § 4:6 Statement of client's rights and responsibilities—22
NYCRR 1400.2, Effective February 15, 2019
- § 4:7 Statement of Client's Rights and Responsibilities (to
be used only when representation is without fee)
- § 4:8 Client Information Brochure
- § 4:9 Client Intake Form
- § 4:10 Bill for Consultation
- § 4:11 Retainer agreement-advance deposit—Hourly rate—
Basic form containing provisions required by 22
NYCRR Part 1400
- § 4:12 — —Basic form containing provisions required by
22 NYCRR Part 1400 with optional provisions
- § 4:13 Retainer Agreement for Appeal to Appellate
Division or Court of Appeals Advance Deposit
Hourly Rate—Basic Form Containing Provisions
Required by 22 NYCRR Part 1400 with Optional
Provisions
- § 4:14 Retainer Agreement for Motion for Permission to

TABLE OF CONTENTS

	Appeal to Court of Appeals Advance Deposit Flat Fee—Basic Form Containing Provisions Required by 22 NYCRR Part 1400 with Optional Provisions
§ 4:15	Modification of Retainer Agreement
§ 4:16	Optional additional provisions for retainer agreement
§ 4:17	Form—Engagement agreement for appeal
§ 4:18	Standard Fee Arbitration Forms and Instructions—22 NYCRR Part 137
§ 4:19	Statement of client’s rights and responsibilities (22 NYCRR 1400.2)
§ 4:20	Statement of client’s rights and responsibilities in domestic relations matters (22 NYCRR 1400.2) to be used only when representation is without fee
§ 4:21	Statement of clients rights (22 NYCRR 1210.1)
§ 4:22	Engagement agreement—Convention on the civil aspects of international child abduction—International child abduction remedies act—Advance deposit—Hourly rate
§ 4:23	Limited Scope Representation
§ 4:24	Notice of limited scope appearance
§ 4:25	Notice of completion of limited scope appearance
§ 4:25.50	Consent to change attorney after completion of limited Scope appearance
§ 4:26	CPLR 321(d) limited scope retainer agreement
§ 4:27	Matrimonial retainer agreement with guaranty
§ 4:28	Retainer agreement for appeal to appellate division—Flat fee—Basic form containing provisions required by 22 NYCRR Part 1400 with optional provisions
§ 4:29	Retainer provision for payment by credit card
§ 4:30	Outside Counsel Engagement Agreement

CHAPTER 5. OFFICE CORRESPONDENCE AND FORMS

§ 5:1	Checklist letter for general use
§ 5:2	Facsimile transmission—Information page
§ 5:3	Client fill-out sheet—Pre-Separation standard of living
§ 5:4	Letter to other spouse advising of retainer
§ 5:5	Letter to other spouse’s attorney requesting documents
§ 5:6	Uniform court rules applicable to motion practice
§ 5:7	Letter to attorney requesting a telephone call
§ 5:8	Notice of change of law firm name
§ 5:9	Notice of change of law firm address
§ 5:9.50	Notice of change of mailing address

- § 5:10 Letter to title company with request to record deed
- § 5:11 Letter to client with recorded deed
- § 5:12 Letter of indemnification in conjunction with signing joint income tax returns
- § 5:13 Letter of indemnification to spouse regarding previously executed joint income tax returns
- § 5:14 Internal Revenue Form 4506—Request for copy of tax form
- § 5:15 Internal Revenue Form 8332—Release/revocation of release of claim to exemption for child by custodial parent
- § 5:16 Letter to previously subpoenaed witness advising of adjourned date
- § 5:17 Letter to client recommending against signing settlement agreement
- § 5:18 Letter to New York State Department of Social Service requesting expungement of adverse material from Child Abuse Central Register
- § 5:19 Letter to client with findings of fact, conclusions of law and judgment
- § 5:20 General release
- § 5:21 Letter to client requesting acknowledgment that bills are correct
- § 5:22 Letter requesting client to sign affidavit of confession of judgment
- § 5:23 Letter to client advising of right to fee arbitration and requesting client to relieve attorneys
- § 5:24 Letter to client advising of right to fee arbitration after attempt to resolve fee dispute
- § 5:25 Letter to client requesting client to relieve attorneys
- § 5:26 Proof of service

CHAPTER 6. CREATION OF MARRIAGE RELATIONSHIP

- § 6:1 Comment: marriage of a minor—In general
- § 6:2 Certificate of Marriage—Official Form
- § 6:3 Official Form for Marriage License

PART II. MATRIMONIAL AGREEMENTS

CHAPTER 7. MATRIMONIAL AGREEMENTS: IN GENERAL

- § 7:1 Requisites of Matrimonial Agreements
- § 7:2 Permissible Subject Matter of Agreements

TABLE OF CONTENTS

§ 7:3	Child Support Public Policy Considerations: Child Support Standards Act
§ 7:4	Other Public Policy Limitations
§ 7:5	Suggested Clauses in Agreements
§ 7:6	Preamble
§ 7:7	Effective Date
§ 7:8	Recitals
§ 7:9	Consideration
§ 7:10	Purpose of Agreement
§ 7:11	Separate Residence
§ 7:12	Non-molestation
§ 7:13	Separate Ownership
§ 7:14	Debts of the parties
§ 7:15	Mutual Releases and General Release
§ 7:16	Mutual Waiver and Discharge of Rights in Estates
§ 7:17	Custody and Visitation
§ 7:18	Maintenance
§ 7:19	Remarriage of the Wife
§ 7:20	Future Health Care Coverage
§ 7:21	Child Support and Maintenance
§ 7:22	Education Expenses
§ 7:23	Child Care
§ 7:24	Summer Camp or Activity
§ 7:25	Medical, Hospital, Psychiatric, Orthodontic, Pharmacy and Dental Expenses and Insurance Coverage
§ 7:26	Emancipation
§ 7:27	Property Distribution—Equitable Distribution and/or Distributive Award
§ 7:28	Exclusive Occupancy of the Marital Residence
§ 7:29	Life Insurance
§ 7:30	Income Tax Returns and Refunds
§ 7:31	Legal Representation and Financial Disclosure
§ 7:32	Counsel Fees and Expenses
§ 7:33	Religious Divorce
§ 7:34	Mutual Waivers of Other Assets and Maintenance
§ 7:35	Reconciliation
§ 7:36	Voluntary Execution
§ 7:37	Pending Actions
§ 7:38	Subsequent Action to Set Aside or Modify Agreement
§ 7:39	Severability
§ 7:40	Binding Effect
§ 7:41	Change of Address
§ 7:42	Notices
§ 7:43	Modification and Waiver
§ 7:44	Independent Covenants
§ 7:45	Legal Interpretation or Governing Laws
§ 7:46	Further Instruments

- § 7:47 Entire Understanding
- § 7:48 Effect of Incorporation of Agreement into Judgment
- § 7:49 Counsel Fees and Expenses
- § 7:50 Termination of Maintenance
- § 7:51 Termination of Child Support
- § 7:52 Signatures and Acknowledgment

CHAPTER 8. PRENUPTIAL AGREEMENTS

- § 8:1 Prenuptial Agreement—Not Intended to Include Maintenance, Special Relief, Child Support, Custody or Disposition of Other Assets, Other Than Husband's Pre-Marital Interest in Family Business
- § 8:2 —Long Form—Covers Income and Property
- § 8:3 — —Covering Maintenance, Special Relief, Equitable Distribution
- § 8:4 —Covering Estate Rights and Separate Property
- § 8:5 —Short Form—Covering Business, Separate Property, Appreciation
- § 8:6 —Long Form—Maintenance Property Distribution
- § 8:7 Complaint—To Set Aside Antenuptial Agreement—Mistake, Nondisclosure, Undue Influence, Overreaching, And Inadequacy Of Consideration—By Surviving Spouse Against Estate Of Deceased Spouse
- § 8:8 Prenuptial Agreement—Inadequate Provision for Spouse—Breach of Fiduciary Relationship in Inducement to Execute Agreement
- § 8:9 —Concealment of Material Facts or Making of Material Misrepresentations—Against Representative of Estate of Deceased Spouse

CHAPTER 9. SEPARATION AGREEMENTS

- § 9:1 Form Agreement Clauses—Agreement or Stipulation Pursuant to Domestic Relations Law 236 [B][3]—“Opting-out” or “post-nuptial agreement” for use where the parties have not separated and no matrimonial action has been commenced; where the parties have separated but no matrimonial action has been commenced; and where the parties have separated and a matrimonial action has been commenced
- § 9:2 Settlement Agreement Entered Into During Litigation—Sole Custody
- § 9:3 Escrow Agreement Executed in Conjunction with Settlement Agreement in § 9:2
- § 9:4 Separation Agreement—Sole Custody
- § 9:5 —Joint Custody
- § 9:6 Waiver of Right to Spouses Qualified or Other Pension Rights
- § 9:7 Settlement Agreement Provision Specifying clients

TABLE OF CONTENTS

- rights in Retirement Benefits prior to Domestic Relations Order becoming Qualified
- § 9:8 Checklist for Basic Separation Agreement

CHAPTER 10. INTERIM AGREEMENTS AND STIPULATIONS OF SETTLEMENT

- § 10:1 Interim Custody Agreement During Pendency of Divorce Action [Joint Custody, Personal Property Distribution, Separate Property Definition]
- § 10:2 Stipulation of Settlement of Action for Divorce on Trial Calendar
- § 10:3 Stipulation of Settlement of Action to Declare Antenuptial Agreement Void—[No Children]
- § 10:4 Stipulation of Settlement—Long Form with Orthodox Jewish Provisions, Arbitration Clause, Sale of Home, Waiver of Maintenance and Joint Custody
- § 10:5 —Short Form with House Sale, Parenting Schedule, Waiver of Maintenance
- § 10:6 —Prepayment of Child Support by Property Distribution
- § 10:7 —Long Form with Acknowledgment of Appearance in Action, Cost-of-living Increase
- § 10:8 —Long Form with Condominium Sale and College Expenses
- § 10:9 —Short Form with Provision for Qualified Domestic Relations Order, Sale of Marital Home
- § 10:10 Stipulation of Settlement of Motions and Appeal
- § 10:11 Stipulation of Settlement—Short Form with Child Support Provisions
- § 10:12 Stipulation of settlement—No children
- § 10:13 Stipulation of Settlement—Short Form with Trust for Wife
- § 10:14 —Short Form with Visitation Schedule
- § 10:15 —Another Form with Tax, Real Estate and Auto Provisions
- § 10:16 Settlement Agreement during Trial: Joint decision making; “Home Base” of Children; Right to Apply to Court for Downward Modification of Support if Husband’s Income Decreases; Increase in Child Support upon Termination of Maintenance; Restriction upon Right to Relocate With Children; Mediation of Disputes Regarding Children
- § 10:17 Affidavit of appearance and acknowledgment of stipulation of settlement made on the record in open court—Third and fourth departments

CHAPTER 11. POST-NUPTIAL AGREEMENTS

- § 11:1 Post-Nuptial Agreement—Long Form

- § 11:2 —Short Form
- § 11:3 —Providing that Separation Agreement is Null and Void
- § 11:4 —Based on Reconciliation

CHAPTER 12. POST-TRIAL STIPULATIONS AND DISCONTINUANCE

- § 12:1 Stipulation of Settlement of Post-Trial NY CPLR Rule 4404 Motions
- § 12:2 Stipulation of Settlement of Post-Judgment Modification and Enforcement Proceeding
- § 12:3 Stipulation Discontinuing Action for Divorce

CHAPTER 13. MODIFICATION AGREEMENTS

- § 13:1 Modification Agreement Modifying Visitation Provisions of Separation Agreement Incorporated in and Surviving a Judgment of Divorce
- § 13:2 Second Modification Agreement
- § 13:3 Agreement Modifying Separation Agreement Previously Incorporated in Judgment of Divorce
- § 13:4 Order Modifying Judgment of Divorce Upon Joint Affidavit for Modification Submitted Pursuant to Agreement
- § 13:5 Joint Affidavit for Modification

CHAPTER 14. STIPULATIONS DURING LITIGATION

- § 14:1 Stipulations—In General
- § 14:2 Stipulation Extending Plaintiff's Time to Serve the Complaint
- § 14:3 Stipulation Extending Defendant's Time to Answer or Move with Regard to the Complaint
- § 14:4 Stipulation Extending Defendant's Time to Serve Reply to Answer and Counterclaim
- § 14:5 Stipulation Extending Time to Serve Reply to Amended Answer and Counterclaim
- § 14:6 Stipulation Modifying Order to Show Cause on Motion for Pendente Lite Relief
- § 14:7 Stipulation Modifying Restraining Order
- § 14:8 Proof of service
- § 14:9 Stipulation Adjourning Motion
- § 14:10 —Another Form
- § 14:11 Stipulation Adjourning Date of Hearing or Trial

Volume 2

PART III. MATRIMONIAL LITIGATION

CHAPTER 15. BASIC LITIGATION CORRESPONDENCE AND FORMS

- § 15:1 Letter to Client Advising of Scheduled Conference,
Trial, etc
- § 15:2 Letter to Court Objecting to Adversaries Practice of
“Litigation by Letter”
- § 15:3 Letter to Court Reporter Requesting Transcript of
Trial
- § 15:4 Letter to County Clerk Authorizing Associate to
Requisition and Examine Court File
- § 15:5 Letter to Clerk of Court Transmitting Papers for
Submission as Uncontested Divorce
- § 15:6 Letter to Clerk of Court Transmitting Findings and
Judgment for Signature After Inquest
- § 15:7 Letter to Subpoenaed Witness Advising of Adjourned
Trial Date
- § 15:8 Letter to Clerk of Court Confirming That Conference
Has Been Adjourned on Consent
- § 15:9 Letter to Adversary Transmitting Deposition for
Signature
- § 15:10 Letter Requesting Payment for Transcript
- § 15:11 Letter to Client Transmitting Deposition for
Signature
- § 15:12 Letter to Client with Clients Deposition and
Instructions to Review and Execute Deposition—
Another form
- § 15:13 Letter to Clerk of Appellate Division Transmitting
Motion Papers for Submission
- § 15:14 Letter to Clerk of Appellate Division Transmitting
Cross-Motion Papers for Submission
- § 15:15 Letter to County Clerk Transmitting Judgment and
Bill of Costs for Entry
- § 15:16 Letter to County Clerk Transmitting Notice of Appeal
(and Pre-Argument) Statement for Filing
- § 15:17 Acknowledgment
- § 15:18 Verification
- § 15:19 Authorization to Obtain Documents
- § 15:20 —Alternate Form
- § 15:21 Financial Information Authorization
- § 15:22 Retirement Benefits Information Authorization
- § 15:23 Demand for Pension Information Authorization

- § 15:24 Authorization to Release Pension Information
- § 15:25 General Release
- § 15:26 Satisfaction of Judgment
- § 15:27 Notice of Settlement
- § 15:28 Notice of Entry
- § 15:29 Information Subpoena and Restraining Notice to Judgment Debtor
- § 15:30 Questions and Answers in Connection with Information Subpoena to Judgment Debtor
- § 15:31 Information Subpoena and Restraining Notice to Witness
- § 15:32 Questions and Answers in Connection with an Information Subpoena to Witness
- § 15:33 Subpoena Pursuant to CPLR 5224 (a) To Take Deposition of Judgment Debtor and Restraining Notice
- § 15:34 Subpoena Pursuant to CPLR 5224 (a) To Take Deposition of Judgment Debtor and Restraining Notice with Document Demanded
- § 15:35 Cautionary Letter to client who refuses to agree to favorable settlement
- § 15:36 Letter to Court Objecting to Communication by Adverse Counsel Regarding Settlement Negotiations
- § 15:37 Letter to Court Transmitting Motion Papers for Submission
- § 15:38 Letter to Court Transmitting Reply Papers For Submission of Motion
- § 15:39 Letter to County Clerk Transmitting Notice of Appeal For Filing (2d Department)

CHAPTER 16. COMMENCEMENT OF A MATRIMONIAL ACTION

- § 16:1 Commencement—In General
- § 16:2 Request for judicial intervention
- § 16:3 Request for Judicial Intervention—Matrimonial Addendum UCS-840M
- § 16:4 Request for preliminary conference
- § 16:5 Automatic Orders
- § 16:6 Domestic Relations Law § 255—Health care insurance notice
- § 16:7 The Matrimonial Preliminary Conference and Preliminary Conference Stipulation/Order Form
 - § 16:7.10 Privately paid attorneys for the child
 - § 16:7.20 Privately Paid Attorneys for the Child in the First, Second and Fourth Departments
 - § 16:7.30 Order appointing Attorney for the Child
 - § 16:7.40 Affirmation of services for privately paid Attorney for the child

TABLE OF CONTENTS

- § 16:7.50 Order approving Attorney for the Child compensation
- § 16:8 Preliminary conference stipulation/order contested matrimonial
- § 16:9 Statement of No Necessity
- § 16:10 Stipulation of compliance
- § 16:11 Motion to keep address and telephone number confidential
- § 16:12 Order to Show Cause, with Interim Stay, in Support of Motion Pursuant to CPLR 2103-a, authorizing Party to keep his or her residential and business address(es) and telephone number(s) confidential
- § 16:13 Affirmation in Support of Motion Pursuant to CPLR 2103-a, authorizing Party to keep his or her residential and business address(es) and telephone number(s) confidential
- § 16:14 Affidavit in Support of Motion Pursuant to CPLR 2103-a, authorizing Party to keep his or her residential and business address(es) and telephone number(s) confidential

CHAPTER 17. FORM OF SUMMONS AND SERVICE

- § 17:1 Summons—Form and Service
- § 17:2 Summons to be Served with Complaint
- § 17:3 Summons with Notice
- § 17:4 Summons with Notice in Action for Divorce, Separation or Annulment
- § 17:5 Official form—Uncontested divorce—With children—Summons with notice
- § 17:6 — — —Summons
- § 17:7 — — —Without children—Summons with notice
- § 17:8 Summons with Domestic Relations Law § 236[B][2][b] and Domestic Relations Law § 255 notices
- § 17:9 Form—Summons with notice and Domestic Relations Law § 236[B][2][b] and Domestic Relations Law § 255 notices

CHAPTER 18. SERVICE BY PUBLICATION

- § 18:1 Service by Publication—In General
- § 18:2 Affidavit to Obtain Order for Service by Publication in Matrimonial Action
- § 18:3 Order for Service of Summons by Publication in Matrimonial Action
- § 18:4 Notice with Summons Served by Publication
- § 18:5 Affidavit of Publication
- § 18:6 Proof of service

- § 18:7 Affidavit to Obtain Order for Service of Summons by
Publication-Annulment Action
- § 18:8 Affidavit of Publication of Summons

CHAPTER 19. PROOF OF SERVICE OF PROCESS

- § 19:1 Proof of Service—In General
- § 19:1.50 —Affidavit or Affirmation of non-military service
- § 19:2 —Checklist
- § 19:3 Affidavit of Service—Omnibus Form
- § 19:4 Affirmation of service—Omnibus form
- § 19:5 Affidavit of Service in Matrimonial Action
- § 19:6 —Another Form
- § 19:7 Sheriff's Certificate of Service in Matrimonial
Action
- § 19:8 Admission of Service in Matrimonial Action
- § 19:9 Affidavit of Genuineness of Signature
- § 19:10 Defendant's Acknowledgment of Personal Service of
Summons for Divorce
- § 19:11 Acknowledgment of Service of Summons with
Notice in Action for Divorce
- § 19:12 Statement of Service of Summons and Complaint or
Summons and Notice or Notice of Petition and
Petition N.Y.C.P.L.R. 312-a(a)
- § 19:13 Acknowledgment of Receipt of Summons and
Complaint or Summons and Notice or Notice of
Petition and Petition—N.Y.C.P.L.R. 312-a(a)

CHAPTER 20. PRE-COMMENCEMENT SEQUESTRATION

- § 20:1 Acquiring Quasi in Rem Jurisdiction by Pre-
Commencement Sequestration
- § 20:2 Order Pursuant to NY Dom Rel Law § 233 Sequestering
the Property of Defendant Within the State, and
Directing Service of the Summons by Mail Pursuant
to NY CPLR Rule 308 and NY Dom Rel Law § 232,
Commencing Action for Separation. (Where
Defendant Cannot be Found in New York)
- § 20:3 Affidavit in Support of Application for an Order
Sequestering the Property of Defendant Within the
State, and Directing Service of the Summons by Mail
Pursuant to NY CPLR Rule 308 and NY Dom Rel
Law § 232, Commencing Action for Separation Where
Defendant Cannot be Found in New York
- § 20:4 Affidavit Pursuant to NY Dom Rel Law § 233 in Sup-
port of Application for an Order Sequestering
Defendant's Property in Action for Divorce or Separa-

TABLE OF CONTENTS

tion and Directing Service of the Summons by Mail
Pursuant to NY CPLR Rule 308 and NY Dom Rel
Law § 232—Another Form

CHAPTER 21. APPEARANCE BY DEFENDANT OR CO-RESPONDENT

- § 21:1 Appearance by Defendant or Co-Respondent—In General
- § 21:2 Notice of Appearance
- § 21:3 Notice of Appearance and Demand for Maintenance
- § 21:4 Notice of Appearance and Demand for Child Support
- § 21:5 Notice of Appearance and Demand for Complaint
- § 21:6 Notice of Appearance, Demand for Maintenance and Demand for Complaint
- § 21:7 Demand for Complaint—NY CPLR Rule 3012(b)
- § 21:8 Notice of Appearance, Demand for Maintenance, Demand for Child Support and Demand for Complaint

CHAPTER 22. APPEARANCE BY INFANTS AND INCOMPETENTS

- § 22:1 Appearance by Infants and Incompetents—In General
- § 22:2 Affidavit in Support of Application for Order Dispensing With Personal Service Upon Incompetent
- § 22:3 Order Dispensing With Personal Service Upon Incompetent
- § 22:4 Affidavit for Appointment of Guardian Ad Litem for Incompetent Defendant
- § 22:5 Consent of Guardian Ad Litem
- § 22:6 Affidavit of Qualification of Guardian Ad Litem
- § 22:7 Order Appointing Guardian Ad Litem for Incompetent Defendant
- § 22:8 Order for Service of Summons Upon Hospital Official—NY CPLR Rule 1202
- § 22:9 Admission of Service Upon Hospital Official
- § 22:10 Admission of Service By Guardian Ad Litem
- § 22:11 Answer of Guardian Ad Litem
- § 22:12 Notice of Motion for Order Pursuant to NY CPLR Rule 1202 Appointing a Guardian Ad Litem Attorney to Represent Defendant in Divorce Action
- § 22:13 Affidavit in Support of the Motion for an Order Pursuant to NY CPLR Rule 1202 Appointing a Guardian Ad Litem
- § 22:14 Order Granting Motion to Appoint Guardian Ad Litem Attorney for Defendant in Divorce Action, an Adult Incapable of Adequately Defending His or Her Rights

- § 22:15 Order to Show Cause in Support of Motion By Attorney, Pursuant to CPLR 1202, to Appoint a Guardian Ad Litem for Client, an Adult Incapable of Adequately Defending His Rights
- § 22:16 Affirmation in Support of Motion By Attorney, Pursuant to CPLR 1202, to Appoint a Guardian Ad Litem for Client, an Adult Incapable of Adequately Defending His Rights

CHAPTER 23. VOLUNTARY DISCONTINUANCE OF THE ACTION

- § 23:1 Voluntary Discontinuance—Generally
- § 23:2 Notice of Discontinuance—NY CPLR Rule 3217(a)(1)

CHAPTER 24. SUBSTITUTION OF COUNSEL, OBTAINING THE FILE AND FIXING THE ATTORNEY'S LIENS

- § 24:1 Substitution of Counsel
- § 24:2 Consent to Change Attorney
- § 24:3 —Substitution by Client Pro Se
- § 24:4 Consent to change attorney—Local rules—Appellate Division, Second Department
- § 24:5 Consent to Change Attorney Local rules—Appellate Division,—Second Department Form
- § 24:6 Notice of Change of Attorney Where Law Firm Dissolved
- § 24:7 Notice to Appoint Another Attorney After Attorney Disqualified—NY CPLR Rule 321
- § 24:8 Order to Show Cause for Turnover of File Without Retaining Lien and Enjoining Plaintiff from Taking Further Steps Until 30 Days After File Turned Over With Temporary Restraining Order
- § 24:9 Affirmation of Attorney in Support of Motion for Turnover of File Without Retaining Lien
- § 24:10 Affidavit of Party in Support of Motion for Turnover of File Without Retaining Lien
- § 24:11 Order to Show Cause in Support of Application for an Order Pursuant to NY CPLR Rule 321(b)(2) Substituting Incoming Counsel as Attorney of Record; Setting the Matter Down for Hearing to Fix the Lien of the Outgoing Attorney; and Directing Outgoing Attorneys to Turn Over Their Files to the Incoming Attorney
- § 24:12 Affidavit of Client in Support of Application for an Order Pursuant to NY CPLR Rule 321(b)(2) Substituting Incoming Counsel as Attorney of Record; Setting the Matter Down for Hearing to Fix the

TABLE OF CONTENTS

	Lien of the Outgoing Attorney; Directing Outgoing Attorney's to Turn Over Their Files to the Incoming Attorney
§ 24:13	Affirmation of Attorney in Support of Application for an Order Pursuant to CPLR 321(b)(2) Substituting Incoming Counsel as Attorney of Record; Setting the Matter Down for Hearing to Fix the Lien of the Outgoing Attorney; Directing Outgoing Attorney's to Turn Over Their Files to the Incoming Attorney
§ 24:14	Order to Show Cause in Support of Application for an Order Pursuant to NY CPLR Rule 321 Permitting Attorneys to Withdraw and Setting the Matter Down for a Hearing to Fix the Charging/Retaining Lien of the Outgoing Attorneys
§ 24:15	Form For Jurat
§ 24:16	Affirmation of Attorney in Support of Application and Order Pursuant to CPLR 321 Permitting Attorneys to Withdraw and Setting the Matter Down for a Hearing to Fix the Charging/Retaining Lien of the Outgoing Attorneys
§ 24:17	Order to Show Cause in Support of Application for an Order Directing Outgoing Attorney to Turn Over File to Incoming Attorney; Enjoining Plaintiff From Taking Further Steps Until 30 days After the File is Turned Over to the Incoming Attorneys
§ 24:18	Affidavit of Client in Support of Application for an Order Directing Outgoing Attorney to Turn Over File to Incoming Attorney and Enjoining Plaintiff From Taking Further Steps Until 30 Days After the File is Turned Over
§ 24:19	Affirmation of Attorney in Support of Application for an Order Directing Outgoing Attorney to Turn Over File to Incoming Attorney and Enjoining Plaintiff from Taking Further Steps Until 30 Days After the File is Turned Over
§ 24:20	Affidavit of confession of judgment
§ 24:21	Affidavit of Confession of Judgment and Acknowledgment of Charging Lien
§ 24:22	Order to Show Cause in Lieu of Notice of Petition to Fix Charging Lien Pursuant to Section 475 of the Judiciary Law
§ 24:23	Petition to Fix Charging Lien Pursuant to Section 475 of the Judiciary Law
§ 24:24	Complaint in Action by Attorneys for Legal Fees Based on Breach of Contract, Quantum Merit and Account Stated
§ 24:25	Complaint in action by attorneys for legal fees based on breach of contract, quantum merit and account stated
§ 24:26	Order to Show Cause in Support of Motion to be relieved for lack of cooperation

- § 24:27 Affirmation in support of motion to be relieved for
lack of cooperation

CHAPTER 25. PAPERS

- § 25:1 Format of Papers—In General
§ 25:2 Format for Affirmation which may be filed in an
action or proceeding in a court of law
§ 25:3 Format for Affidavit
§ 25:4 Attorney's Certification of Paper
§ 25:5 Affidavit of Service of Papers Pursuant to CPLR
2103
§ 25:5.50 Affirmation of Service of Papers Pursuant to CPLR
2103
§ 25:6 Notice of Rejection of Complaint on the Grounds
that Service is Untimely
§ 25:7 Notice of Rejection of Notice of Motion as Untimely
and Improperly Served
§ 25:8 Affidavit of Service of Summons
§ 25:9 Affidavit of Service of Order to Show Cause by Mail
§ 25:10 Affidavit of Service of Order to Show Cause Upon
Attorneys by Personal Delivery
§ 25:11 Affirmation of Service by Mail

CHAPTER 26. ORDERS

- § 26:1 Orders—In General
§ 26:2 Format for Order
§ 26:3 Notice of Settlement
§ 26:4 Notice of Entry

CHAPTER 27. PLEADINGS—IN GENERAL

- § 27:1 Pleadings—In General
§ 27:2 Notice to Treat Unverified Pleading as Nullity

CHAPTER 28. COMPLAINT IN ACTION FOR DIVORCE, SEPARATION, ANNULMENT, AND DECLARATION OF THE NULLITY OF A VOID MARRIAGE

- § 28:1 Grounds and necessary allegations
§ 28:2 General Form of Verified Complaint in Action for
Divorce
§ 28:3 Allegation as to Marriage in State (NY Dom Rel Law
§ 230(1))
§ 28:4 Allegation as to Residence in State as Husband and
Wife (NY Dom Rel Law § 230(2))
§ 28:5 Allegation as to Cause of Action Occurring in State
(NY Dom Rel Law § 230(3))

TABLE OF CONTENTS

- § 28:6 Allegation as to Cause of Action Occurring in State (NY Dom Rel Law § 230(4))
- § 28:7 Allegation as to Two Year's Residence in State (NY Dom Rel Law § 230(5))
- § 28:8 Allegations as to Removal of Barriers to Remarriage (NY Dom Rel Law § 253)
- § 28:9 Attorney's Verification by Affirmation
- § 28:10 Sworn Statement of Party of Removal of Barriers to Remarriage (NY Dom Rel Law § 253)

CHAPTER 29. CRUEL & INHUMAN TREATMENT

- § 29:1 Format for Verified Complaint in Action for Divorce Based on Cruel and Inhuman Treatment
- § 29:2 Form Verification
- § 29:3 Verified Complaint in Action for Divorce Based on Cruel & Inhuman Treatment—NY Dom Rel Law § 170—Illegitimate Child and Imprisonment
- § 29:4 — —Verbal Abuse
- § 29:5 Amended Verified Complaint in Action for Divorce Based on Cruel & Inhuman Treatment—Physical Abuse Added

CHAPTER 30. ABANDONMENT

- § 30:1 Verified Complaint in Action for Divorce Based Upon Actual Abandonment—NY Dom Rel Law § 170(2)
- § 30:2 Verified Complaint in Action for Divorce Based Upon Constructive Abandonment—NY Dom Rel Law § 170(2)—Unjustified Lock Out
- § 30:3 —Refusal to Have Sexual Relations

CHAPTER 31. CONFINEMENT TO PRISON

- § 31:1 Verified Complaint in Action for Divorce Based Upon Three Consecutive Years of Imprisonment—NY Dom Rel Law § 170(3)

CHAPTER 32. ADULTERY

- § 32:1 Complaint in action for divorce based upon adultery (NY Dom. Rel. Law § 170(4))
- § 32:2 Complaint, action for separation (NY Dom. Rel. Law § 200(4))

CHAPTER 33. SEPARATION JUDGMENT

- § 33:1 Complaint in Action for Divorce Based Upon Living Apart Pursuant to a Judgment of Separation for One Year—NY Dom Rel Law § 170(5)

CHAPTER 34. SEPARATION AGREEMENT

- § 34:1 Complaint in Action for Divorce Based upon Living Apart Pursuant to a Separation Agreement for One Year—NY Dom Rel Law § 170(6)

CHAPTER 35. COMPLAINTS CONTAINING SEVERAL CAUSES OF ACTION

- § 35:1 Complaint—Action for Divorce—Adultery and Cruel and Inhuman Treatment by Flaunting an Adulterous Relationship
- § 35:2 — —Adultery, Cruel and Inhuman Treatment, Actual Abandonment, Constructive Abandonment; and Action for Necessaries
- § 35:3 —Action for Divorce and Separation—Adultery, Cruel and Inhuman Treatment; and Action for Necessaries
- § 35:4 —Action for Divorce—Cruel and Inhuman Treatment and Adultery (NY Dom Rel Law § 170)
- § 35:5 — —Adultery and Cruel and Inhuman Treatment and Action for Necessaries
- § 35:6 —Action for a Divorce—Cruel and Inhuman Treatment; Action for Conversion, and to Set Aside a Separation Agreement
- § 35:7 —Action for Divorce—Adultery, Actual Abandonment, Cruel and Inhuman Treatment; and Action to Set Aside a Separation Agreement
- § 35:8 Complaint for Divorce—Invalid Mexican Divorce and Remarriage
- § 35:9 *[Reserved]*
- § 35:10 Complaint—Action for a Divorce or Separation—Adultery, Abandonment and Cruel and Inhuman Treatment

CHAPTER 36. CRUEL & INHUMAN TREATMENT

- § 36:1 Complaint—Action for Separation—Cruel and Inhuman Treatment (NY Dom Rel Law § 200(1))
- § 36:2 — —Cruel and Inhuman Treatment—Another Form [NY Dom Rel Law § 200(1)]
- § 36:3 Complaint for Separation—Cruelty
- § 36:4 Complaint—Action for Separation—Cruel and Inhuman Treatment—Another Form [NY Dom Rel Law § 200(1)]
- § 36:5 Action for Separation—Complaint Endings

CHAPTER 37. ABANDONMENT

- § 37:1 Complaint—Action for Separation—Actual Abandonment [NY Dom Rel Law § 200(2)]

TABLE OF CONTENTS

- § 37:2 — —Constructive Abandonment [NY Dom Rel Law § 200(2)]
- § 37:3 — —Abandonment Lock out [NY Dom Rel Law § 200(2)]

CHAPTER 38. NON SUPPORT

- § 38:1 Complaint—Action for Separation—Non Support [NY Dom Rel Law § 200(3)]

CHAPTER 38A. ADULTERY

- § 38A:1 Complaint—Action for separation—Adultery [New York Domestic Relations Law § 200(4)]

CHAPTER 39. IRRETRIEVABLE BREAKDOWN

- § 39:1 Complaint for divorce—Irretrievable breakdown
- § 39:2 — —Another Form

CHAPTER 40. IMPRISONMENT

- § 40:1 Complaint—Action for Separation—Imprisonment [NY Dom Rel Law § 200(5)]

**CHAPTER 41. ACTION FOR ANNULMENT—
DECLARATION OF NULLITY OF VOID
MARRIAGE—INCEST**

- § 41:1 Complaint—Annulment of Incestuous Marriage

**CHAPTER 42. ACTION FOR ANNULMENT—
DECLARATION OF NULLITY OF VOID
MARRIAGE—BIGAMY**

- § 42:1 Complaint—Annulment of Bigamous Marriage [NY Dom Rel Law § 140(a)]
- § 42:2 Answer to Complaint for Annulment of Bigamous Marriage, Setting Up Defenses Including Divorce in Another State

**CHAPTER 43. ACTION FOR ANNULMENT
OF VOIDABLE MARRIAGE—NON-AGE—
PARTY UNDER AGE OF CONSENT [NY Dom
Rel Law § 140(b)]**

- § 43:1 Complaint in Action for Annulment on Grounds of Non-Age by Next Friend After Infant Attains Age of 18
- § 43:2 Complaint in Action for Annulment on Grounds of

- Non-Age by Guardian Ad Litem Before Infant Attains Age of 18
- § 43:3 Complaint in Action for Annulment on Grounds of Non-Age by Next Friend Before Infant Attains Age of 18
- § 43:4 Petition in Support of Application by Next Friend of Infant to Sue for Annulment on Ground of Non-Age (with instructions) [NY Dom Rel Law § 140(b)]
- § 43:5 Order Granting Application by Next Friend of Infant to Sue for Annulment on Grounds of Non-Age [NY Dom Rel Law § 140(b)]

CHAPTER 44. ACTION FOR ANNULMENT OF VOIDABLE MARRIAGE—WANT OF UNDERSTANDING—PARTY A MENTALLY ILL OR MENTALLY RETARDED PERSON; ACTION FOR ANNULMENT OF VOIDABLE MARRIAGE—INCURABLE MENTAL ILLNESS FOR FIVE YEARS [NY Dom Rel Law § 140(f)]

- § 44:1 Certificate Designating Resident Physician as Examiner
- § 44:2 Physician's Report—Incurable Mental Illness for More Than 5 Years
- § 44:3 Order Appointing Physicians on Motion by Guardian Ad Litem, to Determine if Defendant is Incurably Mentally Ill
- § 44:4 Petition to Authorize Next Friend of Mentally Retarded or Mentally Ill Person to Sue to Annul Marriage
- § 44:5 Complaint for Annulment of Marriage Because of Incurable Mental Illness for 5 Years
- § 44:6 Affidavit for Dispensing with Personal Service Upon Incompetent
- § 44:7 Order Dispensing with Personal Service Upon Incompetent
- § 44:8 Affidavit in Support of Application for Appointment of Guardian Ad Litem for Incompetent Defendant
- § 44:9 Consent of Guardian Ad Litem
- § 44:10 Affidavit of Guardian Ad Litem
- § 44:11 Order Appointing Guardian Ad Litem for Incompetent Defendant
- § 44:12 Answer of Guardian Ad Litem
- § 44:13 Complaint to Annul Marriage by Relative of Mentally Retarded Person
- § 44:14 Complaint by Interested Relatives to Annul Marriage after Death of Mentally Ill Person

TABLE OF CONTENTS

- § 44:15 Complaint to Annul Marriage by Mentally Ill Person Restored to a Sound Mind
- § 44:16 Necessary Allegation in Complaint Where Action Brought Against Mentally Ill Spouse
- § 44:17 Notice of Motion for Appointment of Three Doctors to Examine Allegedly Mentally Ill Defendant in Action for Annulment
- § 44:18 Affidavit for Appointment of Three Doctors to Examine Allegedly Mentally Ill Defendant in Action for Annulment
- § 44:19 Order Appointing Three Physicians to Examine Allegedly Mentally Ill Defendant, and Appointing Referee to Take Testimony of State Hospital Physician
- § 44:20 Report of Examining Physician as to Mental Illness of Defendant in Action for Annulment

CHAPTER 45. ACTION FOR ANNULMENT OF VOIDABLE MARRIAGE—PHYSICAL INCAPACITY [NY Dom Rel Law § 140(d)]

- § 45:1 Complaint to Annul a Marriage Alleging Physical Incapacity
- § 45:2 —Another Form

CHAPTER 46. ACTION FOR ANNULMENT OF VOIDABLE MARRIAGE—CONSENT BY FORCE, DURESS OR FRAUD [NY Dom Rel Law § 140(e)]

- § 46:1 General Form of Complaint to Annul a Marriage—Alleging Fraud
- § 46:2 Complaint to Annul a Marriage Alleging False Representations by the Defendant that He Would Enter Into Religious Ceremony
- § 46:3 Complaint to Annul a Marriage Alleging False Representations of the Defendant as to her Chastity
- § 46:4 Complaint to Annul a Marriage Alleging False Representations of the Defendant as to His Physical Condition
- § 46:5 Complaint to Annul a Marriage Alleging Misrepresentation of Paternity of a Child
- § 46:6 Complaint to Annul a Marriage Alleging Misrepresentation of the Spouse's Finances
- § 46:7 Complaint to Annul a Marriage for Force or Duress
- § 46:8 General Form of Complaint to Annul Marriage on Ground of Fraud in Obtaining Consent
- § 46:9 Complaint in Action for Fraud in Inducement of Marriage Later Annulled

**CHAPTER 47. ACTION FOR ANNULMENT
OF VOIDABLE MARRIAGE—INCURABLE
MENTAL ILLNESS FOR FIVE YEARS [NY
Dom Rel Law § 140(F)]**

- § 47:1 Complaint for Annulment of Marriage Because of
Incurable Mental Illness for Five Years
- § 47:2 Answer of Guardian Ad Litem
- § 47:3 Affidavit in Support of Order Dispensing with Personal
Service Upon Incompetent
- § 47:4 Order Dispensing with Personal Service Upon
Incompetent
- § 47:5 Affidavit in Support of Application for Appointment of
Guardian Ad Litem for Incompetent Defendant
- § 47:6 Consent of Guardian Ad Litem
- § 47:7 Affidavit of Guardian Ad Litem
- § 47:8 Order Appointing Guardian Ad Litem for Incompetent
Defendant

**CHAPTER 48. COMPLAINT IN ACTION FOR
JUDGMENT FOR NECESSARIES**

- § 48:1 Complaint in Action for Judgment for Necessaries—In
General
- § 48:2 Complaint—Action for Judgment for Necessaries for
Wife and Children
- § 48:3 Complaint—Action for a Judgment for Necessaries—for
Wife
- § 48:4 Complaint in Action by Law Firm Against Husband of
Client for Necessary Legal Services Incurred by Wife
in Defense of Husbands Annulment Action

**CHAPTER 49. COMPLAINT IN ACTION FOR
DECLARATORY JUDGMENT**

- § 49:1 Complaint in Action for Declaratory Judgment
- § 49:2 Complaint in Action for a Declaratory Judgment and a
Divorce—Invalid Mexican Divorce and Remarriage

**CHAPTER 50. ACTION TO ENFORCE A
NON-MARITAL PARTNERSHIP AGREEMENT**

- § 50:1 Complaint—Oral Partnership

**CHAPTER 51. COMPLAINT IN ACTION TO
ENFORCE A MATRIMONIAL AGREEMENT**

- § 51:1 Complaint in action to enforce a matrimonial
agreement
- § 51:2 Complaint in action based on separation agreement

TABLE OF CONTENTS

- § 51:3 —Another form
- § 51:4 Complaint in action to enforce a separation agreement—Another form
- § 51:5 Complaint in action for breach of stipulation of settlement provisions for sale of marital residence

CHAPTER 52. COMPLAINT IN ACTION TO SET ASIDE/DECLARE VOID MATRIMONIAL AGREEMENT

- § 52:1 Setting aside a matrimonial agreement—In general
- § 52:2 Complaint in Action to Set Aside a Separation Agreement
- § 52:3 Complaint in Action for a Divorce—Cruel and Inhuman Treatment; Action for Conversion, and to Set Aside a Separation Agreement
- § 52:4 —Adultery, Actual Abandonment, Cruel and Inhuman Treatment; and Action to Set Aside a Separation Agreement
- § 52:5 Complaint to Set Aside Separation Agreement for Fraud and Duress and as Being Inadequate
- § 52:6 Complaint to Set Aside Separation Agreement and Vacate Divorce Judgment for Fraud, Duress, Overreaching and Unconscionability, and for a Divorce
- § 52:7 Complaint to Set Aside Separation Agreement for Fraud and Duress and as Being Inadequate
- § 52:8 Complaint to Set Aside a Separation Agreement for Mutual Mistake

CHAPTER 53. COMPLAINT IN ACTION TO ESTABLISH A CONSTRUCTIVE TRUST/EQUITABLE LIEN

- § 53:1 Action to Establish a Constructive Trust—In General
- § 53:2 Complaint in Action to Establish a Constructive Trust or to Establish an Equitable Lien
- § 53:3 Notice of Pendency (Lis Pendens) Filed in Conjunction with Action to Establish a Constructive Trust or to Establish an Equitable Lien

CHAPTER 54. ACTION ON JUDGMENT OF SISTER STATE

- § 54:1 Complaint in Action on Judgment of Sister State for Alimony

CHAPTER 55. ACTION ON JUDGMENT OF FOREIGN COUNTRY

- § 55:1 Notice of Petition in Special Proceeding on Judgment

of Another Country (Dominican Republic) for Arrears;
for Compliance with Separation Agreement; to Make
Foreign Judgment of Divorce a Judgment of the State
of New York and for Counsel Fees

§ 55:2 Petition in Special Proceeding on Judgment of Another
Country (Dominican Republic) for Arrears; for
Compliance with Separation Agreement; to Make
Foreign Judgment of Divorce a Judgment of the State
of New York and for Counsel Fees

§ 55:3 Answer in Special Proceeding on Judgment of Another
Country (Dominican Republic) for Arrears; for
Compliance with Separation Agreement; to Make
Foreign Judgment of Divorce a Judgment of the State
of New York and for Counsel Fees

CHAPTER 56. ACTION TO ENJOIN PROSECUTION OF A SISTER STATE DIVORCE

§ 56:1 Complaint in Action to Enjoin Bringing of a Divorce
Action in Foreign Jurisdiction

CHAPTER 57. SUPPLEMENTAL PLEADINGS

§ 57:1 Supplemental Pleadings—In General

§ 57:2 Supplemental Verified Complaint Action for Divorce—
Supplementing First Cause of Action for Divorce
Based on Adultery and Adding Cause of Action Based
on Abandonment and Cruelty

§ 57:3 Notice of Intention to Make Application for Leave to
Supplement Complaint in Action for Divorce to Add
Additional Allegations of Cruel and Inhuman
Treatment

§ 57:4 Notice of Intention to Move to Amend Complaint at
Trial of Action for Separation to Add a Request for
Judgment of Divorce

CHAPTER 58. THE ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIM

§ 58:1 The Answer, Affirmative Defense and Counterclaim—
In General

§ 58:2 Answer Denying Allegations—General Format

§ 58:3 Answer Denying Allegations with a Request for
Ancillary Relief—General Format

§ 58:4 Answer Denying and Admitting Allegations—General
Format

§ 58:5 Verification by attorney

§ 58:6 Answer of Corespondent in Action for Divorce

TABLE OF CONTENTS

§ 58:7	Answer in Action for Divorce with Request for Relief in Accordance with Agreement of the Parties
§ 58:8	Answer in Action for Divorce Neither Admitting Nor Denying Allegations of the Complaint and Consenting to Judgment by Inquest or Submission
§ 58:9	Answer in Action for Divorce on Grounds of Adultery with Affirmative Defenses of Forgiveness [NY Dom Rel Law § 171(2)] and Statute of Limitations [NY Dom Rel Law § 171(3)]
§ 58:10	Answer in Action for Divorce on the Grounds of Adultery with Affirmative Defenses of Consent, Connivance and Procurement, and Forgiveness
§ 58:11	Answer in Action for Divorce on the Grounds of Adultery with Affirmative Defense of Recrimination
§ 58:12	Answer in Action for Divorce on the Grounds of Adultery with Affirmative Defenses of Consent, Convenience, and Procurement
§ 58:13	Answer in Action for Divorce on the Grounds of Cruelty with Affirmative Defense of Statute of Limitations
§ 58:14	Answer in Action for Divorce on the Grounds of Adultery with the Defense of Statute of Limitations
§ 58:15	Answer in Matrimonial Action with the Defense of Void Marriage
§ 58:16	Answer in Matrimonial Action with the Defense of Res Judicata
§ 58:17	Verified Answer and Counterclaim—General Format
§ 58:18	Allegation by Defendant on Counterclaim of Removal of Barriers to Remarriage of Plaintiff
§ 58:19	Answer in Action for Divorce with Counterclaim for Divorce on Grounds of Cruel and Inhuman Treatment
§ 58:20	Answer in Action for Divorce with Counterclaim for Divorce on Grounds of Adultery
§ 58:21	Answer and Counterclaim in Action for a Divorce Pursuant to NY Dom Rel Law § 170(6); Counterclaim to Set Aside Separation Agreement with Defense that the Agreement was Neither Fair nor Reasonable When Made and is Unconscionable
§ 58:22	Amended Verified Answer in Action for Divorce and to Set Aside Antenuptial Agreement with Defense that Complaint Fails to State a Cause of Action; Counterclaims for Divorce on the Grounds of Cruel and Inhuman Treatment and Adultery or, in the Alternative, for Annulment on the Ground of Fraud
§ 58:23	Answer in Action for Divorce and Necessaries, with Counterclaims to Set Aside Agreement of Parties on Grounds that it is Unenforceable, it was Based on False Pretenses of Reconciliation, is Unfair and

Unconscionable, and was Repudiated; and
Counterclaims Seeking Divorce on Grounds of Cruel
and Inhuman Treatment, Abandonment and
Adultery

CHAPTER 59. THE REPLY

- § 59:1 The Reply—In General
- § 59:2 Verified Reply to Counterclaim
- § 59:3 Verified Reply Neither Admitting Nor Denying the
Allegations of the Counterclaim and Consenting to
Judgment by Inquest or Submission
- § 59:4 Verified Reply in Action for Divorce Based on Adultery
and Cruel and Inhuman Treatment with Affirmative
Defenses of Forgiveness, Consent and Statutes of
Limitation

CHAPTER 60. SPECIAL PROCEEDING FOR DISSOLUTION OF MARRIAGE ON THE GROUNDS OF ABSENCE

- § 60:1 Dissolution of Marriage on Ground of Absence—In
General
- § 60:2 Allegation as to Durational Residence
Requirements in Special Proceeding to Dissolve a
Marriage on the Grounds of Absence [NY Dom
Rel Law § 220]
- § 60:3 Order to Show Cause in Lieu of Petition—General
Format
- § 60:4 Notice of Petition—General Format
- § 60:5 Petition to Dissolve Marriage on the Grounds of
Absence with Allegations that Respondent's
Relatives are Unaware of Respondent's
Whereabouts
- § 60:6 Petition to Dissolve Marriage on the Grounds of
Absence [NY Dom Rel Law § 220] Where Respon-
dent Never Returned from Running an Errand
- § 60:7 Order Directing Publication of Notice in
Proceeding [NY Dom Rel Law §§ 220 and 221]
- § 60:8 Order Directing Publication of Notice in Action
Proceeding [NY Dom Rel Law §§ 220 and 221]—
Alternative Form
- § 60:9 Notice of Presentation of Petition in Proceeding
Pursuant to NY Dom Rel Law § 221
- § 60:10 Order of Publication of Notice of Presentation of
Petition
- § 60:11 Affidavit of Regularity
- § 60:12 Order Dissolving Marriage for Absence
- § 60:12.50 Appointment of Publicly Funded Counsel in
Matrimonial Actions—22 NYCRR 202.16(p)—
Financial Eligibility

§ 60:13 Order Dissolving Marriage for Absence—Alternate
Form

§ 61:1	Proceedings After Foreign Divorce Judgment—In General
§ 61:2	Petition in Special Proceeding for Equitable Distribution Following a Foreign Judgment of Divorce [NY Dom Rel Law § 236(B)(5)]
§ 61:3	Complaint in Independent Action for Child Support [NY Dom Rel Law § 236(B)(7)(a)]
§ 61:4	Complaint in Action for Equitable Distribution Following a Foreign Judgment of Divorce
§ 61:5	Complaint in Action for Maintenance Following a Foreign Judgment of Divorce
§ 61:6	Order and judgment in action for maintenance and equitable distribution following a foreign judgment of divorce

§ 62:1	Custody Proceedings—In General
§ 62:2	N.Y. Dom. Rel. Law § 75-j Affidavit
§ 62:3	—Alternate Form
§ 62:4	Petition for Custody/Visitation [N.Y. Dom. Rel. Law § 240]
§ 62:5	Affidavit--Address Confidentiality
§ 62:6	Order to Show Cause for Custody/Visitation [N.Y. Dom. Rel. Law § 240]
§ 62:7	Order to Show Cause Initiating Custody or Visitation Proceeding or Proceeding for Modification or Enforcement of Order, under Uniform Child the Uniform Child Custody Jurisdiction and Enforcement Act, Based on Official Form [Form-DRL Article 5-A]
§ 62:8	Custody Stipulation entered into during Trial—Sole custody, joint decision making on medical matters, mediation clause
§ 62:9	UCCJEA-1 Petition For Custody Or Visitation—UCCJEA
§ 62:10	UCCJEA-2 Order On Petition For Custody Or Visitation—UCCJEA
§ 62:11	UCCJEA-3 Affidavit

- § 62:12 UCCJEA-4 Notice of Hearing for Custody, Visitation,
Modification of Order or Enforcement of Order
- § 62:13 UCCJEA-4a Order to Show Cause
- § 62:14 UCCJEA-5 Order for Service of Notice of Proceeding
- § 62:15 UCCJEA-6 Warrant to Arrest Party And Take
Physical Custody of Child
- § 62:16 UCCJEA-7 Electronic Testimony Application, Waiver
of Personal Appearance
- § 62:17 UCCJEA-7a Order on Electronic Testimony
Application
- § 62:18 UCCJEA-8 Request for Assistance or Records
- § 62:19 UCCJEA-9 Petition To Modify Custody Or
Visitation—UCCJEA
- § 62:20 UCCJEA-10 Order On Petition To Modify Order Of
Custody Or Visitation—UCCJEA
- § 62:21 UCCJEA-11 Petition To Enforce Custody Or
Visitation—UCCJEA
- § 62:22 UCCJEA-12 Order to Appear on Petition to Enforce
Custody or Visitation Order
- § 62:23 UCCJEA-13 Order On Petition To Enforce Custody
Or Visitation Order—UCCJEA
- § 62:24 UCCJEA-14 Affidavit Application for Registration of
an Out-of-State Custody or Visitation Order
- § 62:25 UCCJEA-15 Notice of Request for Registration of an
Out-of-State Custody or Visitation Order
- § 62:26 UCCJEA-16 Objection to the Registration Of an Out-
of-State Custody or Visitation Order
- § 62:27 UCCJEA-17 Notice of Hearing on Objection To the
Registration of an Out-of-State Custody or Visitation
Order
- § 62:28 UCCJEA-18 Order Determining Request for
Registration of an Out-of-State Custody or Visitation
Order
- § 62:29 UCCJEA-19 Certification of Registration of an Out-of-
State Custody or Visitation Order
- § 62:30 Notice of motion to dismiss (CPLR 3211) for lack of
jurisdiction, failure to state a cause of action (DRL
§ 230), and lack of subject matter jurisdiction to
make a custody determination
- § 62:31 Affirmation in support of motion to dismiss (CPLR
3211) for lack of jurisdiction, failure to state a cause
of action (DRL § 230), and lack of subject matter
jurisdiction to make a custody
- § 62:32 Affirmation in support of motion to dismiss (CPLR
3211) for lack of jurisdiction, failure to state a cause
of action (DRL § 230), and lack of subject matter
jurisdiction to make a custody determination—Prior
out-of-state custody action
- § 62:33 Affidavit in support of CPLR 3211 motion to dismiss

TABLE OF CONTENTS

for lack of jurisdiction, failure to state a cause of action (DRL § 230), and lack of subject matter jurisdiction to make a custody determination

CHAPTER 63. HABEAS CORPUS PROCEEDINGS

- § 63:1 Habeas Corpus Proceedings—In General
- § 63:2 Writ of Habeas Corpus for Immediate Production of Child
- § 63:3 Writ of Habeas Corpus Excusing Immediate Production of Child
- § 63:4 Writ of Habeas Corpus Directing Interim Custody Pendente Lite
- § 63:5 Writ of Habeas Corpus
- § 63:6 Writ of Habeas Corpus
- § 63:7 Petition for Writ of Habeas Corpus
- § 63:8 Petition for Writ of Habeas Corpus Requesting Custody Pendente Lite, or in the Alternative, Directing the Children Receive any Necessary Psychiatric Therapy and Medical Treatment, and Directing in Camera Interview/Observation
- § 63:9 Petition for Writ of Habeas Corpus to Obtain Visitation—General Form
- § 63:10 Petition of Writ of Habeas Corpus to Obtain Visitation—Alternate Form
- § 63:11 Petition for a Writ of Habeas Corpus to Obtain Custody or Visitation Where Parties are Separated
- § 63:12 Petition for Writ of Habeas Corpus for Custody Where Parties are Divorced and Interference with Visitation Rights is Alleged
- § 63:13 Return to Petition for Writ of Habeas Corpus Denying Interference with Visitation Rights
- § 63:14 Warrant of Attachment [NY CPLR Rule 7007]
- § 63:15 Judgment After Hearing Denying Writ of Habeas Corpus
- § 63:19 Order to show cause to strike reply affidavit
- § 63:20 Affirmation in support of motion to strike reply affidavit

CHAPTER 64. HAGUE CONVENTION

- § 64:1 International Child Abduction; Generally
- § 64:2 Caption for Supreme Court proceeding under Hague Convention
- § 64:3 Order to show cause for return of child wrongfully removed or detained—Supreme Court
- § 64:4 Petition for return of child wrongfully removed or detained—Supreme Court

- § 64:5 Request for statement of reasons for delay—Supreme Court
- § 64:6 Answer to petition with alleged defenses—Supreme Court
- § 64:7 Letter to Department of State Advising of Court Ordered Passport Restrictions
- § 64:8 Obtaining a passport for minors under age 16?
- § 64:9 Form—Statement of Consent or Special Circumstances: Issuance of a Passport to a Minor Under 16
- § 64:10 Agreement provision regarding removal of child from United States and obtaining passport for child
- § 64:11 Federal rules of civil procedure & local federal court rules relating to Hague Convention cases
- § 64:12 Pleading requirements, service of summons and motion practice in Hague Convention cases—In general
- § 64:13 Civil case summons
- § 64:14 Affirmation of service
- § 64:15 Appearance of counsel
- § 64:16 Answer and notice of appearance
- § 64:17 Motion, affirmation in support of motion, affirmation in opposition to motion and reply affirmation in support of motion
- § 64:18 Subpoena to appear and testify at hearing or trial
- § 64:19 Summons in civil action
- § 64:20 Notice of motion
- § 64:21 Affirmation in support of motion
- § 64:22 Affidavit in support of motion
- § 64:23 Order to show cause
- § 64:24 Order to show cause for preliminary injunction and temporary restraining order
- § 64:25 Order to show cause commencing action for return of child
- § 64:26 Order to show cause for temporary restraining order and order posting children's passports
- § 64:27 Petition for return of child
- § 64:28 —Short form
- § 64:29 Memorandum of law in support of petition for return of child
- § 64:30 Answer to petition and defenses—Short form
- § 64:31 Answer to Petition and Defenses
- § 64:32 Request for production of documents and notice to identify experts
- § 64:33 Request for production of documents
- § 64:34 Notice to identify experts
- § 64:35 Notice of motion for access to child
- § 64:36 Affirmation in support of motion for access to child

TABLE OF CONTENTS

§ 64:37	Affidavit in support of motion for access to child
§ 64:38	Memorandum of law in support of motion for access to child
§ 64:39	Notice of motion for costs—42 U.S.C.A. § 9007(b)(3)
§ 64:40	— —Long form
§ 64:41	Affirmation in support of motion for costs—42 U.S.C.A. § 9007(b)(3)
§ 64:42	Affidavit in support of motion for costs—42 U.S.C.A. § 9007(b)(3)
§ 64:43	Affirmation of Associate Attorney in Support of Motion for Costs—42 U.S.C.A. § 9007(b)(3)
§ 64:44	Affirmation of attorney as to reasonable fee in support of motion for costs—42 U.S.C.A. § 9007(b)(3)
§ 64:45	Affirmation of foreign attorney in support of motion for costs—42 U.S.C.A. § 9007(b)(3)
§ 64:46	Memorandum of law in support of motion for costs—42 U.S.C.A. § 9007(b)(3)

CHAPTER 65. MOTION PRACTICE

§ 65:1	Motion Practice—In General
§ 65:2	Motion Practice Under the Civil Practice Law and Rules—Comment
§ 65:3	Motion practice under the Uniform Rules—22 N.Y.C.R.R. § 202.7
§ 65:4	Motion procedure—22 NYCRR 202.8
§ 65:5	Signing of Papers—22 NYCRR 130-1.1.
§ 65:6	Uniform Court Rules Applicable to Motion Practice
§ 65:7	Additional Court Rules Regarding Motion Practice
§ 65:8	Matrimonial motion practice under the uniform rules—Special rules for motions for alimony, maintenance, counsel fees, child support, exclusive occupancy, custody and visitation in contested actions—Page and size limitations—22 NYCRR 202.16 and 22 NYCRR 202.16-b
§ 65:9	Motion practice—Oral motions, charting your own course, Permission to make motion, and addition practice rules
§ 65:10	Time Table for service of motion papers
§ 65:11	Notice of application for temporary injunctive relief—22 NYCRR 202.7
§ 65:12	Requirements of an affidavit or affirmation of service
§ 65:13	Affirmation of emergency
§ 65:14	Official form notice of motion
§ 65:15	Order to show cause with right to serve a reply to opposing papers
§ 65:16	Notice of cross motion
§ 65:17	Affirmation pursuant to 22 NYCRR 202.7 for emergency relief without notice

§ 65:18 Affirmation of Service of Papers

CHAPTER 66. MOTION TO AMEND/ SUPPLEMENT THE COMPLAINT

- § 66:1 Amending and Supplementing the Complaint—In General
- § 66:2 Order to Show Cause for an Order Pursuant to NY CPLR Rule 3025(b) Granting Leave to Serve Amended Answer and Counterclaims to Set Aside Agreement in Divorce Action and to Request Summer Visitation
- § 66:3 Affidavit in Support of Motion for an Order Pursuant to NY CPLR Rule 3025(b) Granting Leave to Serve Amended Answer and Counterclaims to Set Aside Agreement in Divorce Action and to Request Summer Visitation
- § 66:4 Reply Affirmation in Support of Motion for an Order Pursuant to NY CPLR Rule 3025(b) Granting Leave to Serve Amended Answer and Counterclaims to Set Aside Agreement in Divorce
- § 66:5 Notice of Motion for an Order Pursuant to NY CPLR Rule 3025(b) Permitting Plaintiff to Amend and Supplement the Complaint

Volume 3

CHAPTER 67. MOTION TO EXTEND THE TIME TO APPEAR OR PLEAD AND TO COMPEL ACCEPTANCE OF THE ANSWER

- § 67:1 Motion to Extend the Time to Appear or Plead and to Compel Acceptance of the Answer—In General
- § 67:2 Order to Show Cause for an Order, Pursuant to NY CPLR Rule 3012(d), Compelling Plaintiff to Accept Service of Defendant's Amended Answer to Amended Complaint
- § 67:3 Affirmation in Support of Motion for an Order, Pursuant to NY CPLR Rule 3012(d), Compelling Plaintiff to Accept Service of Defendant's Amended Answer to Amended Complaint
- § 67:4 Order to Show Cause for an Order, Pursuant to NY CPLR Rule 3012(d), Compelling Defendant to Accept Service of Verified Complaint
- § 67:5 Affirmation in Support of Motion for an Order, Pursuant to NY CPLR Rule 3012(d), Compelling Defendant to Accept Service of Verified Complaint
- § 67:6 Notice of Motion for an Order, Pursuant to N.Y. C.P.L.R. Rule 3012(d), Compelling Plaintiff to Accept Service of Defendant's Answer

TABLE OF CONTENTS

- § 67:7 Affirmation Support of Motion for an Order, Pursuant to NY CPLR Rule 3012(d), Compelling Plaintiff to Accept Service of Defendant's Answer
- § 67:8 Affirmation Support of Motion to Stay Inquest Pending Determination of Motion for an Order Pursuant to NY CPLR Rule 3012(d)

CHAPTER 68. MOTION TO VACATE A DEFAULT JUDGMENT

- § 68:1 Vacating a Default Judgment—In General
- § 68:2 Order to Show Cause in Support of Motion to Vacate a Default Judgment
- § 68:3 Affidavit in Support of Motion to Vacate Default Judgment [NY CPLR Rule 5015]
- § 68:4 Affidavit in Opposition to Motion to Vacate a Default Judgment [NY CPLR Rule 5015]
- § 68:5 Reply Affidavit in Support of Motion to Vacate a Default Judgment [NY CPLR Rule 5015]
- § 68:6 Attorney's Affirmation in Support of a Motion to Vacate a Default Judgment [NY CPLR Rule 5015]
- § 68:7 Supplemental Reply Affidavit in Support of Motion to Vacate Default Judgment
- § 68:8 Notice of Motion by Corespondent to Vacate Judgment So That Corespondent May Defend
- § 68:9 Affidavit of Attorney in Support of Motion by Corespondent to Vacate Judgment So That Corespondent May Defend
- § 68:10 Affidavit of Guardian Ad Litem in Support of Motion by Corespondent to Vacate Judgment So That Corespondent May Defend
- § 68:11 Order Setting Aside Judgment on Motion of Corespondent

CHAPTER 69. MOTION TO DISMISS

- § 69:1 Motion to dismiss—In General
- § 69:2 Notice of motion to dismiss action for failure to serve a complaint upon demand [N.Y. C.P.L.R. Rule 3012(b)]
- § 69:3 Affirmation in support of motion to dismiss action for failure to serve a complaint upon demand [Rule 3012(b)]
- § 69:4 Notice of motion for an order to dismiss action for failure to state a cause of action [N.Y. C.P.L.R. Rule 3211(a)(7)] and for lack of specificity [N.Y. C.P.L.R. Rule 3013 and 3016(c)]
- § 69:5 Affirmation in support of motion for an order [C.P.L.R. Rule 3211(a)(7), C.P.L.R. Rule 3013 and C.P.L.R. Rule 3016(c)] dismissing the complaint for lack of specificity in pleading and for failure to state a cause of action

- § 69:6 Notice of motion to dismiss (CPLR 3211) for lack of jurisdiction, failure to state a cause of action (DRL § 230), and lack of subject matter jurisdiction to make a custody determination
- § 69:7 Affirmation in support of CPLR 3211 motion to dismiss for lack of jurisdiction, failure to state a cause of action (DRL § 230), and lack of subject matter jurisdiction to make a custody determination
- § 69:8 Affidavit in support of CPLR 3211 motion to dismiss for lack of jurisdiction, failure to state a cause of action (DRL § 230), and lack of subject matter jurisdiction to make a custody determination [new]

CHAPTER 70. MOTION TO CHANGE VENUE

- § 70:1 Venue—In General
- § 70:1.50 Venue in matrimonial actions—CPLR 515
- § 70:2 Demand for Change of Place of Trial Because of Improper County [NY CPLR Rule 511(a) and (b)]
- § 70:3 Demand for a Change of Venue Because of Improper County
- § 70:4 Demand for Change of Venue [NY CPLR Rule 511(b)] to Proper County Within Meaning of NY CPLR Rule 503(a)
- § 70:5 Consent to Change Place of Trial
- § 70:6 Notice of Motion for Change of Venue
- § 70:7 Affidavit in Support of Motion for Change of Venue
- § 70:8 Attorney's Affirmation in Support of Motion for Change of Venue
- § 70:9 Order Changing Venue
- § 70:10 Affidavit in Opposition to Motion for a Change of Venue
- § 70:11 Attorney's Affidavit in Opposition to Motion for a Change of Venue
- § 70:12 Notice of Cross Motion to Change Venue [503(a)]
- § 70:13 Notice of Cross Motion to Consolidate [602] and to Transfer Venue to County of Consolidation
- § 70:14 Order to Show Cause for an Order [NY CPLR Rule 3012(d)] Compelling Plaintiff to Accept Amended Answer and to Change Venue
- § 70:15 Affirmation in Support of Motion for an Order [CPLR 3012(d)] Compelling Plaintiff to Accept Amended Answer and to Change Venue

CHAPTER 71. MOTION TO CONSOLIDATE FOR JOINT TRIAL

- § 71:1 Consolidation—In General

TABLE OF CONTENTS

- § 71:2 Order to Show Cause for an Order, Pursuant to NY CPLR Rule 602, Removing Family Court Proceedings and Grandparents Visitation Proceeding for Consolidation with Supreme Court Action
- § 71:3 Affidavit in Support of Motion for an Order, Pursuant to NY CPLR Rule 602, Removing Family Court Proceedings and Grandparents' Visitation Proceeding and Consolidating them with Supreme Court Action
- § 71:4 Affirmation in Support of Motion for an Order, Pursuant to NY CPLR Rule 602, Removing Family Court Proceedings and Grandparents' Visitation Proceeding and Consolidating them with Supreme Court Action
- § 71:5 Reply Affirmation in Support of Motion for an Order, Pursuant to NY CPLR Rule 602, Removing Family Court Proceedings and Grandparents' Visitation Proceeding and Consolidating them with Supreme Court Action
- § 71:6 Order to Show Cause for Application to Remove Action for Divorce in Another County and Consolidating it with Pending Divorce Action
- § 71:7 Notice of Motion for an Order Removing Action for Divorce in Another County and Consolidating it with Pending Divorce Action
- § 71:8 Affirmation in Support of Motion for an Order Removing Action for Divorce in Another County and Consolidating it with Pending Divorce Action
- § 71:9 Affidavit of Client in Support of the Motion for an Order Removing Action for Divorce in Another County and Consolidating it with Pending Divorce Action
- § 71:10 Order to Show Cause in Support of Motion for an Order, Pursuant to NY CPLR Rule 602(a), Consolidating or Directing Joint Trial of Divorce Action with Equity Action Pending in the Same Court
- § 71:11 Affirmation in Support of Motion for an Order, Pursuant to CPLR 602(a), Consolidating or Directing Joint Trial of Divorce Action with Equity Action Pending in the Same Court or Directing Joint Trial
- § 71:12 Order to Show Cause for Order to Consolidate Family Court Protective Proceedings with Action for Divorce Pending in Supreme Court
- § 71:13 Affirmation in Support of Application to Consolidate Family Court Protective Proceedings with Action for Divorce Pending in Supreme Court

CHAPTER 71A. MOTION TO JOIN NECESSARY PARTIES

- § 71A:1 Joinder of necessary parties—In general

- § 71A:2 Order to show cause in support of motion to join
necessary parties
- § 71A:3 Affirmation in support of motion to join necessary
party
- § 71A:4 Affidavit in support of motion to join necessary party
- § 71A:5 Supplemental summons

CHAPTER 72. MOTION FOR SUMMARY JUDGMENT

- § 72:1 Motion for Summary Judgment—In General
- § 72:2 Notice of Motion for an Order Pursuant to N.Y.
C.P.L.R. Rule 3212(a) Awarding the Plaintiff Sum-
mary Judgment of Divorce Pursuant to NY Dom. Rel.
Law § 170(6)
- § 72:3 Affidavit in Support of Motion for an Order Pursuant
to NY CPLR Rule 3212(a) Awarding the Plaintiff
Summary Judgment of Divorce Pursuant to NY Dom
Rel Law § 170(6)
- § 72:4 Notice of Motion for an Order Pursuant to N.Y.
C.P.L.R. Rule 3212(a) Awarding the Defendant Sum-
mary Judgment, in an Action for Divorce Pursuant to
NY Dom. Rel. Law § 170(6), Dismissing Plaintiff's
Complaint as a Matter of Law for Lack of Substantial
Compliance and Directing that Defendant's
Counterclaims be Severed and Set Down for Trial
- § 72:5 Affidavit in Support of Motion for an Order Pursuant
to NY CPLR Rule 3212(a) Awarding the Defendant
Summary Judgment, in an Action for Divorce Pursu-
ant to NY Dom Rel Law § 170(6) Dismissing
Plaintiff's Complaint as a Matter of Law for Lack of
Substantial Compliance and Directing that
Defendant's Counterclaims be Served and Set Down
for Trial
- § 72:6 Notice of Motion by Defendant for Summary Judgment
in Matrimonial Action
- § 72:7 Affidavit in Support of Defendant's Motion for
Summary Judgment in Matrimonial Action
- § 72:8 Order for Summary Judgment Dismissing Complaint

CHAPTER 73. MOTION TO SUPPRESS ILLEGALLY OBTAINED EVIDENCE

- § 73:1 Motion to Suppress Illegally Obtained Evidence—In
General
- § 73:2 Order to Show Cause for Order, Pursuant to NY CPLR
Rule 4506(3), Suppressing Wiretapped Conversations
and Illegal Videotapes and Fruits Thereof on Grounds
of Unlawful Eavesdropping and Surveillance
- § 73:3 Affirmation in Support of Motion for Order, Pursuant

TABLE OF CONTENTS

- to CPLR 4506(3), Suppressing Wiretapped
Conversations and Illegal Videotapes and Fruits
Thereof on Grounds of Unlawful Eavesdropping and
Surveillance
- § 73:4 Affidavit in Support of Motion for Order, Pursuant to
NY CPLR Rule 4506(3), Suppressing Wiretapped
Conversations, Illegal Videotapes and Fruits Thereof
on Grounds of Unlawful Eavesdropping and
Surveillance
- § 73:5 Order to Show Cause for an Order, Pursuant to NY
CPLR Rule 4506(3), Suppressing Illegally Recorded
Communications
- § 73:6 Affirmation in Support of the Motion for an Order,
Pursuant to CPLR 4506(3), Suppressing Illegally
Recorded Communications
- § 73:7 Affidavit in Support of the Motion for an Order,
Pursuant to NY CPLR Rule 4506(3), Suppressing Il-
legally Recorded Communications

CHAPTER 74. DEMAND FOR BILL OF PARTICULARS

- § 74:1 The Bill of Particulars—In General
- § 74:2 Demand for a Bill of Particulars in Action for Divorce
Involving Counterclaim for Adultery
- § 74:3 Demand for a Bill of Particulars of Allegations of
Complaint in Action to Set Aside a Separation
Agreement; for a Divorce on the Grounds of Cruel
and Inhuman Treatment and for Conversion; for
Fraud and to Establish a Constructive Trust
- § 74:4 Demand for a Bill of Particulars of Defendant in an
Action for Divorce Based Upon Adultery
- § 74:5 Demand for a bill of particulars—Action for a divorce
based upon cruel and inhuman treatment

CHAPTER 75. MOTIONS RELATING TO BILL OF PARTICULARS

- § 75:1 Notice of Motion for an Order, Pursuant to N.Y.
C.P.L.R. Rule 3042(a), Vacating or Modifying
Plaintiff's Demand for a Bill of Particulars in Action
for Divorce Based on Adultery and Cruel and Inhu-
man Treatment
- § 75:2 Affirmation in Support of Motion for an Order,
Pursuant to C.P.L.R. 3042(a), Vacating or Modifying
Plaintiff's Demand for a Bill of Particulars in Action
for Divorce Based on Adultery and Cruel and
Inhuman Treatment
- § 75:3 Notice of Motion, Pursuant to N.Y. C.P.L.R. Rule
3042(a), for an Order Vacating Defendant's Demand

for a Bill of Particulars or Modifying Same in an Action for a Divorce

- § 75:4 Notice of Motion for an Order, Pursuant to 3042(c), Precluding Party from Giving Evidence at the Trial of the Items of Which Particulars Have Not Been Delivered
- § 75:5 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3042(c) Precluding Party from Giving Evidence at the Trial of the Items of Which Particulars Have Been Delivered

CHAPTER 76. DISCLOSURE—IN GENERAL

- § 76:1 Disclosure—In Generally
- § 76:2 Calendar Control of Disclosure
- § 76:3 Disclosure Methods
- § 76:4 Checklist

CHAPTER 77. NET WORTH STATEMENT

- § 77:1 Financial Disclosure—In General
- § 77:2 Demand for Net Worth Statement
- § 77:3 Statement of Net Worth, Official Form

CHAPTER 78. DISCLOSURE OF EXPERTS

- § 78:1 Disclosure of Experts—In General
- § 78:2 Notice to Identify Experts [NY CPLR Rule 3101(d)]
- § 78:3 Notice to Identify Experts—Another Form
- § 78:4 Response to Notice to Identify Experts When No Expert is Retained
- § 78:5 Response to Notice to Identify Experts When an Expert is Retained
- § 78:6 Objections to Demand for Notice Pursuant to CPLR 3101(d)

CHAPTER 79. DEPOSITION UPON ORAL EXAMINATION

- § 79:1 Oral Examination Before Trial—In General
- § 79:2 Notice to Take Deposition Upon Oral Examination of a Party
- § 79:3 Notice to Take Deposition Upon Oral Examination of a Nonparty Witness
- § 79:4 Notice to Take Deposition Upon Oral Examination of Nonparty Witness with Request for Production of Documents
- § 79:5 Notice to Take Deposition upon Oral Examination—Bank or Financial Institution
- § 79:6 —Omnibus Form for Production of Documents

TABLE OF CONTENTS

§ 79:7	—Alternative Form for Production of Documents
§ 79:8	Rider to Notice to Take Deposition Upon Oral Examination
§ 79:9	—Alternative Form
§ 79:10	Rider to Notice to Take Deposition—Another Form
§ 79:11	Omnibus Document Request to be Used with Notice to Take Deposition Upon Oral Examination and/or Notice for Discovery and Production
§ 79:12	Notice to Take Deposition Upon Oral Examination of Nonparty Witness and for Production of Records, Files and Agreements of Professional Corporation
§ 79:13	Notice to Take Deposition Upon Oral Examination of Nonparty Witness and for Production of Records, Files and Agreements of Corporation
§ 79:14	Judicial Subpoena for Nonparty Witness to Appear at Deposition Upon Oral Examination
§ 79:15	Subpoena to be Served with Notice to Take Deposition Upon Oral Examination of Nonparty Witness
§ 79:16	Subpoena and Subpoena Duces Tecum to be Served with Notice to Take Deposition Upon Oral Examination of Nonparty Witness
§ 79:17	Rider to Judicial Subpoena and Subpoena Duces Tecum to be Used with Subpoena for Deposition Upon Oral Examination (with Subpoena Duces Tecum)
§ 79:18	CPLR 3116 Notice
§ 79:19	Response Pursuant to CPLR 3116
§ 79:20	Deposition Response With Proposed Changes Pursuant to CPLR 3116
§ 79:21	Objections to Notice or Subpoena Pursuant to CPLR 3120 or CPLR 3121

CHAPTER 80. DEPOSITION ON WRITTEN QUESTIONS

§ 80:1	Deposition on Written Questions—In General
§ 80:2	Notice of Taking Deposition Upon Written Questions [NY CPLR Rule 3109]
§ 80:3	Propounded Questions on Deposition Upon Written Questions to Nonparty Witness in Action for Divorce Based on Adultery Committed out of New York
§ 80:4	Propounded Questions on Deposition Upon Written Questions to Nonparty Witness—Employer
§ 80:5	—Psychiatrist

CHAPTER 81. DEMAND FOR ADDRESS

§ 81:1	Demand for Address—In General
--------	-------------------------------

§ 81:2 Demand for Address [NY CPLR Rule 3118]

CHAPTER 82. DISCOVERY AND PRODUCTION

- § 82:1 Discovery and Production—In General
- § 82:2 General Format for Notice of Discovery and Production [NY CPLR Rule 3120]
- § 82:3 Notice for Discovery and Inspection – Another Form
- § 82:4 Notice for Discovery and Production of Papers, Documents, and Things Concerning Personal and Business Financial Transactions and Investments
- § 82:5 Second Notice for Discovery and Production for Work Papers, Computer Runs, General Ledgers and Records Demanded at Deposition
- § 82:6 Notice for Discovery and Production for Valuation of Assets of Law Firm
- § 82:7 Notice for Discovery and Production for Valuation of Business
- § 82:8 Notice for Discovery and Production to Value Medical License and Medical Practice
- § 82:9 Order to Show Cause for Discovery and Production of Safe Deposit Box, Pursuant to NY CPLR Rule 3120(a), with Temporary Restraint on Access to Box
- § 82:10 Affidavit in Support of Motion for Discovery and Production of Safe Deposit Box, Pursuant to NY CPLR Rule 3120(a), with Temporary Restraint on Access to Box
- § 82:11 Order to Show Cause for Order Granting Discovery and Production of Safe Deposit Box and Restraining Sale of Home Pendente Lite and Counsel Fees, with Temporary Restraint on Access to Box
- § 82:12 Affirmation in Support of the Motion for Order Granting Discovery and Production of Safe Deposit Box and Restraining Sale of Home Pendente Lite and Counsel Fees, with Temporary Restraint on Access to Box
- § 82:13 Disclosure of films, photographs, video tapes or audio tapes
- § 82:14 Notice of Withheld Documents Pursuant to CPLR 3122(b)
- § 82:15 Notice for Discovery and Inspection of films, photographs, video tapes or audio tapes pursuant to CPLR 3101(i)
- § 82:16 Response to Notice for Discovery and Inspection Pursuant to CPLR 3122(b)
- § 82:17 Notice of intention to offer records by certification under CPLR 3122-a
- § 82:18 Certification pursuant to CPLR 3122-a

TABLE OF CONTENTS

§ 82:19 Certification pursuant to 22 NYCRR 202.8-b

**CHAPTER 83. NOTICE TO PERMIT ENTRY
UPON REAL PROPERTY**

§ 83:1 Notice to Permit Entry upon Real Property

**CHAPTER 84. PHYSICAL OR MENTAL
EXAMINATION; BLOOD TEST**

- § 84:1 Physical or Mental Examination—In General
- § 84:2 Notice to Submit to Physical Examination [NY CPLR Rule 3121]
- § 84:3 Medical Report Authorization for Adversary Attorney [NY CPLR Rule 3121(a)]
- § 84:4 Notice for Exchange of Medical Reports [NY CPLR Rule 3121(a)]
- § 84:5 Notice to Submit to a Mental Examination by a Psychiatrist and Demand for Medical Records Authorization
- § 84:6 Order to Show Cause in support of motion for an order pursuant to CPLR 3124 compelling the plaintiff to submit to psychological testing, alcohol and drug screening and pursuant to 22 NYCRR 202.21 directing that the action be placed on the calendar for trial prior to the completion of disclosure
- § 84:7 Affirmation in support of motion for an order pursuant to CPLR 3124 compelling the plaintiff to submit to psychological testing, alcohol and drug screening and pursuant to 22 NYCRR 202.21 directing that the action be placed on the calendar for trial prior to the completion of disclosure
- § 84:8 Demand for Hospital Record Authorization Pursuant to CPLR 3121(a)
- § 84:9 Stipulation for Forensic Evaluation with Provision for Payment of Evaluator Fee and Use of Report at trial
- § 84:10 Order to Show Cause for Order Directing Party to Submit to genetic marker or DNA marker tests
- § 84:11 Affirmation in Support of Order to Show Cause for Order Directing Party to Submit to genetic marker or DNA marker tests
- § 84:12 Affidavit in Support of Order to Show Cause for Order Directing Party to Submit to genetic marker or DNA marker tests
- § 84:13 Notice of motion for order authorizing disclosure of forensic report to expert for trial preparation
- § 84:14 Affirmation in support of motion for order authorizing disclosure of forensic report to expert for trial preparation

CHAPTER 84A. DISCLOSURE UNDER HIPAA

- § 84A:1 Disclosure of medical, psychiatric and social worker records under HIPAA and CPLR 3122-a
- § 84A:2 Authorization for Release of Health Information Pursuant to HIPPA—Official Form OCA Official Form No. 960
- § 84A:3 Authorization to Permit Interview of Treating Physician by Defense Counsel (UCS- 575 2-08)

CHAPTER 85. NOTICE TO ADMIT

- § 85:1 Notice to Admit—In General
- § 85:2 Notice to Admit [NY CPLR Rule 3123]
- § 85:3 Notice to Admit to Possession, Custody or Control of Particular Items

CHAPTER 86. INTERROGATORIES

- § 86:1 Interrogatories—In General
- § 86:2 Basic Format for Interrogatories
- § 86:3 —Another Form
- § 86:4 Comprehensive Interrogatories with Budget Attached
- § 86:5 Pension Interrogatories for NY State Teachers
- § 86:6 Pension Interrogatories for NY City Teachers
- § 86:7 Interrogatories to Ascertain Existence of Records (58 questions)
- § 86:8 Interrogatories to Ascertain Employment, Assets and Income (15 questions)
- § 86:9 Interrogatories to Ascertain Income, Assets, Employment Benefits, Liabilities, Tax Information and Financial Statements of Parties
- § 86:10 Interrogatories to a Party in a Divorce Action Subject to Equitable Distribution
- § 86:11 Interrogatories to Ascertain Use of Computer or Word Processor to Maintain Records and to Request Copies of Such Records
- § 86:12 Interrogatories Concerning Financial Information
- § 86:13 Supplemental Interrogatories Concerning Financial Matters (52 questions)
- § 86:14 Interrogatories to Defendant-Husband in Action to Set Aside Separation Agreement
- § 86:15 Interrogatories to Plaintiff-Wife in Action Against Husband to Set Aside Separation Agreement
- § 86:16 Interrogatories in Divorce Action Concerning Valuation of Personal Injury Law Firm
- § 86:17 Interrogatories To Enable Expert to Value Master's Degree
- § 86:18 Format for Answers to Interrogatories

TABLE OF CONTENTS

- § 86:19 Objections to Interrogatories Pursuant to CPLR 3133
- § 86:20 Interrogatories in action to set aside agreement where wife is attorney
- § 86:21 Interrogatories Regarding Assets and Income
- § 86:22 Interrogatories with Regard to the Information Contained Statement of Net Worth
- § 86:23 Order to Show Cause in Support of Motion Pursuant to CPLR 3130 (2) to serve interrogatories upon party's employer and former employer
- § 86:24 Affirmation in Support of Motion Pursuant to CPLR 3130 (2) to serve interrogatories upon party's employer and former employer
- § 86:25 Accountants Affidavit in Support of Motion Pursuant to CPLR 3130 (2) to serve interrogatories upon party's employer and former employer
- § 86:26 Post-Divorce maintenance factors interrogatories
- § 86:27 Child support factors interrogatories
- § 86:28 Child support add-on interrogatories
- § 86:29 Property distribution factors interrogatories
- § 86:30 Separate Property Appreciation Interrogatories

CHAPTER 87. MOTIONS RELATING TO FAILURE TO DISCLOSE

- § 87:1 Motion for Failure to Disclose—In General

CHAPTER 88. MOTION FOR PROTECTIVE ORDER

- § 88:1 Notice of Motion for a Protective Order Striking Notice to Take Deposition on Grounds that Deposition Notice is Improper, Burdensome, Prolix, and Seeks Impermissible Disclosure and has “Blunderbuss” Notice
- § 88:2 Affirmation in Support of the Motion for a Protective Order Striking Notice to Take Deposition on Grounds that Deposition Notice is Improper, Burdensome, Prolix and Seeks Impermissible Disclosure and is “Blunderbuss” Notice
- § 88:3 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3103 to Protect Against Notice to Take Deposition on Grounds of Improper County, and to Request Counsel Fees
- § 88:4 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3103 to Protect Against Notice to Take Deposition and Rider, Because of Existence of Separation Agreement, and to Limit the Issues to Validity of Separation Agreement
- § 88:5 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3103 to Protect Against Notice to

- Take Deposition and Rider, Because of Existence of Separation Agreement, and to Limit the Issues to Validity of Separation Agreement
- § 88:6 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3103 to Vacate Notice for Discovery and Production
- § 88:7 Affirmation in Support of Motion for an Order Pursuant to CPLR 3103 to Vacate Notice for Discovery and Production as Palpably Improper, Because of Existence of Separation Agreement and Because Notice is Overly Broad, Blunderbuss Type, Where Support is not an Issue in Action for Divorce and to Set Aside Separation Agreement
- § 88:8 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3103 and 3313 Striking Interrogatories on Grounds That They are Premature, Unauthorized, Burdensome, Oppressive and Improper
- § 88:9 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3313 Striking Interrogatories on Grounds That They are Premature, Unauthorized, Burdensome, Oppressive and Improper
- § 88:10 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3133 and N.Y. C.P.L.R. Rule 3103 Striking Interrogatories and for Protective Order and Counsel Fees
- § 88:11 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3133 and CPLR 3103 Striking Interrogatories and for Protective Order and Counsel Fees
- § 88:12 Notice of Motion for a Protective Order Pursuant to N.Y. C.P.L.R. Rule 3103 and 3133 Striking Interrogatories, Notice for Discovery and Production, and Notice to Take Deposition as Burdensome, Prolix, Oppressive and Improper
- § 88:13 Affirmation in Support of Protective Order Pursuant to CPLR 3103 and 3133 Striking Interrogatories, Notice of Discovery and Production and Notice to Take a Deposition as Burdensome, Prolix, Oppressive and Improper
- § 88:14 Notice of Cross Motion for an Order Extending Time to Answer Interrogatories
- § 88:15 Affirmation in Support of Cross Motion for an Order Extending Time to Answer Interrogatories
- § 88:16 Order to show Cause for order pursuant to CPLR 3103 and CPLR 2104, granting a protective order, vacating and quashing subpoena duces tecum and suppressing information obtained from non-party witness, with sanctions
- § 88:17 Notice of Motion in Support of Motion for order pursuant to CPLR 3103 and CPLR 2104, granting a

TABLE OF CONTENTS

- protective order, vacating and quashing subpoena duces tecum and suppressing information obtained from non-party witness, with sanctions
- § 88:18 Affirmation in Support of Motion for order pursuant to CPLR 3103 and CPLR 2104, granting a protective order, vacating and quashing subpoena duces tecum and suppressing information obtained from non-party witness, with sanctions
- § 88:19 Affidavit in Support of Motion for order pursuant to CPLR 3103 and CPLR 2104, granting a protective order, vacating and quashing subpoena duces tecum and suppressing information obtained from non-party witness, with sanctions

CHAPTER 89. MOTION TO COMPEL DISCLOSURE OR SANCTIONS—N.Y. C.P.L.R. 3124/3126 MOTIONS

- § 89:1 Notice of Motion for Order Pursuant N.Y. C.P.L.R. Rule 3124 and 3126 to Preclude Evidence of Financial Matters or to Compel Performance, and to Award Counsel Fees, Because of Plaintiff's Inadequate Answers to Interrogatories
- § 89:2 Affirmation in Support of Motion for Order Pursuant CPLR 3124 and 3126 to Preclude Evidence of Financial Matters or to Compel Performance, and to Award Counsel Fees, Because of Plaintiff's Inadequate Answers to Interrogatories
- § 89:3 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3126 Striking Defendant's Answer to Complaint, Precluding Evidence of Financial Matters, Deeming Certain Financial Issues Resolved, and Awarding Counsel Fees, Because of Defendant's Failure to Serve Net Worth Statement
- § 89:4 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3126 Striking Defendant's Answer to Complaint, Precluding Evidence of Financial Matters, Deeming Certain Financial Issues Resolved and Awarding Counsel Fees, Because of Defendant's Failure to Serve Net Worth Statement
- § 89:5 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3126 for Evidence Preclusion, Issue Resolution and Counsel Fees Because Plaintiff Failed to Produce Documents at Deposition, to Execute Deposition Transcript and to Complete Disclosure
- § 89:6 Affirmation in Support of Motion for an Order Pursuant to CPLR 3126 for Evidence Preclusion, Issue Resolution and Counsel Fees Because Plaintiff

- Failed to Produce Documents at Deposition, to Execute Deposition Transcript and to Complete Disclosure
- § 89:7 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3103 to Vacate Notice for Discovery and Production
- § 89:8 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3124 and 3126 to Preclude Evidence, Resolve Financial Issues; Strike Answer to Complaint; Direct Compliance, and Award Counsel Fees for Defendant's Failure to Comply with Notice for Discovery and Production and Court Order
- § 89:9 Affirmation in Support of Motion for an Order Pursuant to CPLR 3124 and 3126 to Preclude Evidence, Resolve Financial Issues, Strike Answer to Complaint, Direct Compliance and Award Counsel Fees for Defendant's Failure to Comply with Notice for Discovery and Production and Court Order
- § 89:10 Accountant's Affidavit in Support of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3124 and 3126 to Preclude Evidence, Resolve Financial Issues, Strike Answer to Complaint, Direct Compliance and Award Counsel Fees for Defendant's Failure to Comply with Notice for Discovery and Production and Court Order
- § 89:11 Notice of Motion for an Order Pursuant to N.Y. C.P.L.R. Rule 3124 and 3126 to Compel Answers to Interrogatories, to Direct Compliance with Discovery and Production Notice, and to Resolve Issues
- § 89:12 Affirmation in Support of the Motion for an Order Pursuant to CPLR 3124 and 3126 to Compel Answers to Interrogatories, to Direct Compliance with Discovery and Production Notice, and to Resolve Issues
- § 89:13 Notice of Motion for an Order Directing Plaintiff to Complete Deposition, Discovery and Production of Defendant, and Directing Plaintiff Appear for Examination Before Trial, or, in the Alternative, Directing the Action be Placed on Trial Calendar
- § 89:14 Affirmation in Support of Motion for an Order Directing Plaintiff to Complete Deposition, Discovery and Production of Defendant and Directing Plaintiff Appear for Examination Before Trial, or, in the Alternative, Directing the Action be Placed on Trial Calendar
- § 89:15 Notice of Motion for Order Pursuant to N.Y. C.P.L.R. Rule 3121(a) Directing Parties and Children to Submit to Psychiatric Evaluation by Independent Child Psychiatrist and Compelling Discovery and Production by Appraisers Pursuant to N.Y. C.P.L.R. Rule 3120

TABLE OF CONTENTS

- § 89:16 Affidavit in Support of Motion for Order Pursuant to N.Y. C.P.L.R. Rule 3121(a) Directing Parties and Children to Submit to Psychiatric Evaluation by Independent Child Psychiatrist and Compelling Discovery and Production by Appraisers Pursuant to N.Y. C.P.L.R. Rule 3120
- § 89:17 Notice of Motion for Order Pursuant to N.Y. C.P.L.R. Rule 3121(a) Directing Defendant Submit to Psychiatric Evaluation by an Independent Child Psychiatrist
- § 89:18 Affidavit in Support of the Motion for Order Pursuant to N.Y. C.P.L.R. Rule 3121(a) Directing Defendant Submit to Psychiatric Evaluation by an Independent Child Psychiatrist
- § 89:19 Affirmation in Support of the Motion for Order Pursuant to N.Y. C.P.L.R. Rule 3121(a) Directing Defendant Submit to Psychiatric Evaluation by an Independent Child Psychiatrist
- § 89:20 Notice of Motion for Preclusion Order Pursuant to CPLR 3126 for Failure to Return Signed Transcript of Deposition and Produce Documents Agreed to be Produced With Signed Transcript
- § 89:21 Affirmation in Support of Motion for Preclusion Order Pursuant to CPLR 3126 for Failure to Return Signed Transcript of Deposition and Produce Documents Agreed to be Produced with Signed Transcript
- § 89:22 Order to show cause to compel service of complete net worth statement as of date of the commencement of action
- § 89:23 Notice of motion to fix valuation date of business (DRL § 236[B][4][b])
- § 89:24 Affirmation in support of motion to compel service of complete net worth statement as of date of the commencement of action
- § 89:25 Affirmation in support of motion to fix valuation date of business (DRL § 236[B][4][b])
- § 89:26 Affidavit in support of motion to fix valuation date of business (DRL § 236[B][4][b])

Volume 4

CHAPTER 90. 22 NYCRR § 202.21 MOTIONS

- § 90:1 Notice of Motion for an Order Pursuant to 22 NYCRR § 202.21(e) to Vacate Premature Note of Issue and Requesting Evidence Preclusion
- § 90:2 Affirmation in Support of Motion for an Order Pursuant to 22 NYCRR § 202.21(e) to Vacate Note of

- Issue and Request Evidence Preclusion or Issue Resolution
- § 90:3 Notice of Motion for an Order Pursuant to 22 NYCRR § 202.21(e) Vacating Premature Note of Issue
- § 90:4 Affirmation in Support of Motion for an Order Pursuant to 22 NYCRR § 202.21(e) Vacating Premature Note of Issue
- § 90:5 Notice of Motion for an Order Pursuant to 22 NYCRR § 202.21(e) to Vacate Statement of Readiness and Strike the Action From the Trial Calendar on the Grounds That the Action is Not Ready for Trial, All Necessary Proceedings Have Not Been Completed, and the Statement of Readiness is False; to Compel Disclosure; to Direct Certain Issues be Deemed Resolved or to Preclude Evidence; and to Strike Defendant's Answer and Dismiss the Action
- § 90:6 Affirmation in Support of the Motion for an Order Pursuant to 22 NYCRR § 202.21(e) to Vacate Statement of Readiness and Strike the Action From the Trial Calendar on the Grounds That the Action is Not Ready for Trial, all Necessary Proceedings have Not Been Completed, and the Statement of Readiness is False; to Compel Disclosure; to Direct Certain Issues be Deemed Resolved or to Preclude Evidence; and to Strike Defendant's Answer and Dismiss the Action
- § 90:7 Notice of Motion for an Order Pursuant to 22 NYCRR § 202.21(d) Granting Plaintiff Permission to Serve and File a Note of Issue and Certificate of Readiness with Leave to Conduct Further Disclosure Subsequent to the Filing of the Note of Issue; and, Pursuant to NY Dom Rel Law § 236(B)(4) and NY CPLR Rule 3126, to Direct That Defendant's Answer and Counterclaims be Stricken for Failure to Complete his Oral Deposition, and to Direct Issue Resolution and Compel Further Disclosure
- § 90:8 Affirmation in Support of Motion for an Order Pursuant to 22 NYCRR § 202.21(d) Granting Plaintiff Permission to Serve and File a Note of Issue and Certificate of Readiness with Leave to Conduct Further Disclosure Subsequent to the Filing of the Note of Issue; and, Pursuant to NY Dom Rel Law § 236(B)(4) and NY CPLR Rule 3126, to Direct That Defendant's Answer and Counterclaims be Stricken for Failure to Complete his Oral Deposition, and to Direct Issue Resolution and Compel Further Disclosure
- § 90:9 Order to show cause in support of motion to permit appraisal and expert testimony during trial
- § 90:10 Affirmation is support of motion to permit expert to appraise during trial

TABLE OF CONTENTS

**CHAPTER 91. MOTION BY NONPARTY
WITNESS FOR PROTECTIVE ORDER**

- § 91:1 Notice of Motion by Nonparty Witness for a Protective Order Pursuant to NY CPLR Rule 3103 Striking Defendant's Subpoena and Notice to Take Deposition and Striking Annexed Rider Upon the Grounds of Harassment and Failure to Comply with the Statutory Requirements
- § 91:2 Affirmation in Support of the Motion for a Protective Order Pursuant to CPLR 3103 Striking Defendant's Subpoena and Notice to Take Deposition and Striking Annexed Rider Upon the Grounds of Harassment and Failure to Comply With the Statutory Requirements

**CHAPTER 92. MOTION FOR CONTEMPT
FOR FAILURE OF NON-PARTY WITNESS TO
APPEAR AT DEPOSITION**

- § 92:1 Remedy for non-party's failure to appear at deposition—In General
- § 92:2 Order to show cause pursuant to NY Jud. Law § 756 for an order holding non-party witness in contempt for failure to comply with subpoena and appear for deposition and compelling such attendance
- § 92:2.50 Annual Income Worksheet UD-8(1)
- § 92:3 Affirmation in support of motion pursuant to Judiciary Law § 756 for an order holding non-party witness in contempt for failure to comply with subpoena and appear for deposition and compelling such attendance
- § 92:4 Order to show cause in lieu of notice of petition to hold non-party witness in contempt for failure to appear at deposition
- § 92:5 Petition in support of application to hold non-party witness in contempt for failure to appear at deposition
- § 92:6 Affirmation in support of application to hold non-party witness in contempt for failure to
- § 92:7 Order to show cause for contempt for violating automatic order under § 236[B][2][b]
- § 92:8 Affirmation in support of order to show cause for contempt for violating automatic order under § 236[B][2][b]
- § 92:9 Order to show cause for contempt for willful refusal to comply with the Judicial Subpoena and Subpoena Duces Tecum
- § 92:10 Order to show cause for contempt for willful refusal to comply with the Judicial Subpoena and Subpoena Duces Tecum

- § 92:11 Affirmation in support of defendant's motion for requested relief in Show Cause Order

CHAPTER 93. MOTIONS FOR COSTS AND/OR SANCTIONS

- § 93:1 Motion for Costs or Sanctions—In General
§ 93:2 Notice of Motion for Sanctions
§ 93:3 Affirmation in Support of Motion for Sanctions
§ 93:4 Correspondence to Counsel Requesting that Frivolous Motion for Sanctions Be Withdrawn
§ 93:5 Correspondence to counsel requesting that frivolous motion for sanctions be withdrawn (alternate request)
§ 93:6 Notice of motion for sanctions for making a frivolous motion for sanctions
§ 93:7 Affirmation in support of motion for sanctions for making a frivolous motion for sanctions

CHAPTER 94. MOTIONS FOR ALIMONY, MAINTENANCE, CHILD SUPPORT, CUSTODY, EXCLUSIVE OCCUPANCY, SPECIAL RELIEF, COUNSEL FEES, EXPERT FEES, AND OTHER INTERIM RELIEF

- § 94:1 Motion procedure under the Domestic Relations Law—In General
§ 94:2 —In general—Special Rules for motions for alimony, maintenance, counsel fees, child support, exclusive occupancy, custody and visitation
§ 94:2.50 Annual Income Worksheet
§ 94:3 Temporary Maintenance Guidelines Worksheet
§ 94:4 Temporary child support guidelines worksheet
§ 94:5 Temporary Maintenance Worksheet (for divorces started on or after 10/25/15)
§ 94:6 Maintenance and child support—Income cap, combined parental income, self-support reserve and poverty income guidelines amount

CHAPTER 94A. SUPPORT ORDERS FOR ADULT DEPENDENTS

- § 94A:1 Comment—Domestic Relations Law § 240-d
§ 94A:2 Order to show cause for support for adult dependant
§ 94A:3 Petition for support for adult dependant
§ 94A:4 Petition for Support of Adult Dependent

CHAPTER 95. OMNIBUS MOTIONS FOR INTERIM RELIEF

- § 95:1 Order to Show Cause for an Order for Pendente Lite

TABLE OF CONTENTS

	Custody, Return of Children to Marital Residence and School, Award of Tax Free Maintenance and Child Support, and for Payment of Carrying Charges
§ 95:2	Affirmation in Support of an Order for Pendente Lite Custody, Return of Children to Marital Residence and School, Award of Tax Free Maintenance and Child Support, and for Payment of Carrying Charges
§ 95:3	Order to Show Cause for Pendente Lite Custody, Child Support, Maintenance, Exclusive Occupancy, Carrying Charges, Medical, Dental, Life Insurance, Counsel Fees and Restraining Order
§ 95:4	Affidavit in Support of Motion for Pendente Lite Custody, Child Support, Maintenance, Exclusive Occupancy, Carrying Charges, Medical, Dental, Life Insurance, Counsel Fees and Restraining Order
§ 95:5	Affidavit in Opposition to Spouse's Request for Financial Support and in Support for Party's Own Motion for Pendente Lite Custody, Child Support, Maintenance, Exclusive Occupancy, Carrying Charges, Medical, Dental, Life Insurance, Counsel Fees and Restraining Order
§ 95:6	Affidavit in Support of Motion for Pendente Lite Relief Where Wife Abandoned and Has not Been Employed for Several Years, Because She Cares for Parties' Children
§ 95:7	Affidavit in Support of Motion for Pendente Lite Support and Enforcement Relief Where Spouses are in Business Together
§ 95:8	Affidavit in Support of Motion for Pendente Lite Relief Where Requesting Party has Modest Income
§ 95:9	Affidavit in Support of Motion for Pendente Lite Relief That Includes, Inter Alia, Request for Return of Party's Belongings Which Were Removed from Party's Separate Apartment Without Consent
§ 95:10	Order to Show Cause for Order Preventing Defendant From Removing Children From Marital Residence
§ 95:11	Affidavit in Support of Motion For Order Preventing Defendant From Removing Children From Marital Residence
§ 95:12	Order to Show Cause for Pendente Lite: Maintenance; Child Support; Custody; Exclusive Use of Automobile; Payment of Past Due Bills; Medical, Dental, Optometrist and Drug Expenses; Medical Coverage; Exclusive Occupancy of Marital Home; Counsel Fees; Accountant's Fees; Real Estate Appraisers' Fees; Life Insurance; Enjoining Transfer of Assets; Enjoining Access to Safe Deposit Box; Permitting Discovery and Inspection of Safe Deposit

- Box; Permitting Discovery and Inspection of Other Items; Temporary Order of Protection; Temporary Restraining Notice Enjoining Transfer of Assets; Enjoining Access to Other Place; Restraining Communication and Threats
- § 95:13 Affidavit of Client in Support of the Motion for Pendente Lite: Maintenance; Child Support; Custody; Exclusive Use of Automobile; Payment of Past Due Bill; Medical, Dental, Optometrist and Drug Expenses; Medical Coverage; Exclusive Occupancy of Marital Home; Counsel Fees; Accountant's Fees; Real Estate Appraisers' Fees; Life Insurance; Enjoining Transfer of Assets; Enjoining Access to Safe Deposit Box; Permitting Discovery and Inspection of Safe Deposit Box; Permitting Discovery and Inspection of Other Items; Temporary Order of Protection; Temporary Restraining Notice Enjoining Transfer of Assets; Enjoining Access to Other Place; Restraining Communication and Threats
- § 95:14 Order to Show Cause for an Order of Pendente Lite Maintenance, Carrying Charges on Marital Residence, Automobile, Therapy, Counsel Fees, and Restraining Order with Temporary Restraints
- § 95:15 Affidavit of Client in Support of the Motion for Pendente Lite Maintenance, Carrying Charges on Marital Residence, Automobile, Therapy, Counsel Fees, and Restraining Order with Temporary Restraints
- § 95:16 Notice of Motion for Maintenance and Child Support Pendente Lite, Carrying Charges on the Marital Home, Major Repairs, Medical Insurance, Unreimbursed Medical and Dental Charges, Automobile, Counsel Fees, Outstanding Bills, Life Insurance, and Temporary Injunction
- § 95:17 Affidavit of Client in Support of the Motion for Maintenance and Child Support Pendente Lite, Carrying Charges on the Marital Home, Major Repairs, Medical Insurance, Unreimbursed Medical and Dental Charges, Automobile, Counsel Fees, Outstanding Bills, Life Insurance, and Temporary Injunction
- § 95:18 Order to Show Cause in Support of Motion for an Order Changing Venue on the Grounds that neither Plaintiff nor Defendant Reside in the County, or in the Alternative, Granting Leave to Renew Motion which Changed the Venue and Consolidated Defendant's Divorce Action with Plaintiff's Subsequent Divorce Action, Awarding Maintenance, Child Support, Custody, and Counsel Fees Pendente Lite, Directing the Plaintiff to Obtain and Maintain

TABLE OF CONTENTS

	Health Insurance; Directing the Plaintiff to Continue to Maintain Life Insurance; Granting the Defendant Exclusive Use and Possession of Automobile, Directing the Plaintiff to Transfer the Title to Defendant and to Pay for the Maintenance thereof; Granting a Restraining Order, Restraining the Plaintiff from Selling, Transferring Encumbering, Relocating, Hypothecating or Otherwise Disposing of Any of his or the Parties Assets <u>pendente lite</u> and Directing the Plaintiff to Return to the Defendant All of Her and the Children's Personal Property
§ 95:19	Affidavit of Defendant in Opposition to Motion for Pendente Lite Support and in Support of Cross Motion for an Order Pursuant to DRL 243 Sequestering the Parties Stock and Appointing a Temporary Receiver; Granting the Receiver Power to Manage the Corporation; Joining the Other Shareholder as a Party; Establishing a Timetable for the Completion of Disclosure; Directing the Plaintiff to Produce for Discovery and Inspection and Copying the Original Corporate Outfit, Certificate of Incorporation, Bylaws and Minutes, Original Corporate Books and Corporate Financial Records; Directing the Plaintiff to Maintain Medical Insurance Coverage for the Defendant; Awarding the Plaintiff Joint Custody <u>Pendente Lite</u> , and Directing that Defendant have Access to Him
§ 95:20	Affidavit of Defendant in Support of Motion for an Order Changing Venue on the Grounds that neither Plaintiff nor Defendant Reside in the County, or in the Alternative, Granting Leave to Renew Motion which Changed the Venue and Consolidated Defendant's Divorce Action with Plaintiff's Subsequent Divorce Action, Awarding Maintenance, Child Support, Custody, and Counsel Fees Pendente Lite, Directing the Plaintiff to Obtain and Maintain Health Insurance; Directing the Plaintiff to Continue to Maintain Life Insurance; Granting the Defendant Exclusive Use and Possession of Automobile, Directing the Plaintiff to Transfer the Title to Defendant and to Pay for the Maintenance thereof; Granting a Restraining Order, Restraining the Plaintiff from Selling, Transferring Encumbering, Relocating, Hypothecating or Otherwise Disposing of any of His or the Parties Assets <u>Pendente Lite</u> and Directing the Plaintiff to Return to the Defendant All of Her and the Children's Personal Property
§ 95:21	Attorneys Affirmation in Support of Motion for an Order Changing Venue on the Grounds that neither

Plaintiff nor Defendant Reside in the County, or in the Alternative, Granting Leave to Renew Motion which Changed the Venue and Consolidated Defendant's Divorce Action with Plaintiff's Subsequent Divorce Action, Awarding Maintenance, Child Support, Custody, and Counsel Fees Pendente Lite, Directing the Plaintiff to Obtain and Maintain Health Insurance; Directing the Plaintiff to Continue to Maintain Life Insurance; Granting the Defendant Exclusive Use and Possession of Automobile, Directing the Plaintiff to Transfer the Title to Defendant and to Pay for the Maintenance thereof; Granting a Restraining Order, Restraining the Plaintiff from Selling, Transferring Encumbering, Relocating, Hypothecating or Otherwise Disposing of any of His or the Parties Assets Pendente Lite and Directing the Plaintiff to Return to the Defendant All of Her and the Children's Personal Property

§ 95:22 Affidavit of Shareholder in Support of Cross Motion for an Order Pursuant to DRL 243 Sequestering the Parties Stock and Appointing a Temporary Receiver; Granting the Receiver Power to Manage the Corporation; Joining the Other Shareholder as a Party; Establishing a Timetable for the Completion of Disclosure; Directing the Plaintiff to Produce for Discovery and Inspection and Copying the Original Corporate Outfit, Certificate of Incorporation, Bylaws and Minutes, Original Corporate Books and Corporate Financial Records; Directing the Plaintiff to Maintain Medical Insurance Coverage for the Defendant; Awarding the Plaintiff Joint Custody Pendente Lite, and Directing that Defendant have Access to Him

§ 95:23 Affidavit in Support of Cross Motion for an Order Pursuant to DRL 243 Sequestering the Parties Stock and Appointing a Temporary Receiver; Granting the Receiver Power to Manage the Corporation; Joining the Other Shareholder as a Party; Establishing a Timetable for the Completion of Disclosure; Directing the Plaintiff to Produce for Discovery and Inspection and Copying the Original Corporate Outfit, Certificate of Incorporation, Bylaws and Minutes, Original Corporate Books and Corporate Financial Records; Directing the Plaintiff to Maintain Medical Insurance Coverage for the Defendant; Awarding the Plaintiff Joint Custody Pendente Lite, and Directing that Defendant have Access to Him

§ 95:24 Affidavit of Client in Support of Motion for an Order Awarding Plaintiff Custody, Pendente Lite, Directing

TABLE OF CONTENTS

	the Defendant to: Pay Maintenance (Tax Free) and Child Support Pendente Lite; Continue to Pay for Medical, Dental, Psychologist, Optometrist and Drug Expenses; Continue to Provide Blue Cross/Blue Shield and Major Medical Insurance Coverage, (or its Equivalent); Pay for All Non-reimbursed Medical Expenses; Obtain and/or Continue to Maintain in Full Force and Effect a Life Insurance Policy Naming Plaintiff Irrevocable Beneficiary During the Pendency of this Action; pay the Attorney for the Plaintiff Counsel Fees Pendente Lite.; and Restraining the Defendant from Transferring, any of the Parties Funds, Accounts or other Moneys, Property and/or Assets; and Directing the Defendant to Continue to Pay Automobile Insurance and to Pay for Repairs, Maintenance, Registration and Fees
§ 95:25	Notice Of Motion To Reargue Motion For Pendente Lite Support
§ 95:26	Order to Show Cause in Support of Motion for an Order Awarding Plaintiff Custody, Pendente Lite, Directing the Defendant to: Pay Maintenance (Tax Free) and Child Support Pendente Lite; Continue to Pay for Medical, Dental, Psychologist, Optometrist and Drug Expenses; Continue to Provide Blue Cross/Blue Shield and Major Medical Insurance Coverage, (or its Equivalent); Pay for All Non-reimbursed Medical Expenses; Obtain and/or Continue to Maintain in Full Force and Effect a Life Insurance Policy Naming Plaintiff Irrevocable Beneficiary During the Pendency of this Action; pay the Attorney for the Plaintiff Counsel Fees Pendente Lite.; and Restraining the Defendant from Transferring, any of the Parties Funds, Accounts or other Moneys, Property and/or Assets; and Directing the Defendant to Continue to Pay Automobile Insurance and to Pay for Repairs, Maintenance, Registration and Fees
§ 95:27	Affirmation In Support Of Motion To Reargue Motion For Pendente Lite Support
§ 95:28	Reply Affirmation In Support Of Motion To Renew And/Or Reargue Pendente Lite Motion
§ 95:29	Reply Affidavit Of Client In Support Of Motion To Reargue Motion For Pendente Lite Support
§ 95:30	Checklist for Incidental Practice Matters
§ 95:31	Order to Show Cause for Pendente Lite Maintenance (with option to request relief based on temporary maintenance guidelines amount being unjust or inappropriate), Child Support (with option to request relief under DRL 240 (1-b) (CSSA), Custody, and Counsel Fees (presumptive award to less monied spouse)

- § 95:32 Affidavit in support of Order to Show Cause for Pendente Lite Maintenance (with option to request relief based on temporary maintenance guidelines amount being unjust or inappropriate), Child Support (with option to request relief under DRL 240 (1-b) (CSSA), Custody, and Counsel Fees (presumptive award to less monied spouse)
- § 95:33 Affirmation in support of Order to Show Cause for Pendente Lite Maintenance (with option to request relief based on temporary maintenance guidelines amount being unjust or inappropriate), Child Support (with option to request relief under DRL 240(1-b) (CSSA), Custody, and Counsel Fees (presumptive award to less monied spouse)
- § 95:34 Affirmation in Opposition to Motion for Temporary Maintenance, Child Support and Counsel Fees—Failure of Proof
- § 95:35 Affidavit in Opposition to Motion for Temporary Maintenance, Child Support and Counsel Fees—Failure of Proof
- § 95:36 Order to show cause for temporary maintenance, child support and counsel fees—DRL § 236[B] [5-a]—Actions commenced on or after October 12, 2010
- § 95:37 Affirmation in support of order to show cause for temporary maintenance, child support and counsel fees—DRL § 236[B] [5-a]—Actions commenced on or after October 12, 2010
- § 95:38 Affidavit in support of order to show cause for temporary maintenance, child support and counsel fees—DRL § 236[B][5-a]—Actions commenced on or after October 12, 2010

CHAPTER 96. COUNSEL FEE AND ACCOUNTANT'S FEE APPLICATIONS

- § 96:1 Affirmation in Support of Application for Pendente Lite Counsel Fees
- § 96:2 —Another Form
- § 96:3 Notice of Motion Pursuant to NY Dom Rel Law § 237 for Additional Pendente Lite Counsel Fees and Additional Pendente Lite Accountant's Fees
- § 96:4 Affirmation in Support of the Motion Pursuant to NY Dom Rel Law § 237 for Additional Pendente Lite Counsel Fees and Additional Pendente Lite Accountant's Fees
- § 96:5 Accountant's Affidavit in Support of the Motion Pursuant to NY Dom Rel Law § 237 for Additional Pendente Lite Counsel Fees and Additional Pendente Lite Accountant's Fees

TABLE OF CONTENTS

- § 96:6 Notice of Motion for Counsel Fees Pendente Lite (presumptive award to less monied spouse), forensic accountants fees and real estate appraisers fees, or appointment of independent forensic accountant and real estate appraiser
- § 96:7 Affirmation in support of Motion for Counsel Fees Pendente Lite (presumptive award to less monied spouse), forensic accountants fees and real estate appraisers fees, or appointment of independent forensic accountant and real estate appraiser
- § 96:8 Affirmation in support of Motion for Counsel Fees Pendente Lite (presumptive award to less monied spouse), forensic accountants fees and real estate appraisers fees, or appointment of independent forensic accountant and real estate appraiser

CHAPTER 97. APPRAISER'S AFFIDAVITS

- § 97:1 Finding and using an appraiser
- § 97:2 Real Estate Appraiser's Affidavit
- § 97:3 Art Appraiser's Affidavit
- § 97:4 Appraiser's Affidavit

CHAPTER 98. CUSTODY PENDENTE LITE

- § 98:1 Order to Show Cause in Support of Motion for Custody Pendente Lite
- § 98:2 Affidavit of Client in Support of Motion for Custody Pendente Lite
- § 98:3 Order to Show Cause for an Order Awarding Plaintiff Custody Pendente Lite, and Restraining Defendant From Removing Children From Marital Residence and the State of New York
- § 98:4 Affidavit in Support For an Order Awarding Plaintiff Custody Pendente Lite, and Restraining Defendant From Removing Children From Marital Residence and the State of New York
- § 98:5 Notice of Cross Motion for Custody Pendente Lite, Order of Protection [NY Dom Rel Law § 240], Maintenance, Child Support, Medical Insurance, Medical Expenses, Access to Marital Residence, and Restraining Order
- § 98:6 Affidavit in Support of Cross Motion for Custody Pendente Lite, Order of Protection (NY Dom Rel Law § 240), Maintenance, Child Support, Medical Insurance, Medical Expenses, Access to Marital Residence, and Restraining Order

CHAPTER 99. MOTION FOR RESTRAINING ORDER PENDENTE LITE

- § 99:1 Order to Show Case for Temporary Restraining Order Pendente Lite

- § 99:2 Affidavit in Support of Motion for Temporary Restraining Order Pendente Lite
- § 99:3 Order to Show Cause for Restraining Order Pendente Lite
- § 99:4 Affidavit in Support of Motion for Restraining Order Pendente Lite

CHAPTER 100. MOTION FOR ORDER OF PROTECTION PENDENTE LITE

- § 100:1 Motion for Order of Protection Pendente Lite—In General
- § 100:2 Notice of Motion Pursuant to NY Dom Rel Law § 234 for Exclusive Occupancy and Pursuant to NY Dom Rel Law § 252 for an Order of Protection
- § 100:3 Affidavit in Support Pursuant to NY Dom Rel Law § 234 for Exclusive Occupancy and Pursuant to NY Dom Rel Law § 252 for an Order of Protection
- § 100:4 Notice of Cross-Motion for Custody Pendente Lite, an Order of Protection, Pendente Lite, Maintenance and Child Support, Nursery School Costs, Medical Coverage, Access to the Marital Residence to Remove Clothing and Personal Effects, and Temporary Restraining Order
- § 100:5 Affidavit in Support of the Motion for Custody Pendente Lite, an Order of Protection, Pendente Lite, Maintenance and Child Support, Nursery School Costs, Medical Coverage, Access to the Marital Residence to Remove Clothing and Personal Effects, and Temporary Restraining Order
- § 100:6 SC-1 Order of Protection
- § 100:7 SC-2 Order of Protection
- § 100:8 Affidavit in Support of Entry of Out-of-State Order of Protection or Temporary Order of Protection onto Statewide Registry of Orders of Protection (Official Form)
- § 100:9 Order to Show Cause in Support of Motion for Order of Protection Pendente Lite and Exclusive Occupancy of Marital Apartment Pendente Lite
- § 100:10 Affidavit in Support of Motion for Order of Protection Pendente Lite and Exclusive Occupancy of Marital Apartment Pendente Lite

CHAPTER 101. MOTION FOR EXCLUSIVE OCCUPANCY PENDENTE LITE

- § 101:1 Order to Show Cause for Exclusive Occupancy Pendente Lite
- § 101:2 Affidavit in Support of Motion for Exclusive Occupancy Pendente Lite

TABLE OF CONTENTS

**CHAPTER 102. OPPOSITION TO
PENDENTE LITE APPLICATIONS**

- § 102:1 Affidavit in Opposition to Motion for Maintenance,
Child Support and Counsel Fees Pendente Lite
- § 102:2 Affidavit in Opposition to Motion for Maintenance,
Child Support, Counsel Fees, and Exclusive
Occupancy of the Marital Home Pendente Lite, and
in Support of Cross Motion to Change Venue
- § 102:3 Affidavit in opposition to motion pursuant to
Domestic Relations Law § 236[B][5-a] for
maintenance, child support, counsel fees and
exclusive occupancy of the marital residence,
pendente lite
- § 102:4 Affirmation in opposition to motion pursuant to
Domestic Relations Law § 236[B][5-a] for
maintenance, child support, counsel fees and
exclusive occupancy of the marital residence,
pendente lite

**CHAPTER 103. MOTION FOR STAY OF
PROCEEDINGS**

- § 103:1 Motion for Stay of Proceedings—In General
- § 103:2 Notice of Motion for a Stay Pending Determination of
Another Matrimonial Action
- § 103:3 Affidavit in Support of Motion for a Stay Pending
Determination of Another Matrimonial Action

**CHAPTER 104. CALENDAR PRACTICE;
JURY DEMAND**

- § 104:1 Calendar Practice and the Demand for a Jury—In
General
- § 104:2 Note of Issue and Certificate of Readiness—Official
Form [22 NYCRR § 202.21]
- § 104:3 Demand for Jury Trial of Grounds for Divorce and
Defense
- § 104:4 Demand for Trial by Jury
- § 104:5 Stipulation Restoring Action to the Calendar
- § 104:6 Notice of Inquest

**CHAPTER 105. STATEMENT OF PROPOSED
DISPOSITION**

- § 105:1 Statement of Proposed Disposition—In General
- § 105:2 Statement of Proposed Disposition

CHAPTER 106. NOTICE TO PRODUCE

- § 106:1 Notice to Produce—In General

- § 106:2 Notice to Produce
- § 106:3 —Another Form

CHAPTER 107. SUBPOENAS FOR TRIAL

- § 107:1 The use of subpoenas
- § 107:2 Judicial subpoena
- § 107:3 —With notice
- § 107:4 Subpoena duces tecum
- § 107:5 —With notice
- § 107:6 Judicial subpoena and subpoena duces tecum to a party—Another form
- § 107:7 Judicial subpoena and subpoena duces tecum with notice
- § 107:8 Judicial subpoena duces tecum—Bank
- § 107:9 Subpoena duces tecum to financial institution
- § 107:10 Judicial subpoena and subpoena duces tecum—Omnibus form
- § 107:11 Rider to subpoena
- § 107:12 —Complete records
- § 107:13 —Another form
- § 107:14 Rider to subpoena duces tecum
- § 107:15 —Another form
- § 107:16 Notice of adjourned hearing date pursuant to judicial subpoena previously served
- § 107:17 Notice by letter of adjourned hearing date pursuant to judicial subpoena previously served—Another form
- § 107:18 Notice by letter of adjourned hearing date pursuant to judicial subpoena previously served
- § 107:19 Warrant of attachment
- § 107:20 Warrant of arrest
- § 107:21 Judicial Subpoena and Subpoena Duces tecum to take Deposition of Non-Party Witness
- § 107:22 Judicial Subpoena and Subpoena Duces tecum to Party with List of Documents to Produce
- § 107:23 Subpoena Duces Tecum Pursuant to CPLR 2307
- § 107:24 Subpoena Duces Tecum Pursuant to CPLR 3122-a for medical records
- § 107:25 Subpoena Duces Tecum to non-party witness for entire file
- § 107:26 Order to show cause why an order vacating and quashing the trial subpoena under CPLR 2304 should not be made
- § 107:27 Affirmation in support of motion to show cause why an order vacating and quashing the trial subpoena under CPLR 2304 should not be made

TABLE OF CONTENTS

**CHAPTER 108. CONFLICTING
ENGAGEMENT OF COUNSEL**

- § 108:1 Conflicting Engagements by Counsel—In General
- § 108:2 Affirmation of Actual Engagement
- § 108:3 —Another Form

CHAPTER 109. TRIAL PREPARATION

- § 109:1 Trial preparation—Generally
- § 109:2 Instructions for Testifying
- § 109:3 Matrimonial trial preparation checklist and memorandum

CHAPTER 110. TRIAL OF AN ACTION

- § 110:1 Matrimonial trial practice financial considerations
- § 110:1.10 Trial Considerations: Maintenance in actions commenced between October 12, 2010 and before January 23, 2016
- § 110:1.30 Trial Considerations: Post divorce maintenance in actions Commenced on or after January 23, 2016—Post-Divorce Maintenance Guidelines—In General
- § 110:1.40 Trial Considerations: Child Support
- § 110:1.50 Trial Considerations: Property Distribution
- § 110:1.60 Trial Considerations: Sale or Exclusive Use and Occupancy of the Marital Home and its contents
- § 110:1.70 Trial Considerations: Custody and Visitation
- § 110:1.80 Trial Considerations: Counsel Fees and Expenses
- § 110:1.90 Trial Considerations: Special Relief
- § 110:2 Questions to Offer Into Evidence a Stipulation or Separation Agreement
- § 110:3 Questions to Make a Prima Facie Case of Divorce on the Ground of Cruel and Inhuman Treatment [NY Dom Rel Law § 170(1)]
- § 110:4 Questions to Make a Prima Facie Case of Divorce on the Ground of Actual Abandonment [NY Dom Rel Law § 170(2)]
- § 110:5 Questions to Make a Prima Facie Case of Divorce on the Ground of Constructive Abandonment [NY Dom Rel Law § 170(2)]
- § 110:6 Questions to Make a Prima Facie Case of Divorce on the Ground of Spouse's Three Years Imprisonment [NY Dom Rel Law § 170(3)]
- § 110:7 Questions to Make a Prima Facie Case of Divorce on the Ground of Adultery [DRL 170(4)]
- § 110:8 Questions to Private Investigator in Action for Divorce Based on Adultery
- § 110:9 Questions to Nonparty Witness in Action for Divorce Based on Adultery

- § 110:10 Questions to Make a Prima Facie Case of Divorce on the Ground of Having Lived Apart for One or More Years [NY Dom Rel Law § 170(5)] Where Separation Judgment Exists
- § 110:11 Questions to Make a Prima Facie Case of Divorce on the Ground of Having Lived Apart for One or More Years [NY Dom Rel Law § 170(6)] Where Separation Agreement Exists
- § 110:12 Questions to Make a Prima Facie Case of Divorce on the Ground of irretrievable breakdown [DRL § 170(7)]
- § 110:13 Maintenance Guidelines Worksheet (UD-8 (2))
- § 110:14 Child Support Worksheet (UD-8 (3))
- § 110:15 Temporary Maintenance Worksheet (for divorces started on or after 10/25/15)
- § 110:16 Post-Divorce Maintenance/Child Support Worksheet
- § 110:17 2025 Child Support Standards Chart

CHAPTER 110A. RECUSAL

- § 110A:1 Recusal—in General
- § 110A:2 Order to show cause for recusal
- § 110A:3 Affirmation in support of order to show cause for recusal

CHAPTER 111. PROCEEDINGS BEFORE REFEREES

- § 111:1 Determinations by Referee—In General
- § 111:2 Stipulation of Reference
- § 111:3 —Another Form
- § 111:4 Order Appointing Referee
- § 111:5 Notice of Motion to Confirm Referee’s Report
- § 111:6 Notice of Motion to Disaffirm Part of Referee’s Report
- § 111:7 Affirmation Opposing Motion to Disaffirm Part of Referee’s Report
- § 111:8 Notice of Motion Pursuant to NY CPLR Rule 4403 to Confirm in Part and Reject in Part the Report of a Referee
- § 111:9 Affirmation in Support of Motion Pursuant to CPLR 4403 to Confirm in Part and Reject in Part the Report of a Referee
- § 111:10 Notice of motion for order pursuant to CPLR 4403 confirming report of special referee to hear and report
- § 111:11 Notice of motion for order pursuant to CPLR 4403 rejecting report of special referee to hear and report

TABLE OF CONTENTS

- § 111:12 Affirmation in support of motion for order pursuant to CPLR 4403 confirming or rejecting report of special referee to hear and report
- § 111:13 Notice of motion for order restraining referee to hear and report from acting in excess of jurisdiction
- § 111:14 Affirmation in support of motion for order restraining referee to hear and report from acting in excess of jurisdiction
- § 111:15 Order to show cause for contempt for failure to comply with supreme court disclosure order—Action on trial before special referee to hear and report
- § 111:16 Affirmation in support of order to show cause for contempt for failure to comply with supreme court disclosure order—Action on trial before special referee to hear and report
- § 111:17 Affidavit in support of order to show cause for contempt for failure to comply with supreme court disclosure order—Action on trial before special referee to hear and report
- § 111:18 Order to Show Cause in Support of Motion to Remove Special Referee to Hear and Report
- § 111:19 Affirmation in Support of Motion to Remove Special Referee to Hear and Report
- § 111:20 Order to show cause why order vacating and quashing the trial subpoena under CPLR 2304 should not be made
- § 111:21 Affirmation in support of application for an order referring remaining issues, including maintenance and Special Relief to Special Referee

CHAPTER 112. REQUEST TO CHARGE TO THE JURY

- § 112:1 Jury Charges—In General
- § 112:2 Defendant's Request to Charge Jury: Cruel and Inhuman Treatment and Constructive Abandonment

CHAPTER 113. COUNSEL FEE AWARDS AFTER TRIAL

- § 113:1 Awarding Counsel Fees—In General
- § 113:2 Post-Trial Counsel Fee Affirmation by substitute counsel and Affirmation by Client
- § 113:3 Post-Trial Counsel Fee Affidavit—Another Form
- § 113:4 Accountant's Affidavit in Support of Post Trial Accountant's Fee application
- § 113:5 Letter to expert who testified at trial requesting an affirmation to submit in support of Post-Trial

Counsel Fee Affirmation for an Award Pursuant to
Dom Rel Law § 237 for Counsel Fees and Expert
Fees

§ 113:6 Post-Trial Counsel Fee Affidavit—Another Form

CHAPTER 114. FINDINGS AND JUDGMENT: UNCONTESTED ACTION

- § 114:1 Findings and Judgment—In General
- § 114:2 Required Papers for Submission to Obtain
Judgment in Uncontested Matrimonial Action
- § 114:3 Default Judgment
- § 114:4 Judgment Entered Upon Defendant's Failure to
Appear for Deposition, His Answer Having Been
Stricken, Declaring Mexican Divorce to be
Invalid, Severing Plaintiff's Cause of Action for
Divorce and Equitable Distribution and Setting
Matter Down for an Inquest and Trial
- § 114:5 Affirmation of Regularity
- § 114:6 —Another Form
- § 114:7 Affirmation of Regularity (Generic)
- § 114:8 Affidavit of Proof (Generic) All Grounds for
Divorce
- § 114:9 Note of Issue and Statement of Readiness—
Official Form
- § 114:10 Verified Answer Neither Admitting nor Denying
the Allegation of the Complaint and Consenting
to Action Being Immediately Placed on
Uncontested Inquest or Submission Calendar
- § 114:11 Stipulation to Immediately Place Action on
Uncontested Submission Calendar for Inquest
- § 114:12 Official Form—Uniform uncontested divorce
packet forms
- § 114:12.50 Introduction to Uncontested Divorce Instructions
- § 114:13 Official Form—Uncontested matrimonial request
for judicial intervention
- § 114:14 —Judgment of divorce
- § 114:15 —Findings of fact conclusions of law
- § 114:16 —Judgment of Divorce—Referee's Report
- § 114:17 Affidavit Pursuant to NY Dom Rel Law § 75-j
- § 114:18 Notice of Settlement
- § 114:19 Notice of Entry
- § 114:20 Divorce and Child Support Summary Form:
Supreme Court (UCS-111 Form)
- § 114:21 NYS Department of Health Certificate of
Dissolution of Marriage (VS140)
- § 114:22 Uncontested Joint Divorce—Information Booklet
- § 114:22.10 —Composite Joint Divorce Forms with Children

TABLE OF CONTENTS

- § 114:22.20 —Composite Joint Divorce Forms with no Children
- § 114:23 —List of Forms
- § 114:24 —Required Forms Packet with No Children
- § 114:25 —Required Forms Packet with Children
- § 114:26 —Additional Forms Appendix with Children
- § 114:27 —Additional Forms Appendix No Children

CHAPTER 115. FINDINGS AND JUDGMENT: CONTESTED ACTION

- § 115:1 Findings of Fact and Judgment—In General
- § 115:2 Findings of Fact and Conclusions of Law After Written Decision of the Court
- § 115:3 Judgment of Divorce After Written Decision of the Court
- § 115:4 Judgment of Divorce After Written Decision of the Court Upon Contested Trial
- § 115:5 —Second Alternative
- § 115:6 —Third Alternative
- § 115:7 Judgment Granting Divorce and Severing and Continuing Financial Issues
- § 115:8 Findings of Fact and Judgment of Divorce
- § 115:9 Judgment Denying Divorce
- § 115:10 Judgment of Divorce Entered upon Report of Special Referee to Hear and Determine
- § 115:11 Judgment of Divorce Entered upon Order Confirming Report of Special Referee to Hear and Report [No Children]
- § 115:12 Findings of Fact and Conclusions of Law upon Order Confirming Report and Recommendation of Special Referee
- § 115:13 Judgment of Divorce upon Findings of Fact, Conclusions of Law and Order Confirming Report and Recommendation of Special Referee
- § 115:14 NYS Department of Health Certificate of Dissolution of Marriage (VS140)
- § 115:15 Requirements for Child Support Orders—Directions for health insurance and social security number—Qualified Medical Child Support Order
- § 115:16 Form—Qualified Medical Child Support Order
- § 115:17 —Decretal Paragraphs of Child Support Order for Health Insurance Benefits
- § 115:18 Qualified Medical Child Support Order with Direction for Assignment of Insurance Reimbursement Pursuant to DRL 240(1)(d)
- § 115:19 Required Notice for Judgment Pursuant to Domestic Relations Law § 236 [B][7][d]

- § 115:20 Notice for Order or Judgment Required Where Payments Through Support Collection Unit
- § 115:21 Additional findings and conclusions—Action settled during trial
- § 115:22 Judgement of divorce based upon additional findings and conclusions—Action settled during trial

CHAPTER 116. ENTRY OF MONEY JUDGMENT

- § 116:1 Entry of Money Judgment—In General
- § 116:2 Money Judgment (General) Entered by Clerk
- § 116:3 Judgment for Costs Entered on Order of Appellate Division

CHAPTER 117. TRANSFER OF RETIREMENT BENEFITS BY QUALIFIED DOMESTIC RELATIONS ORDER

- § 117:1 Qualified Domestic Relations Order
- § 117:2 Paragraphs for Qualified Domestic Relations Order
- § 117:3 Qualified Domestic Relations Order for Defined Contribution Plan—Fixed Amount
- § 117:4 Qualified Domestic Relations Order for 401K Plan—Fixed Amount
- § 117:5 Qualified Domestic Relations Order for 401k Plan—Percent Amount
- § 117:6 Order Amending Qualified Domestic Relations Order
- § 117:7 Sample Language for a Qualified Domestic Relations Order—IRS Notice 97-11
- § 117:8 Sample Language for a Spouses Waiver to a Qualified and Joint Survivor Annuity or a Qualified Preretirement Survivor Annuity—IRS Notice 97-10
- § 117:9 (Qualified) Domestic Relations Order—Majauskas Formula
- § 117:10 Decretal Paragraphs in Judgment for Future Submission of (Qualified) Domestic Relations Order

CHAPTER 118. RESETTLEMENT OF JUDGMENT OR ORDER

- § 118:1 Resettlement of Judgment or Order—In General
- § 118:2 Format for Resettled Judgment
- § 118:3 Resettled Judgment of Divorce Based on Modification of Stipulation of Settlement
- § 118:4 Stipulation Providing for the Resettlement of Findings, Conclusions and Judgment
- § 118:5 Order Resettling Findings, Conclusions of Law and Judgment

TABLE OF CONTENTS

CHAPTER 119. PETITION TO REVOKE SEPARATION JUDGMENT

- § 119:1 Revocation of Separation Judgment—In General
- § 119:2 Petition to Revoke Final Judgment of Separation
- § 119:3 Order Revoking Judgment of Separation

CHAPTER 120. POSTTRIAL MOTION TO SET ASIDE DECISION AND/OR REARGUE/ RESETTLE DECISION

- § 120:1 Motion to Set Aside and Reargue/Resettle a Decision—In General
- § 120:2 Order to Show Cause for an Order Pursuant to NY CPLR Rule 4404(b) and 4405 Setting Aside Memorandum Decision Rendered After Trial of Equitable Distribution Action
- § 120:3 Affidavit in Support of Motion to set Aside Memorandum Decision Rendered After Trial of Equitable Distribution Action
- § 120:4 Order to Show Cause for Leave to Reargue Decision Rendered After Trial and for Resettlement of Divorce Judgment
- § 120:5 Affirmation in Support of the Motion for Leave to Reargue Decision Rendered After Trial and for Resettlement of Divorce Judgment
- § 120:6 Notice of Motion for an Order Setting Aside Decision of Court After Trial
- § 120:7 Affirmation in Support of the Motion for an Order Setting Aside Decision of Court After
- § 120:8 Notice of Motion for an order Pursuant to CPLR 4404 making new findings of fact, new conclusions of law, and a new decision with respect to maintenance
- § 120:9 Affirmation in Support of Motion for an order Pursuant to CPLR 4404 making new findings of fact, new conclusions of law, and a new decision with respect to maintenance

CHAPTER 121. MOTION FOR NEW HEARING—NEWLY DISCOVERED EVIDENCE

- § 121:1 Modification of Maintenance or Child Support Order Based on Newly Discovered Evidence—In General
- § 121:2 Order to Show Cause in Support of Motion for a New Hearing on the Grounds of Newly Discovered Evidence
- § 121:3 Affirmation in Support of Motion for a New Hearing on the Grounds of Newly Discovered Evidence

CHAPTER 122. MOTION TO SET ASIDE STIPULATION OF SETTLEMENT

- § 122:1 Relief from a Stipulation of Settlement—In General
- § 122:2 Order to Show Cause for an Order Vacating and Setting Aside Stipulation of Settlement on the Grounds of Voidness, Unconscionability, Incomplete, Incorrect, not Fair and Reasonable When Made, Fraud, Duress, Coercion, and Impaired Mental State
- § 122:3 Affidavit in Support of Order Vacating and Setting Aside Stipulation of Settlement on the Grounds of Voidness, Unconscionability, Incomplete, Incorrect, not Fair and Reasonable When Made, Fraud, Duress, Coercion, and Impaired Mental State

Volume 5

PART IV. ENFORCEMENT OF ORDERS AND JUDGMENTS

CHAPTER 123. DOCKETING MONEY JUDGMENT—NY Dom Rel Law § 244

- § 123:1 Money Judgments—In General
- § 123:2 Order to Show Cause for a Money Judgment Pursuant to NY Dom Rel Law § 244 for Arrears of Counsel Fees and Arrears of Child Support Payments, and for Counsel Fees Pursuant to NY Dom Rel Law § 238
- § 123:3 Affirmation in Support of the Motion for a Money Judgment Pursuant to Dom Rel Law § 244 for Arrears of Counsel Fees and Arrears of Child Support Payments, and for Counsel Fees
- § 123:4 Affirmation in Support of Motion Pursuant to Dom Rel Law § 244 for a Judgment for Arrears of Counsel Fees
- § 123:5 Judgment on Motion Pursuant to NY Dom Rel Law § 244 for a Judgment for Arrears of Counsel Fees
- § 123:6 Order Granting Motion for Money Judgment
- § 123:7 Order Granting Motion—Another Form
- § 123:8 Notice of Motion For Money Judgment For Arrears of Counsel Fees
- § 123:9 Affirmation in Support of Motion For Money Judgment For Arrears of Counsel Fees

TABLE OF CONTENTS

**CHAPTER 124. MONEY JUDGMENT—
ADDITIONAL ARREARS—NY Dom Rel Law
§ 244-a**

- § 124:1 Money Judgments for Arrears—In General
- § 124:2 Notice Pursuant to NY Dom Rel Law § 244-a for Additional Arrears
- § 124:3 Notice of Intention to Amend Pursuant to NY Dom Rel Law § 244-a to Include Additional Arrears to the Date of Submission
- § 124:4 Notice of Intention to Amend Pursuant to NY Dom Rel Law § 244-a to Include Additional Arrears to the Time of the Hearing

**CHAPTER 125. INCOME EXECUTION AND
INCOME DEDUCTION ORDER FOR
SUPPORT ENFORCEMENT**

I. IN GENERAL

- § 125:1 Income execution for support enforcement—In general
- § 125:2 Income execution for support enforcement [CPLR Rule 5241]
- § 125:3 Order to Show Cause—Mistake of Fact—NY CPLR Rule 5241(e) with Stay of Service
- § 125:4 Petition—Mistake of Fact and Procedure
- § 125:5 Order to Show Cause in Support of Application to Correct Mistake of Fact and Vacate Income Execution
- § 125:6 Affidavit in Support of Motion to Correct Mistake of Fact and Vacate Income Execution [NY CPLR Rule 5241(e)]
- § 125:7 Petition to Correct Mistake of Fact
- § 125:8 Order to Show Cause for Judgment Against Employer and Respondent for Accrued Deductions
- § 125:9 Petition for Judgment Against Employer for Accrued Deductions

**II. EXECUTION FOR MEDICAL SUPPORT
ENFORCEMENT**

- § 125:10 Execution for Medical Support Enforcement—In General
- § 125:11 Execution for Medical Support Enforcement

CHAPTER 126. SEQUESTRATION

- § 126:1 Sequestration—In General

- § 126:2 Notice of Motion for an Order Pursuant to NY Dom Rel Law § 234 and NY CPLR Rule 5228 Appointing a Receiver to Sell Former Marital Home Pursuant to Prior Order and for Counsel Fees
- § 126:3 Affirmation in Support of Motion for an Order Pursuant to Dom Rel Law § 234 and CPLR 5228 Appointing a Receiver to Sell Former Marital Home Pursuant to Prior Order and for Counsel Fees
- § 126:4 Order Granting Motion for an Order Pursuant to NY Dom Rel Law § 234 and NY CPLR Rule 5228 Appointing a Receiver to Sell Former Marital Home Pursuant to Prior Order and for Counsel Fees and Appointing Receiver
- § 126:5 Order to Show Cause on Motion for Sequestration and Receiver
- § 126:6 Affidavit in Support of Motion for Sequestration and Receiver
- § 126:7 Affidavit of Attorney in Support of Motion for Sequestration and Receiver
- § 126:8 Order Appointing Receiver
- § 126:9 Order Granting Money Judgment Pursuant to NY Dom Rel Law § 244 for Arrears of Support, Sequestering Property and Appointing Receiver Pursuant to NY Dom Rel Law § 243
- § 126:10 Order Appointing Receiver on Consent
- § 126:11 Decretal Paragraphs Awarding Money Judgment Pursuant to NY Dom Rel Law § 244 and Directing Sequestration Pursuant to NY Dom Rel Law § 243

CHAPTER 127. SECURITY

- § 127:1 Security for Payments by Defendant—In General
- § 127:2 Order to Show Cause on Application for Security
- § 127:3 Affidavit in Support of Application for Security
- § 127:4 Order Directing Security
- § 127:5 Undertaking to Secure Payment

CHAPTER 128. CONTEMPT PROCEEDINGS

- § 128:1 Proceedings for Contempt—In General
- § 128:2 Contempt Notice
- § 128:3 Notice of Motion for Order of Contempt Under NY Jud Law § 756; Pursuant to NY Dom Rel Law § 244 for Arrears Under Pendente Lite Order; Counsel Fees Pursuant to NY Dom Rel Law § 237(c) and NY Dom Rel Law § 238 and Staying Defendant From Affirmatively Proceeding Pursuant to NY Dom Rel Law § 239
- § 128:4 Affidavit in Support of Motion Pursuant to NY Jud

TABLE OF CONTENTS

	Law § 753 to Hold in Contempt for Refusal to Comply with Stipulation Incorporated in Judgment to Divorce; Pursuant to NY Dom Rel Law § 244 for a Money Judgment for Arrears; Pursuant to NY Dom Rel Law § 237(c) and 238 for Counsel Fees; Specifically Compelling Compliance with Stipulation
§ 128:5	Notice of Motion to Hold Defendant in Contempt for Failure to Comply with Life Insurance Provision of Divorce Judgment
§ 128:6	Affidavit in Support of Motion to Hold Defendant in Contempt for Failure to Comply with Life Insurance Provision of Divorce Judgment
§ 128:7	Order to Show Cause in Lieu of Petition for Order Holding in Contempt and Counsel Fees [NY Dom Rel Law § 238]
§ 128:8	Affidavit in Support of Application for Order of Contempt and Counsel Fees
§ 128:9	Notice of Motion for an Order Pursuant to NY Dom Rel Law § 245 Holding Defendant in Contempt; for a Money Judgment for Arrears of Pendente Lite Support Pursuant to NY Dom Rel Law § 244; for Counsel Fees Pursuant to NY Dom Rel Law § 237(c) and 238
§ 128:10	Affidavit in Support of Motion for an Order Pursuant to NY Dom Rel Law § 245 Holding Defendant in Contempt; for a Money Judgment for Arrears of Pendente Lite Support Pursuant to NY Dom Rel Law § 244; for Counsel Fees Pursuant to NY Dom Rel Law § 237(c) and 238
§ 128:11	Post-Judgment Order to Show Cause for an Order Pursuant to NY Dom Rel Law § 245 and NY Jud Law § 756 Holding Defendant in Contempt and for a Money Judgment Pursuant to NY Dom Rel Law § 244; for a Judgment Against Employer Pursuant to NY CPLR Rule 5241 for Accrued Deductions and Directing Compliance with Income Execution; Pursuant to NY Dom Rel Law § 243 Sequestering Defendant's Stocks; and for Counsel Fees Pursuant to NY Dom Rel Law § 237
§ 128:12	Affidavit in Support of the Motion for an Order Pursuant to NY Dom Rel Law § 245 and NY Jud Law § 756 Holding Defendant in Contempt and for a Money Judgment Pursuant to NY Dom Rel Law § 244; for a Judgment Against Employer Pursuant to NY CPLR Rule 5241 for Accrued Deductions and Directing Compliance with Income Execution; Pursuant to NY Dom Rel Law § 243 Sequestering Defendant's Stocks; and for Counsel Fees Pursuant to NY Dom Rel Law § 237

- § 128:13 Attorney's Affirmation in Opposition to Motion for
an Order Holding Defendant in Contempt
- § 128:14 Supplemental Affidavit in Support of Motion for
Order Holding Defendant in Contempt—Request
for Expedited Hearing
- § 128:15 Contempt Order Providing for Commitment Entered
After Hearing
- § 128:16 Contempt Order Directing Fine, Imprisonment,
Money Judgment, Purging Provisions, Security and
Counsel Fees
- § 128:17 Contempt Order—Directing Fine, Imprisonment,
Purging Provision

CHAPTER 129. RELIEF FROM CONTEMPT

- § 129:1 Defense and Relief from Contempt—In General
- § 129:2 Affidavit of Defendant Under NY Dom Rel Law
§ 246(1) as to Financial Inability to Pay
Maintenance
- § 129:3 Affidavit Under NY Dom Rel Law § 246(1) in Sup-
port of Motion to be Relieved From Contempt Or-
der for Nonpayment of Maintenance—Another
Form
- § 129:4 Order to Show Cause on Application Under NY Dom
Rel Law § 246(1) to be Relieved of Contempt Order
- § 129:5 Order to Show Cause—Another Form
- § 129:6 Order Under NY Dom Rel Law § 246(1) Discharging
Defendant From Imprisonment
- § 129:7 Order Denying Motion Under NY Dom Rel Law
§ 246(1) to Relieve Defendant From Contempt Or-
der and From Payment of Maintenance
- § 129:8 Affidavit of Plaintiff Under NY Dom Rel Law
§ 246(2) as to Renewed Financial Ability of
Defendant to Pay Maintenance
- § 129:9 Order Under NY Dom Rel Law § 246(2) Modifying
or Revoking Order Relieving Defendant From Pay-
ments of Maintenance
- § 129:10 Answering Affidavit of Defendant Under NY Dom
Rel Law § 246(3) in Opposition to Motion to Punish
for Contempt
- § 129:11 Order Denying Motion to Punish for Contempt and
Granting Cross-Motion Under NY Dom Rel Law
§ 246 Striking Out Provisions for Maintenance
- § 129:12 Notice of Cross-Motion for Order Pursuant to NY
Dom Rel Law § 246 Terminating or Modifying
Pendente Lite Support Order
- § 129:13 Affirmation in Opposition to Motion for Warrant of
Commitment and Counsel Fees and in Support of
Cross-Motion for Relief Under Dom Rel Law § 246
- § 129:14 Reply Affirmation on Motion for Warrant of
Commitment

TABLE OF CONTENTS

- § 129:15 Reply Affidavit on Motion Seeking Stay of Warrant of Commitment
- § 129:16 “So Ordered” Stipulation Providing for Release From Prison of Defendant Held in Contempt on Condition Monthly Payments of Fine are Made and Providing for His Re-Arrest Upon Default
- § 129:17 Affirmation in Support of Request for Arrest of Defendant for Violation of Stipulated Release from Confinement

CHAPTER 130. SPECIFIC ENFORCEMENT OF STIPULATION

- § 130:1 Specific Enforcement of Stipulation by Post Judgment Motion—In General
- § 130:2 Order to Show Cause for an Order Specifically Enforcing Stipulation of Settlement Incorporated in Divorce Judgment Which Requires Husband to Obtain Jewish Divorce, Execute Mortgage and Provide Proof of Life Insurance, and for Contempt and Counsel Fees
- § 130:3 Affidavit in Support of Motion for an Order Specifically Enforcing Stipulation of Settlement Incorporated in Divorce Judgment Which Requires Husband to Obtain Jewish Divorce, Execute Mortgage and Provide Proof of Life Insurance, and for Contempt and Counsel Fees
- § 130:4 Affidavit in Support of Motion Pursuant to NY Jud Law § 753 to Hold in Contempt for Refusal to Comply with Stipulation Incorporated in Judgment to Divorce; Pursuant to NY Dom Rel Law § 244 for a Money Judgment for Arrears; Pursuant to NY Dom Rel Law § 237(c) and 238 for Counsel Fees; Specifically Compelling Compliance with Stipulation

CHAPTER 131. ENFORCEMENT OF SISTER-STATE AND FOREIGN COUNTRY JUDGMENTS

- § 131:1 Registration of foreign support orders: The Uniform Interstate Family Support Act—In general
- § 131:2 Child support enforcement transmittal #1 initial request
- § 131:3 Child support enforcement transmittal #2 subsequent actions
- § 131:4 Child support enforcement transmittal #3 request for assistance/discovery
- § 131:5 Uniform support petition
- § 131:6 General testimony
- § 131:7 Affidavit in support of establishment of paternity

- § 131:8 Locate data sheet
- § 131:9 Notice of determination of controlling order
- § 131:10 Registration statement
- § 131:11 Electronic testimony application
- § 131:12 Notice of registration of out-of-state support order
- § 131:13 Petition to vacate registration of out-of-state support order
- § 131:14 Order on petition to vacate registration of out-of-state support order

CHAPTER 132. COUNSEL FEES IN ENFORCEMENT PROCEEDINGS

- § 132:1 Counsel Fees in Enforcement Proceedings—In General
- § 132:2 Affirmation in Support of Application Pursuant to Dom Rel Law § 237(c) and 238 for Counsel Fees to Collect Arrears and Enforce Judgment of Divorce Submitted with Motion for Contempt

CHAPTER 132A. BANKRUPTCY AND THE AUTOMATIC STAY

- § 132A:1 Bankruptcy and The Automatic stay—In General
- § 132A:2 11 U.S.C. § 362(b)(2)—Automatic Stay—Former and Current Statute
- § 132A:3 11 U.S.C. § 523(a)(5)—Exception to discharge—Former and Current Statute
- § 132A:4 11 U.S.C. § 523(a)(15)—Exception to discharge—Former and current Statute
- § 132A:5 Jurisdiction of the Bankruptcy Courts
- § 132A:6 Concurrent Jurisdiction
- § 132A:7 Federal Court Abstention—Rooker-Feldman doctrine
- § 132A:8 11 U.S.C. § 523(a)(5)—Domestic Support Obligation
- § 132A:9 — —Nature of the obligation
- § 132A:10 — —Counsel Fees
- § 132A:11 11 U.S.C. § 523(a)(15)
- § 132A:12 Debt in conjunction with a division of property
- § 132A:13 Automatic Stay—11 USC § 362(a)
- § 132A:14 —Exceptions
- § 132A:15 Motion for Relief from Automatic Stay—Rule 9014
- § 132A:16 Service of the motion—Federal Rules of Bankruptcy Procedure Rule 9006(d) and Rule 7004
- § 132A:17 Service of response
- § 132A:18 Service of Motion for Relief from Automatic Stay—

TABLE OF CONTENTS

	Federal Rules of Bankruptcy Procedure Rule 7004
§ 132A:19	Relief from Stay without prior notice—Federal Rules of Bankruptcy Procedure—Rule 4001(a)(2)
§ 132A:20	Relief from the automatic stay—11 USC §§ 362(b)(2)(B) and (C), and 11 USC § 362(d)(1)
§ 132A:21	Filing Fee
§ 132A:22	Preliminary Hearing—11 USC § 362
§ 132A:23	Order Granting Relief from Stay
§ 132A:24	Caption Official Form 416A
§ 132A:25	Caption Official Form 416B
§ 132A:26	Instructions 420A. Notice of Motion or Objection—Instructions
§ 132A:27	Form 2500A. Summons in an Adversary Proceeding
§ 132A:28	Form 2500B. Summons and Notice of Pretrial Conference in an Adversary Proceeding
§ 132A:29	Form 2500B. Summons and Notice of Pretrial Conference in an Adversary Proceeding
§ 132A:30	Certificate of service WDNY
§ 132A:31	Certificate of Service—Another Form
§ 132A:32	Appearance Child Support Creditor B2810 EDNY
§ 132A:33	Notice of appearance By attorney Fed. R. Bankr. P. 9010(b)
§ 132A:34	Bankruptcy Official Form notice of motion B420a
§ 132A:35	EDNY Pro Se Order to Show Cause
§ 132A:36	EDNY Notice—Motion, Application, Certification of Service—(Adversary-Brooklyn)
§ 132A:37	Application in Support of Motion for authority to collect support
§ 132A:38	Application in Support of motion for relief from automatic stay
§ 132A:39	Complaint to Determine that Debt is Not Dischargeable—11 USC § 523(a)(5)
§ 132A:40	Complaint to Determine dischargeability of debts

PART V. MODIFICATION OF ORDERS AND JUDGMENTS

CHAPTER 133. MODIFICATION OF MAINTENANCE

§ 133:1	Modification of Maintenance Provisions—In General
§ 133:2	Order to Show Cause in Support of Motion to Modify Judgment or Order [Generic]
§ 133:3	Affidavit in Support of Application to Modify Judgment or Order [Generic]

- § 133:4 Order to Show Cause in Support of Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify Divorce Judgment Based on Inability to be Self-Supporting
- § 133:5 Affidavit in Support of the Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify Divorce Judgment Based on Inability to be Self-Supporting
- § 133:6 Order to Show Cause in Support of Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify the Judgment of Divorce to Increase the Maintenance Awarded After a Trial [Substantial Change of Circumstances]
- § 133:7 Affidavit in Support of Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify the Judgment of Divorce to Increase the Maintenance Awarded After a Trial [Substantial Change of Circumstances]
- § 133:8 Order to Show Cause in Support of Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify the Judgment of Divorce to Reduce the Maintenance Awarded After a Trial [Substantial Change of Circumstances]
- § 133:9 Affidavit in Support of Motion Pursuant to NY Dom Rel Law § 236(B)(9)(b) to Modify the Judgment of Divorce to Reduce the Maintenance Awarded After a Trial [Substantial Change of Circumstances]

CHAPTER 134. MODIFICATION OF CHILD SUPPORT

- § 134:1 Modification of Child Support Judgments and Orders—In General
- § 134:2 Modification of Child Support Judgments and Orders; Relevance of *Boden v. Boden*—Important Instructions for Forms in this chapter
- § 134:3 Order to Show Cause in Support of Application to Modify Judgment of Divorce, Increase Child Support (Surviving Separation Agreement)
- § 134:4 Affidavit in Support of Application to Modify Judgment of Divorce, Increase Child Support (Surviving Separation Agreement)
- § 134:5 Order to Show Cause in support of motion for Modification of Child Support with right to reply
- § 134:6 Affidavit in Support of Motion in support of motion for Upward Modification of Child Support
- § 134:7 Affirmation in Support of Motion in support of motion for Upward Modification of Child Support
- § 134:8 Affidavit in Support of Motion in support of motion for downward Modification of Child Support
- § 134:9 Agreement Provision for Opting-out of LISOPIA Modification Provisions
- § 134:10 Eight point bold type notice for child support order pursuant to Domestic Relations Law § 236 [B][7][d]

TABLE OF CONTENTS

**CHAPTER 135. MODIFICATION OF
JUDGMENT BY AGREEMENT**

- § 135:1 Modification of Judgment by Agreement—In General
- § 135:2 Stipulation Providing for Modification of Findings
and Judgment
- § 135:3 Order Modifying Findings and Judgment
- § 135:4 Order Modifying Support Provisions of Judgment of
Divorce—On Stipulation
- § 135:5 Order Modifying Custody and Support Provisions of
Judgment of Divorce After Hearing

**CHAPTER 136. MODIFICATION OF
MAINTENANCE—REMARRIAGE**

- § 136:1 Modification of Maintenance Upon Party's
Remarriage
- § 136:2 Notice of Motion for Modification of Judgment on
Remarriage of Wife
- § 136:3 Affidavit in Support of Motion for Modification of
Judgment on Remarriage of Wife
- § 136:4 Order Modifying Judgment by Striking Out
Maintenance Award—After Remarriage of Wife

**CHAPTER 137. MODIFICATION OF
MAINTENANCE—COHABITATION**

- § 137:1 Modification of Maintenance Upon Party's
Cohabitation with Another—In General
- § 137:2 Order to Show Cause on Application for Modification
of Judgment as to Maintenance Upon the Ground of
Cohabitation of Wife
- § 137:3 Affidavit of Defendant in Support of Application for
Modification of Judgment as to Maintenance Upon
the Ground of Cohabitation of Wife
- § 137:4 —Another Form
- § 137:5 Affidavit in Support of Application for Modification of
Judgment as to Maintenance Upon the Ground of
Cohabitation of Wife
- § 137:6 Order Modifying Judgment by Striking Maintenance
Award

**CHAPTER 138. COUNSEL FEES AND
EXPENSES IN CUSTODY AND
MODIFICATION PROCEEDINGS UNDER N.Y.
Dom. Rel. Law § 238**

- § 138:1 Counsel Fees in a Modification or Custody
Proceeding—In General

PART VI. APPELLATE PRACTICE

CHAPTER 139. TAKING AN APPEAL TO THE APPELLATE DIVISION

- § 139:1 Appeals to the Appellate Division; Comment
- § 139:2 Appeals to the appellate division; generally—
Notice of appeal
- § 139:3 Initial filing of notice of appeal and informational
statement—Practice Rules of the Appellate
Division
- § 139:4 —Local Rules—Appellate Division, Second
Department
- § 139:5 — —Appellate Division, Fourth Department
- § 139:6 General provisions and definitions—Practice
Rules of the Appellate Division
- § 139:7 —Local Rules—Appellate Division, First
Department
- § 139:8 — —Appellate Division, Second Department
- § 139:9 — —Appellate Division, Third Department
- § 139:10 — —Appellate Division, Fourth Department
- § 139:10.50 Active management of causes; settlement or
mediation program—Practice Rules of the
Appellate Division
- § 139:11 —Practice Rules of the Appellate Division
- § 139:12 —Local Rules Appellate Division, First
Department
- § 139:13 —Local Rules Appellate Division, Second
Department
- § 139:14 Active Management of Causes; Settlement or
Mediation Program—Local Rules Appellate
Division, Fourth Department
- § 139:15 Notice of Appeal From All or Part of Judgment or
Order (Generic)
- § 139:16 Notice of Appeal Limited to Part of Order or
Judgment (Generic)
- § 139:17 Notice of Cross-Appeal From All or Part of
Judgment or Order (Generic)
- § 139:18 Notice of Appeal—First Department—From
Order Which Denied Motion for Modification of
Custody
- § 139:19 — —From Judgment Which Granted Divorce and
Awarded Support and Equitable Distribution
- § 139:20 Notice of Appeal from Order or Judgment—
Second Department (Generic)
- § 139:21 Notice of Appeal—Second Department—Limited
Notice of Appeal from Judgment Which Granted
a Divorce After Trial

TABLE OF CONTENTS

§ 139:22	Notice of Cross-Appeal—Second Department— Limited Notice of Appeal from Denial of Summary Judgment
§ 139:23	Notice of Appeal—Third Department—From Entire Order or Judgment (Generic)
§ 139:24	—Fourth Department—Appeal from Portion of Judgment Affecting Custody
§ 139:25	First Department Informational Statement
§ 139:26	First Department Summary of Statement on Application
§ 139:27	Second Department informational statement
§ 139:28	Second Department instructions for Informational Statement
§ 139:29	Third Department Initial Informational Statement
§ 139:30	Appellate Division, First Department, Supreme Court, Instructions and Forms for a Motion for Poor Person Relief
§ 139:31	Appellate Division, First Department, Notice of Motion for Poor Person Relief and Transcript
§ 139:32	Appellate Division, First Department, Affidavit in Support of Motion to Proceed as Poor Person
§ 139:33	Appellate Division, First Department, Family Court, Instructions and Forms for a Motion for Poor Person Relief, Assignment of Counsel and a Free copy of the transcript
§ 139:34	Appellate Division, First Department, Notice of Motion for Poor Person Relief, Counsel and Transcript
§ 139:35	Appellate Division, First Department, Affidavit in Support of Motion to Proceed as Poor Person

CHAPTER 140. STAY OF ORDER OR JUDGMENT PENDING APPEAL BY POSTING SECURITY

§ 140:1	Stay of order or judgment pending appeal by posting security—In General
§ 140:2	Certificate of Country Clerk that Cash was Deposited as Undertaking (Generic)
§ 140:3	Notice of Filing Undertaking by Deposit (Generic)
§ 140:4	Undertaking (Generic)
§ 140:5	Affidavit of Worth in Connection with Lien-Real Property as Undertaking
§ 140:6	Notice of motion pursuant to CPLR 5519(c) to vacate automatic stay obtained pursuant to CPLR 5519 (a)(2)
§ 140:7	Affirmation in support of motion pursuant to CPLR 5519(c) to vacate automatic stay obtained pursuant to CPLR 5519 (a)(2)

CHAPTER 140A. ELECTRONIC FILING IN THE APPELLATE DIVISION

- § 140A:1 Electronic filing—In general—Matrimonial actions
- § 140A:2 Taking appeal as of right—Service and Filing notice of appeal
- § 140A:3 Taking appeal as of Right—Service and Filing notice of appeal—Electronic Filing
- § 140A:3.50 Time to take an appeal as of Right from Family Court—Electronic Filing
- § 140A:4 Electronic filing—Taking appeal—Enter required information at appellate division and request a docket number
- § 140A:5 — —Serve notification of docket number
- § 140A:6 —Taking appeal entry of information by respondent
- § 140A:7 —Taking appeal attorneys who do not respond are deemed served
- § 140A:8 Definitions—Statewide rules of the appellate division
- § 140A:9 User must obtain id and password and register
- § 140A:10 Appeals or transferred matters—Entry of Initial Information
- § 140A:11 —Service of notice of appellate case or docket number
- § 140A:12 Original proceedings—Commencement by electronic filing
- § 140A:13 Entry of information by respondents and other parties
- § 140A:14 Designation of other persons and electronic filing agents
- § 140A:15 Designation of an electronic filing agent
- § 140A:16 Exemptions of certain persons from electronic filing—Personal exemptions
- § 140A:17 Notice of hard copy filing of document e-filed
- § 140A:18 Entry of Information the other parties
- § 140A:19 Voluntary participation by unrepresented litigant
- § 140A:20 Withdrawal of consent by unrepresented litigant
- § 140A:21 Electronic filing and service of documents
- § 140A:22 —Site instructions
- § 140A:23 Formatting—Attachment A to the electronic filing rules of the appellate division
- § 140A:24 —General
- § 140A:25 Format of electronically filed motion papers in the appellate division
- § 140A:26 Bookmarking—In General
- § 140A:27 Bookmarking a document in adobe acrobat

TABLE OF CONTENTS

§ 140A:28	Bookmarking motion papers in the appellate division
§ 140A:29	Hard copy filing and service—Filing of additional hard copies of briefs, records, papers
§ 140A:30	—Filing of unbound copy of documents by exempt attorneys and exempt litigants
§ 140A:31	—Motions and applications seeking emergency relief
§ 140A:32	—Technical failure hard copy filing
§ 140A:33	Timeliness of filing and service of documents
§ 140A:34	Timeliness of filing and service—Notice to e-filers of e-filed documents
§ 140A:35	—Rejection e-filed document by the clerk
§ 140A:36	—Hard copy filing or service
§ 140A:37	Confidentiality; sealed documents; redaction
§ 140A:38	Authorized record; scanning of documents by clerk
§ 140A:39	Rejection of non-compliant documents; modification of electronic filing procedures
§ 140A:40	Local rules regarding electronic filing—Appellate division, first department—Formatting specifications
§ 140A:41	Local Rules Regarding electronic filing—Appellate Division, First Department- Motion Formatting
§ 140A:42	Local rules regarding electronic filing—Appellate division, first department—Formatting specifications and guidelines for electronically filed documents
§ 140A:43	—Appellate division, second judicial department technical guidelines
§ 140A:44	Local rules regarding electronic filing Appellate Division, third judicial department technical guidelines
§ 140A:45	Local rules regarding electronic filing—Appellate division, fourth department
§ 140A:46	—Appellate division fourth department—Entry of initial information for electronic filing—Application for assigned counsel
§ 140A:47	— — —Engagement of counsel
§ 140A:48	— — —Effect of failure to enter initial information
§ 140A:49	— — —Perfecting a family court appeal—Service of notice of appellate docket number
§ 140A:50	— — —Appendix
§ 140A:51	— — —Perfection upon electronic filing
§ 140A:52	— — —Voluntary filing of digital transcript
§ 140A:53	— — —Hard copy filing; transcripts

- § 140A:54 — — —Respondent on Appeal
- § 140A:55 — — —Motions and applications
- § 140A:56 Appellate Division Electronic Filing Forms
- § 140A:57 Guide to E-filing an Appeal as of Right to the
Appellate Division

CHAPTER 140B. ELECTRONIC FILING IN MATRIMONIAL ACTIONS

- § 140B:1 Electronic filing—In general
- § 140B:2 —Consensual e-filing in matrimonial actions
- § 140B:3 — —Forensic evaluations may not be efiled
- § 140B:4 —Matrimonial post-judgment applications
- § 140B:5 —Definitions—Statewide rules of the appellate
division
- § 140B:6 User must obtain ID and Password
- § 140B:7 User must be registered
- § 140B:8 Commencement of electronically filed action—
Consent not required for commencement
- § 140B:9 Consent of the defendant required to participate
- § 140B:10 Requirement of recording consent
- § 140B:11 Multiple attorneys may Be listed as counsel
- § 140B:12 Unrepresented litigant is exempt
- § 140B:13 Jurisdiction must be acquired when action
commenced
- § 140B:14 Service of notice regarding availability of
electronic filing
- § 140B:15 Electronic confirmation of service
- § 140B:16 Service of papers by filing in a NYSCEF case
- § 140B:17 Proof of service
- § 140B:18 Time to respond to an e-served document
- § 140B:19 E-filing before consent recorded
- § 140B:20 Addition of parties in a pending e-filed action
- § 140B:21 Signing papers
- § 140B:22 E-mail service address for interlocutory documents
- § 140B:23 Service of interlocutory papers by e-filing
- § 140B:24 Prior e-filed papers need not be included in motion
papers
- § 140B:25 Party must serve notice of entry of order or
judgment
- § 140B:26 Conversion to e-filing
- § 140B:27 No electronic filing of discovery materials
- § 140B:28 Removal of consent or representation
- § 140B:29 Technical failures of NYSCEF
- § 140B:30 Electronic filing—Requirement of electronic filing
in e-file case. Format of e-filed documents—
NYSCEF requirements
- § 140B:31 —Filing agent must file statement of authorization

TABLE OF CONTENTS

§ 140B:32	—Emergency exception; other hard copy filings
§ 140B:33	—Notice required on hard copy filing
§ 140B:34	—Payment of fees for electronically filed documents that require a filing fee
§ 140B:35	—Date of Filing of documents other than order or judgment
§ 140B:36	—Notification of electronic filing of document
§ 140B:37	—Correction of confidential or erroneously filed documents.
§ 140B:38	—Electronic recording of record is the official record
§ 140B:39	—Hard copy filing of exhibits and other documents
§ 140B:40	Working copies
§ 140B:41	Copyright, confidentiality and other proprietary rights
§ 140B:42	Public view of documents containing social security numbers
§ 140B:43	Electronic filing—Decisions, orders, and judgments
§ 140B:44	Efiling and service is mandatory unless there is an emergency
§ 140B:45	Removal of attorney representation—22 NYCRR § 202.16-c
§ 140B:46	Settlement of trial transcripts for appeal
§ 140B:47	Supreme Court Electronic Filing Forms (used in all counties, unless noted otherwise)

CHAPTER 140C. APPELLATE DIVISION DIGITAL SUBMISSION PORTAL FOR THE ELECTRONIC DELIVERY OF DOCUMENTS

§ 140C:1	First department
§ 140C:2	Second department
§ 140C:3	Third department
§ 140C:4	Fourth department

CHAPTER 140D. SUPREME COURT ELECTRONIC FILING PROTOCOLS

§ 140D:1	Introduction
§ 140D:2	1st Judicial District
§ 140D:3	2d Judicial District
§ 140D:4	3rd Judicial District and 4th Judicial District
§ 140D:5	5th Judicial District
§ 140D:6	6th Judicial District
§ 140D:7	7th Judicial District
§ 140D:8	8th Judicial District
§ 140D:9	9th Judicial District
§ 140D:10	10th Judicial District

- § 140D:11 11th Judicial District
- § 140D:12 12th Judicial District and 13th Judicial District

CHAPTER 140E. NEW YORK COUNTY PROCEDURAL PROTOCOLS

- § 140E:1 Procedure I—Commencement of Cases
- § 140E:2 Procedure IA—RJIs and Assignments
- § 140E:3 Procedure II—Motions and Special Proceedings by
Notice of Motion/Petition
- § 140E:4 Procedure III—Ex Parte Applications, Orders to
Show Cause, and Other Applications
- § 140E:5 Procedure VIII—Trials
- § 140E:6 Procedure XI—County Clerk Litigation Functions

CHAPTER 140F. ELECTRONIC DOCUMENT DELIVERY SYSTEM

- § 140F:1 Electronic Document Delivery System
- § 140F:2 Electronic Document Delivery System User Manual
- § 140F:3 Electric Document Deliver System Frequently
Asked Questions
- § 140F:4 Electric Document Deliver System User Manual
- § 140F:5 Electric Document Deliver System: Supreme
Court—Civil User Guide for Document Submitters
- § 140F:6 Electric Document Deliver System Family Court
User Guide for Document Submitters
- § 140F:7 eNotify Document Portal User Guide for email
Recipients
- § 140F:8 Links to Electronic Document Delivery Portals

CHAPTER 141. APPELLATE MOTION PRACTICE—IN GENERAL

- § 141:1 In General—Practice Rules of the Appellate
Division
- § 141:2 Motions or applications which include requests
for interim relief—Practice Rules of the
Appellate Division
- § 141:3 —Local Rules—Appellate Division, First
Department
- § 141:4 — —Appellate Division, Second Department
- § 141:5 — —Appellate Division, Third Department
- § 141:6 — —Appellate Division, Fourth Department
- § 141:7 Motion for permission to appeal to the Appellate
Division in a Civil Matter—Practice Rules of the
Appellate Division
- § 141:8 Motion for poor person relief (Motion to waive
costs fees and expenses)—Practice Rules of the
Appellate Division

TABLE OF CONTENTS

§ 141:9	Motion for leave to file amicus curiae brief— Practice Rules of the Appellate Division
§ 141:10	Withdrawal of motion, Appeal or Proceeding— Practice Rules of the Appellate Division
§ 141:10.50	Letter to Clerk of Appellate Division withdrawing unperfected appeal (22 NYCRR 1250.2(b)(2))
§ 141:11	Withdrawal of motion, Appeal or Proceeding— Local Rules—Appellate Division, Second Department
§ 141:12	Order to Show Cause—Third Department
§ 141:12.10	Instructions for All Purpose Motion; Third Department
§ 141:12.20	Affirmation of Personal Service
§ 141:13	Summary Statement of Application for Expedited Service and / or Interim Relief—First Department
§ 141:14	Notice of Motion—Second Department
§ 141:15	Instructions for Notice of Motion—Second Department
§ 141:16	Order to Show Cause—Second Department
§ 141:17	Instructions for Order to Show Cause—Second Department
§ 141:18	Informational Statement
§ 141:19	Instructions for Informational Statement
§ 141:20	Appellate Division Frequently Asked Motion Questions
§ 141:21	Notice of motion for leave to appeal; FCA 1112
§ 141:22	Attorney affirmation in support of motion for leave to appeal; FCA 1112
§ 141:23	Client affirmation incorporating attorney's affirmation; FCA 1112

CHAPTER 141A. REVIEW OF EX PARTE ORDERS UNDER CPLR 5704

§ 141A:1	Review of ex parte orders under CPLR 5704—In general
§ 141A:2	Order made without notice
§ 141A:3	Order Appealable as of right to the Appellate Division
§ 141A:4	Order appealable by permission
§ 141A:5	No appeal
§ 141A:6	CPLR 5704(a) requires unusual circumstances
§ 141A:7	No adverse party
§ 141A:8	Second Department
§ 141A:9	Third Department
§ 141A:10	Fourth Department
§ 141A:11	Refusal to sign Order to show cause

- § 141A:12 First Department
- § 141A:13 Third Department
- § 141A:14 Conversion of Notice of appeal to CPLR 5704 application.
- § 141A:15 Practice rules of the Appellate Division
- § 141A:16 —First department local rules
- § 141A:17 —Second department local rules
- § 141A:18 —Third Department Local Rules
- § 141A:19 —Fourth Department Local Rules
- § 141A:20 Order to Show Cause Second Department CPLR 5704
- § 141A:21 Affirmation of service CPLR 5704 notice
- § 141A:22 Attorney affirmation second department CPLR 5704
- § 141A:23 Client affirmation second department CPLR 5704
- § 141A:24 Affirmation of Service CPLR 5704 Notice

CHAPTER 142. MOTION FOR STAY AND OTHER RELIEF PENDING APPEAL

- § 142:1 Motion for Stay of Order or Judgment Pending Appeal; Generally
- § 142:2 Motion for stay of order or judgment pending appeal; Generally
- § 142:3 Concurrent appeals from a single order or judgment—Practice Rules of the Appellate Division
- § 142:4 Appeals from multiple orders or judgments—Practice Rules of the Appellate Division
- § 142:5 Joint record. Timetable for service of briefs. Requirement of consultation—Practice Rules of the Appellate Division
- § 142:6 Order to Show Cause in Support of Motion for an Order Consolidating Appeals from Orders and Judgments After Trial and for Stay of Enforcement, Operation and Effect of Maintenance, Counsel Fee, Money Judgment and Sale Provisions of Orders and Judgments [NY CPLR Rule 5519(c)]
- § 142:7 Affirmation in Support in Support of Motion for an Order Consolidating Appeals from Orders and Judgments After Trial and for Stay of Enforcement, Operation and Effect of Maintenance, Counsel Fee, Money Judgment and Sale Provisions of Orders and Judgments [CPLR 5519(c)]
- § 142:8 Affidavit in Support of Motion for Stay Affirming Attorney's Affirmation
- § 142:9 Order to Show Cause Upon Application Pursuant

TABLE OF CONTENTS

	to NY CPLR Rule 5519(c) for a Stay, a Preference and to Prosecute Appeal on Reduced Number of Copies of Record and Brief
§ 142:10	Affirmation in Support of Motion Pursuant to NY CPLR Rule 5519(c) for a Stay
§ 142:11	Affirmation in Support of Motion on Appeal to Stay Enforcement Operation and Effect of Trial Court Order
§ 142:12	Notice of Motion for a Stay and a Preference, on Appeal from Custody Order
§ 142:12.50	Motion to waive costs, fees, expenses on a Transferred Proceeding with Instructions
§ 142:13	Affirmation in Support of Cross-Motion to Grant a Preference and Varying Rules for the Filing of the Record
§ 142:14	Affirmation in Support of Motion for a Stay and a Preference, on Appeal from Custody
§ 142:15	Attorney's Affidavit in Support of Application for Stay Pending Appeal
§ 142:16	Order to Show Cause—Seeking a Stay and Requesting Permission to Proceed as a Poor Person (Motion to waive costs, fees and expenses)
§ 142:17	Affidavit in Support of Order to Show Cause Seeking a Stay and Requesting Permission to Proceed as a Poor Person (Motion to waive costs, fees and expenses)
§ 142:18	Affirmation in Support of Motion for Stay
§ 142:19	Affidavit in Support of Application for Order Staying Pendente Lite Trial Court Order
§ 142:20	Notice of motion pursuant to 22 NYCRR § 1250.15(A)(2), granting appeal a preference
§ 142:21	Affirmation in support of motion pursuant to 22 NYCRR § 1250.15(A)(2), granting appeal a preference

CHAPTER 143. MOTION FOR STAY OF TRIAL

§ 143:1	Order to Show Cause in Support of Motion for a Stay of Trial Pending Hearing and Determination of Appeals
§ 143:2	Affirmation in Support of Motion for a Stay of Trial Pending Hearing and Determination of Appeals
§ 143:3	Notice of Motion for an Order Staying Trial of Matrimonial Action Pending Hearing and Determination of Appeal
§ 143:4	Notice of motion for stay of trial pending CPLR 5704(a) review

- § 143:5 Affirmation in support of motion for stay of trial pending CPLR 5704(a) review

CHAPTER 144. MOTION FOR POOR PERSON RELIEF (MOTION TO WAIVE COSTS, FEES AND EXPENSES)

- § 144:1 Order to Show Cause for Leave to Prosecute an Appeal as a Poor Person Pursuant to CPLR 1101 (Motion to waive costs, fees and expenses)
- § 144:2 Affidavit in Support of Motion for Leave to Prosecute an Appeal as a Poor Person [CPLR 1101] (Motion to waive costs, fees and expenses)
- § 144:3 Attorney's Affirmation in Support of Motion for Leave to Prosecute an Appeal as a Poor Person [CPLR 1101] (Motion to waive costs, fees and expenses)
- § 144:4 Official Form—General Poor Person Application with Instructions (Third Department) (Motion to waive costs, fees and expenses)

CHAPTER 145. ADJOURNMENTS AND ENLARGEMENTS OF TIME TO PERFECT APPEAL

- § 145:1 Adjournments and Enlargements of time—By initial stipulation or application—Practice Rules of the Appellate Division
- § 145:2 —Local Rules—Appellate Division, Second Department
- § 145:3 — —Appellate Division, Third Department
- § 145:4 Calendar Preference or Adjournment; Calendar Notice; Oral Argument; Post-Argument Submissions—Local Rules—Appellate Division, Fourth Department
- § 145:5 Stipulation of Adjournment of Time to Perfect Appeal Settling Motion for Enlargement of Time to Perfect Appeal (Second Department)
- § 145:6 Stipulation Extending Time to Serve Brief in Reply and in Opposition to Cross Appeal (Second Department)
- § 145:7 Stipulation Extending Time to Perfect Appeal Pending Determination of Motion to Enlarge Time to Perfect Appeal (Second Department)
- § 145:8 Notice of Motion to Extend Time to Perfect Appeal Because Transcripts Not Yet Received From Court Reporter (Second Department)
- § 145:9 Affirmation in Support of Motion to Extend Time to Perfect Appeal From Financial Provisions of Judgment Because Transcripts Not Received (Second Department)

TABLE OF CONTENTS

§ 145:10	Affidavit in Support of Motion for an Order Enlarging Time to Perfect Appeal From Judgment After Trial Because of Settlement Negotiations (Second Department)
§ 145:11	Attorneys Affirmation in Support of Motion for an Order Enlarging Time to Perfect Appeal From Judgment After Trial Because of Settlement Negotiations (Second Department)
§ 145:12	Stipulation Adjourning Motion for Enlargement of Time to Perfect Appeal (Second Department)
§ 145:13	Stipulation Extending Time to Serve and File Appellant's Reply Brief (Third Department)
§ 145:14	Notice of Motion for Extension of Time to Perfect Appeal From Divorce Judgment on Grounds That There is Not Enough Time for New Counsel (Third Department)
§ 145:15	Affirmation in Support of Motion for Extension of Time to Perfect Appeal from Divorce Judgment on Grounds That There is Not Enough Time for New Counsel (Third Department)
§ 145:16	Order to Show Cause for Order Enlarging Time to Perfect Appeal on Grounds That Parties Have So Stipulated
§ 145:17	Affirmation in Support of Motion for an Order Enlarging Time to Perfect Appeal on Grounds That Parties Have So Stipulated
§ 145:18	Stipulation Enlarging Time to Perfect Appeal and Continuing Stay
§ 145:19	Letter to clerk by appellant requesting 60-day extension of time to perfect appeal
§ 145:20	Letter
§ 145:21	Letter pursuant to 22 NYCRR 1250.9 (h) requesting permission to file an oversized brief
§ 145:21.50	Another Form Oversized Brief Request
§ 145:22	Notice of motion to extend time to perfect appeal (Fourth Department)
§ 145:23	Notice of motion by respondent pursuant to 22 NYCRR § 600.11(a)(3) to extend time to perfect appeal where appellant does not perfect appeal (First Department)
§ 145:24	Affirmation in support of motion by respondent to extend time to perfect appeal where appellant does not perfect appeal (First Department)

CHAPTER 146. DISMISSAL OF APPEAL FOR FAILURE TO PROSECUTE

§ 146:1	Dismissal of appeal for failure to prosecute—Civil matters. Six month Rule—Practice Rules of the Appellate Division
---------	---

- § 146:2 Motion to vacate dismissal—Practice Rules of the Appellate Division
- § 146:2.10 Notice of motion to vacate dismissal of cross-appeal
- § 146:2.20 Affidavit in support of motion to vacate dismissal of cross-appeal
- § 146:2.30 Affirmation in support of motion to vacate dismissal of cross-appeal
- § 146:3 Notice of Cross-Motion to Dismiss Appeal for Failure to Timely Prosecute Appeal Pursuant to Prior Order of the Appellate Division
- § 146:4 Notice of Motion to Dismiss Cross-Appeal Failure to Pay
- § 146:5 Affirmation in Support of Notice of Motion to Dismiss Cross-Appeal Failure to Pay

CHAPTER 147. SETTLEMENT OF TRANSCRIPT—MOTION TO COMPEL

- § 147:1 Notice of Motion for an Order Removing Appeal From the Calendar of the Court Until Such Time as Appellant Settles Transcript
- § 147:2 Affirmation in Support of Motion for an Order Removing Appeal From the Calendar of the Court Until Such Time as Appellant Settles Transcript

CHAPTER 148. PERFECTING THE APPEAL—SETTLEMENT OF TRANSCRIPT AND PREPARATION OF THE RECORD AND BRIEFS

- § 148:1 Perfecting an Appeal—In General
- § 148:2 Perfecting the appeal—In general
- § 148:3 Appeals governed by Civil Practice Law and Rules, Practice Rules of the Appellate /Division and Local Rules
- § 148:4 General provisions and definitions—Local Rules—Appellate Division, First Department
- § 148:5 — —Appellate Division, Second Department
- § 148:6 Appellate Division Notice of Appearance
- § 148:7 General provisions and definitions—Local Rules—Appellate Division, Third Department
- § 148:8 — —Appellate Division, Fourth Department
- § 148:9 Methods of perfecting appeal—Practice Rules of Appellate Division
- § 148:10 —Local Rules—Appellate Division, Third Department
- § 148:11 Form and content of records and appendices—Civil Practice Law and Rules

TABLE OF CONTENTS

§ 148:12	Full record method—Reproduction of records, appendices and briefs—Format
§ 148:13	— — —Local Rules—Appellate Division, third department
§ 148:14	— — — —Appellate Division, Fourth Department
§ 148:15	Reproduction of records, appendices and briefs—Practice Rules of the Appellate Division
§ 148:16	Appendix method—Civil Practice Law and Rules
§ 148:17	Condensed format of transcripts prohibited—Practice Rules of the Appellate Division
§ 148:18	Settlement of transcript or statement—Practice Rules of the Appellate Division
§ 148:19	Certification of record or appendix—Practice Rules of the Appellate Division
§ 148:20	Briefs—form and content of briefs—Civil Practice Law and Rules
§ 148:21	Form and content of briefs—Practice Rules of the Appellate Division
§ 148:22	—Local Rules—Appellate Division, Fourth Department
§ 148:23	Time, number and manner of filing of records, appendices and briefs—Practice Rules of the Appellate Division
§ 148:24	—Local Rules—Appellate Division, First Department
§ 148:25	— —Appellate Division, Second Department
§ 148:26	— —Appellate Division, Third Department
§ 148:27	— —Appellate Division, Fourth Department
§ 148:28	Court Reporter Minute Agreement Form
§ 148:29	Notice of Settlement of Transcript (First Department)
§ 148:30	Stipulation Dispensing with Reproduction of Exhibits—First Department
§ 148:31	Notice of Settlement of Transcript—First Department—Another Form
§ 148:32	Notice of Settlement of Transcript (Second Department)
§ 148:33	Notice of Settlement of Transcript—Second Department—Another Form
§ 148:34	Stipulation Settling Transcript in Lieu of Submission for Settlement with Corrections
§ 148:35	Stipulation Settling Transcript in Lieu of Submission for Settlement as Transcribed
§ 148:36	Certification on Transcript as to its Correctness
§ 148:37	Certification of Settlement of Transcript [NY CPLR Rule 5525]
§ 148:38	Stipulation Dispensing with Reproduction of Exhibits—Second Department

- § 148:39 Certification by Judge as to Correctness of Transcript [NY CPLR Rule 5525]
- § 148:40 Judicial Subpoena Duces Tecum to County Clerk for Record on Appeal (First Department)
- § 148:41 Judicial Subpoena Duces Tecum to County Clerk for Case file or Record on Appeal (Second Department)
- § 148:42 Certification Pursuant to CPLR 2105 (Second Department)
- § 148:43 Printing Specification Statement

CHAPTER 149. MOTION FOR PERMISSION TO APPEAL ON THE ORIGINAL RECORD

- § 149:1 Order to Show Cause for an Order Granting Appellant Permission to Prosecute Appeal on Written Copy of the Transcript and Original Record
- § 149:2 Affirmation in Support of Motion for an Order Granting Appellant Permission to Prosecute Appeal on Written Copy of the Transcript and Original Record

CHAPTER 150. MOTION FOR PENALTIES FOR INADEQUATE OR IMPROPER RECORD, APPENDIX OR BRIEFS

- § 150:1 Notice of Motion in Support of Motion for an Order Striking Respondent's Brief on Grounds it Contains Matter De Hors the Record and No Page References; Authorizing a Response to Matter De Hors the Record; Authorizing the Submission of Papers not Part of the Record and Enlarging Time to Reply
- § 150:2 Affirmation in Support of Motion for an Order Striking Respondent's Brief on Grounds it Contains Matter De Hors the Record and No Page References; Authorizing a Response to Matter De Hors the Record; Authorizing the Submission of Papers Not Part of the Record and Enlarging Time to Reply
- § 150:3 Order to Show Cause in Support of Motion to Strike Appellant's Brief for Matter De Hors the Record; Striking Appellant's "Exhibits" as De Hors the Record; Enlarging Respondent's Time to Serve his Brief; and for Sanctions Against Appellant or Counsel
- § 150:4 Affirmation in Support of Motion to Strike Appellant's Brief for Matter De Hors the Record; Striking Appellant's "Exhibits" as De Hors the Record; Enlarging Respondent's Time to Serve His Brief; and for Sanctions Against Appellant or Counsel
- § 150:5 Notice of Motion for Order Dismissing Appeal Unless Appellant Files a Further Brief Complying with NY

TABLE OF CONTENTS

- CPLR Rule 5528(a)(3) on the Ground that the Statement of Facts in Appellant’s Brief Fails to Contain References to Pages in the Appendix and Further That the Appendix Does not Contain Such Portions of the Record on Appeal as May be Necessary to Permit the Court to Fully Consider and Determine All of the Questions, Issues and Facts, Nor Does it Contain the Necessary Testimony
- § 150:6 Affirmation in Support of Motion for Order Dismissing Appeal Unless Appellant Files a Further Brief Complying with CPLR 5528(a)(3) on the Ground that the Statement of Facts in Appellant’s Brief Fails to Contain References to Pages in the Appendix and Further That the Appendix Does not Contain Such Portions of the Record on Appeal as May be Necessary to Permit the Court to Fully Consider and Determine All of the Questions, Issues and Facts, Nor Does it Contain the Necessary Testimony

CHAPTER 151. CALENDARING THE APPEAL AND ORAL ARGUMENT

- § 151:1 Notice from court appeal placed on calendar—Practice Rules of the Appellate Division
- § 151:2 Oral argument generally—Practice Rules of the Appellate Division
- § 151:3 Oral argument by permission—Practice Rules of the Appellate Division
- § 151:4 Failure to request oral argument—Practice Rules of the Appellate Division
- § 151:5 Failure to appear for oral argument—Practice Rules of the Appellate Division
- § 151:6 Rebuttal—Practice Rules of the Appellate Division
- § 151:7 Calendar preference. By letter or motion—Practice Rules of the Appellate Division
- § 151:8 —Local Rules Appellate Division, First Department—Calendar preferences; Calendar notice; Oral argument; Post—Argument submissions
- § 151:9 —Local Rules—Appellate Division, Second Department—Calendar Preferences; Calendar Notice; Oral argument; Post—Argument submissions
- § 151:10 —Appellate Division, Third Department—Calendar preferences; Calendar Notice; Oral argument; Post—Argument submissions
- § 151:11 —Appellate Division, Fourth Department—Calendar preferences; Calendar Notice; Oral argument; Post—Argument submissions

- § 151:12 Note of Issue (First Dept.)
- § 151:13 Notice of Appearance for Oral Argument (First Dept.)

CHAPTER 152. PREPARATION OF ORDERS

- § 152:1 Decisions, orders and judgments—Practice Rules of the Appellate Division
- § 152:2 —Local Rules—Appellate Division, Third Department
- § 152:3 — —Appellate Division, Fourth Department

CHAPTER 153. MOTION FOR REARGUMENT AND/OR PERMISSION TO APPEAL TO THE COURT OF APPEALS

- § 153:1 Time of motion—Practice Rules of the Appellate Division
- § 153:2 Reargument—Practice Rules of the Appellate Division
- § 153:3 Leave to appeal to the Court of Appeals—Practice Rules of the Appellate Division
- § 153:4 Affirmation in Support of Motion for an Order Granting Leave to Reargue Determination of Appellate Division or for Leave, Pursuant to CPLR 5602(a), to Appeal to the Court of Appeals (Third Dept.)
- § 153:5 Notice of Motion for Leave to Reargue Determination Upon Appeal
- § 153:6 Affirmation in Support of Motion for Leave to Reargue Determination Upon Appeal

CHAPTER 154. WITHDRAWAL AND SETTLEMENT OF APPEAL

- § 154:1 Withdrawal of motion, appeal or proceeding—Practice Rules of the Appellate Division
- § 154:2 —Local Rules—Appellate Division, Second Department
- § 154:3 Stipulation Withdrawing Appeal

CHAPTER 155. APPEALS TO THE COURT OF APPEALS

- § 155:1 Appeals to the Court of Appeals—In General
- § 155:2 Notice of Appeal to Court of Appeals
- § 155:3 Jurisdictional Statement
- § 155:4 Notice of Motion for Permission to Appeal to the Court of Appeals
- § 155:5 Court of Appeals, Preliminary Appeal Statement Pursuant to section 500.9 of the Rules of the Court of Appeals

TABLE OF CONTENTS

- § 155:6 Jurisdictional Statement Pursuant to Rule 500.2 of
the Rules of the Court of Appeals (Leave to Appeal
Not Sought in Appellate Division)

CHAPTER 156. COUNSEL FEES AND DISBURSEMENTS TO PROSECUTE OR DEFEND AN APPEAL

- § 156:1 Attorney's Fees and Disbursements in
Prosecuting or Defending an Appeal
- § 156:2 Order to Show Cause in Support of Motion for
Counsel Fees to Defend Appeal and for Stay
[NY Dom Rel Law § 239]
- § 156:3 Affidavit in Support of Motion for Counsel Fees
to Defend Appeal and for Stay [NY Dom Rel
Law § 239]
- § 156:4 Affirmation in Support of Motion for Counsel
Fees to Defend Appeal and for Stay [Dom Rel
Law § 239]
- § 156:5 Notice of Motion for Counsel Fees for Successful
Prosecution of Appeal to the Appellate Division
- § 156:6 Attorney's Affirmation in Support of Motion for
Counsel Fees for Successful Prosecution of
Appeal to the Appellate Division
- § 156:7 Affidavit of Client in Support of Motion for
Counsel Fees for Successful Prosecution of
Appeal to the Appellate Division
- § 156:8 Notice of motion for counsel fees for an appeal
- § 156:9 Order to show cause for counsel fees for appeal
- § 156:10 Affirmation in support of motion for counsel fees
for an appeal
- § 156:10.50 Affirmation in support of motion for counsel fees
for appeal
- § 156:11 Client affidavit in support of motion for counsel
fees for appeal

Table of Laws and Rules

Table of Cases

Index