

IMPORTANT:

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UD Without Children Manual 2024



Uncontested Divorces Without Children Manual

Spring 2024



**EXHIBIT 1 - Orientation
To Her Justice and Your
Case**

UNCONTESTED DIVORCE – NO CHILDREN

TABLE OF CONTENTS

(click items in the table to jump to the section you need)

EXHIBIT 1 - ORIENTATION TO HER JUSTICE AND YOUR CASE

- (A) Table of Contents
- (B) Welcome Note
- (C) Her Justice FAQ
- (D) Best Practices and Ethical Considerations
- (E) What is Domestic Violence?

EXHIBIT 2 - STEP BY STEP GUIDE TO COMPLETING YOUR CASE

- (A) Cover Page and Table on Contents
- (B) Suggested Timeline for Completing your Case
- (C) Managing Your Case
- (D) Statement of Client's Rights and Responsibilities
- (E) Drafting and Filing the Initial Papers
- (F) Filing an Address and/or SSN Confidentiality Motion
- (G) Serving Initial Papers
- (H) How to Serve your Spouse using a Friend or Family Member
- (I) How to Complete an Affidavit of Service
- (J) Awaiting the Defendant's Response
- (K) Preparing and Filing the Final Papers
- (L) UD Checklist
- (M) Waiting for Judgment to be Signed
- (N) Preparing Post Judgment Papers

EXHIBIT 3 - SAMPLES FOR DEFAULT CASES

- (A) Cover Page and Table of Contents
- (B) Notice on Sample Language
- (C) Verified Complaint Action for Divorce
- (D) Summons with Notice
- (E) Affidavit of Service
- (F) Certification by Attorney
- (G) Note of Issue
- (H) Affirmation of Regularity
- (I) Affidavit of Plaintiff
- (J) Findings of Fact and Conclusions of Law
- (K) Judgment of Divorce
- (L) Notice of Entry

(M) Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry

EXHIBIT 4 - SAMPLES FOR WAIVER CASES

- (A) Cover Page and Table of Contents
- (B) Notice on Sample Language
- (C) Verified Complaint Action for Divorce
- (D) Summons with Notice
- (E) Affidavit of Service
- (F) Certification by Attorney
- (G) Note of Issue
- (H) Affirmation of Regularity
- (I) Affidavit of Plaintiff
- (J) Affidavit of Defendant
- (K) Findings of Fact and Conclusions of Law
- (L) Judgement of Divorce
- (M) Notice of Entry
- (N) Affidavit of Service by Mail of Judgement of Divorce and Notice of Entry

EXHIBIT 5 - ANCILLARY DOCUMENTS

- (A) Cover Page and TOC
- (B) Statement of Clients Rights and Responsibilities
- (C) Long Form Client Questionnaire
- (D) Sample Cover Letter to Defendant
- (E) Sample Cover Letter to Correctional Facility
- (F) Order to Maintain Plaintiff's Address and SSN Confidential
- (G) Affidavit in Support of Motion to Maintain Plaintiff's Address and SSN Confidential
- (H) Affirmation in Support of Motion to Maintain Plaintiff's Address and SSN Confidential
- (I) Sample Letter of Consent from Firm as Designated Agent for Service of Process
- (J) Certificate of Dissolution of Marriage
- (K) Sample Affidavit of No Social Security Number
- (L) Sample Affidavit of Unknown Social Security Number
- (M) Postcard
- (N) Sample Closing Letter to Client

EXHIBIT 6 - APPENDIX

- (A) Appendix TOC
- (B) Trauma Informed Interviewing Best Practices
- (C) Tips for Working with Interpreters
- (D) Immigrant Power and Control Wheel
- (E) Disability Power and Control Wheel
- (F) Lawyer's Manual on Domestic Violence Content and Link

Please note: This manual is for use in uncontested divorce cases where there are no children of the marriage under the age of 21. If you are working on a case where there are children of the marriage under 21 please contact your Her Justice mentor immediately to obtain a copy of our manual for uncontested divorce cases with children. This manual does not include the forms or steps that are required in cases with children.

WELCOME

Thank you for representing a Her Justice client in their uncontested divorce case. This manual provides instructions for drafting, serving, and filing your client's divorce papers. We recommend that you attend an uncontested divorce training before requesting a case from Her Justice. Her Justice mentors hundreds of uncontested divorces per year, and we have designed this manual to present the process in step-by-step form and address the most commonly asked questions.

The uncontested divorce process is an exercise in timeliness, precision, and attention to detail; typos, inaccuracies, and inconsistencies in the papers can cause months of delay for clients. Attorneys should only accept a case that they are prepared to file within a month, as delays in commencement can impair your ability to locate and serve the client's spouse. Our suggested timeline follows on page 2 for planning purposes. Throughout the representation, you should be in touch with your mentor any time an issue arises that is not addressed in this manual.

Below is a quick overview of the steps you will go through to complete the uncontested divorce, as well as the page of this manual that gives you more specific instructions of each step. If you have any questions as you go through this process, start your query [here](#).

STEP 1	Review file and make initial appointment to interview client and sign retainer.
STEP 2	Meet with client, sign retainer, collect any additional needed information and documents. Make sure to utilize the questionnaire found in the manual to gather all the information you will need to complete the divorce documents.
STEP 3	Draft initial documents and send to Her Justice mentor for review.
STEP 4	File initial documents.
STEP 5	Arrange for personal service on spouse.
STEP 6	Await spouse's response (Affidavit of Defendant or lapse of 41 days).
STEP 7	Draft final documents (this can only be done after spouse's response is known, as final documents change depending on whether case is waiver or default) and send to Her Justice mentor for review.
STEP 8	Make follow up appointment with client to sign finals.
STEP 9	File finals with court.
STEP 10	Await postcard/or ecourts notification from court indicating Judgment of Divorce is signed and ready for pickup.
STEP 11	Collect signed Judgment of Divorce, prepare Notice of Entry, serve on spouse by mail, and file Notice of Entry with Affidavit/Affirmation of Service.
STEP 12	Send certified JOD with concluding letter to client; email NOE and JOD to Her Justice mentor for our files.

FREQUENTLY ASKED QUESTIONS

Thank you for taking a pro bono case through Her Justice. We hope the following frequently asked questions will help guide your representation and troubleshoot some common challenges in pro bono work. Our manuals provide additional information and guidance specific to each type of case in our program. Of course, your mentor is always available to answer questions about legal strategy and client expectations as your case progresses.

1. What is my firm's relationship with Her Justice for the purpose of this matter?

Her Justice is a consultant to the firm. We provide mentoring, training, sample documents, and will also review any written materials that you produce in the case. When we put a client on our waitlist, we explain to them that they will be represented directly by a firm, and that we will act as consultants to their lawyers. We assert attorney-client privilege over our direct communications with clients and over our communications with our pro bono teams.

We recommend that you explain this relationship to your client at your initial meeting so that they can be reminded of our relationship with the firm and understand that the firm should be their main point of contact going forward. We recommend that Her Justice be described in your retainer agreement as an outside consultant with whom you may have privileged and confidential discussions and share documents and information.

2. This is my first pro bono client and I don't feel like I understand their perspective on the case. What should I do?

Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective our client has on their case may vary significantly from you. Take this as an opportunity to explore sensitivity and cultural humility. Do not assume. Leave space for inquiry and introspection.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

3. What is required if my client and I do not speak the same languages?

We are grateful to firms that take cases for clients with limited English proficiency, who are even less likely to have access to justice than our similarly situated clients with English fluency. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are

communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to work with a qualified interpreter - any staff member that demonstrates written and spoken fluency - at your firm that can consistently interpret during all calls and communications with your client. If that is not accessible to you, think creatively about the interpretation and translation services available to you. Ask your pro bono coordinator if it is possible to retain professional interpreter services, or assist you in reviewing the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.**

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

4. What special considerations are there for working with domestic violence survivors?

In 2022, 83% of Her Justice client self-identified as survivors of Intimate Partner Violence (IPV). Your representation may or may not be directly related to the abuse that they have experienced. Depending on your client's specific circumstances, there are multiple ways that your client's experiences as a survivor may impact your work together. It is best practice in the course of your representation to make your client's safety and autonomy paramount.

For more information, please see the Best Practices and Ethical Considerations, and What is Domestic Violence sections, and Appendix Resources of this manual. Consult your mentor for further guidance.

5. What special considerations are there for working with clients with physical or cognitive disabilities?

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodation is needed. Check in with your client periodically about what they need in order to work most effectively with you throughout your representation, e.g., instead of handing them a written paper, ask if they are comfortable reading it to themselves or if they would like you to read it out loud to them. Be mindful of potential obstacles like the accessibility of your building or public transportation to get to your office or a court building.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

6. I am having trouble getting in contact with my client. What should I do?

We emphasize to clients that your time is valuable, and that they must be responsive to their pro bono attorney's calls, and respectful of attorney time. It is important for attorneys, however, to remember that Her Justice clients typically fall within 200% of the federal poverty line (approximately \$30,000 for a household of one), are juggling multiple urgent needs, and are prioritizing accordingly. For example, in light of food or housing insecurities, your client may choose to forego buying cell phone minutes in order to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

7. My client has been late to meetings or hasn't shown up to court or my office. What should I do?

We emphasize to clients that they should call you if they need to change or cancel their appointment, or if they are running late. It is helpful if the pro bono attorneys understand that it is not unusual for a client to have trouble keeping an appointment. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. It is possible that attending an appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Consider whether the firm could pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation. At your first meeting with the client, ask them about their work and childcare schedules so you can select meeting dates and times that are easy to keep. For example, if your case will involve court appearances, tell the client that they should expect to meet with you or attend court during business hours, and that they will have to ask for time off from work or arrange for childcare in order to do so. Plan to meet up early on the day of a court appearance, taking into account the likelihood of the client needing extra time to get to court from home with everything they need and childcare in place. These expectations should be clear at the outset of the case so that the client can plan and does not feel surprised or overwhelmed later on. We thank you for your patience and compassion and encourage you to use your time with your client efficiently, to keep the number of meetings manageable.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

8. My client wants me to help with a new case or another issue. What should I tell them?

Remember that your firm is retained only for a specific case, and your retainer agreement should state the scope of the representation simply and specifically. For Family Court cases, we recommend that you specify the docket number for your case on the retainer, as you are not obligated to represent the client on future violation and modification petitions. While we encourage firms to assist clients if possible, with related cases we do not recommend that the firm take on additional cases for a client without consulting with Her Justice or another legal services organization, if the new case is unrelated to family, matrimonial, or immigration work.

Be consistent with the client and maintain appropriate boundaries, remembering that you are their attorney for a discrete issue, and cannot provide social work services or unrelated legal services (for more information on these services, see Question 9, below). If the client has new legal issues, contact Her Justice for a new intake for the client. It is possible that Her Justice can provide advice or an appropriate referral. If the new issue is one that we would typically assist with, we can discuss whether the firm would like to expand its representation to include the new case (for example, the client now has an order of protection case in addition to a child support case).

9. I think my client needs to talk to a counselor or social worker. What should I do?

The litigation process can be very stressful and upsetting for clients. Many clients have underlying mental health concerns, such as depression or post-traumatic stress disorder, or would benefit from extra support in making decisions about the trajectory of their cases. Contact your mentor about connecting your client to the in-house social work program at Her Justice. If your client is a survivor of domestic violence or elder abuse, they also qualify for services at a New York City Family Justice Center (FJC). Your mentor can assist with making a referral. Many clients already have case managers assigned at their local FJC.

10. How can I get up to speed on the substantive law that affects my case?

Our manuals provide an overview of the relevant law for each type of case that we mentor. In addition, we offer live and video training on every type of case, plus some additional advanced topics such as child support enforcement and division of pensions in a litigated divorce. It is imperative that you attend or view the relevant training before you start the case so that you are competent to answer basic questions that your client will have at the first meeting. Your mentor is available to answer your substantive law questions and provide guidance on any research you need to conduct, once you have viewed the training and reviewed our manual. It is also important to remember your general obligation as an attorney to familiarize yourself with the relevant law,

so be sure to review, for example, the sections of the Family Court Act, Domestic Relations Law, Civil Practice Law and Rules, or applicable immigration laws you will be relying upon in your case.

11. I have a trial coming up in the Family or Supreme Court and I don't know where to begin. What should I do?

Getting courtroom experience as the lead attorney is one reason that pro bono attorneys, and leadership at their firms, seek out our cases. Our staff attorneys have personally litigated many cases, but we are primarily your consultants on substantive law, client management, and case strategy, rather than trial advocacy skills. For general litigation practice skills (for example, understanding hearsay, entering exhibits into evidence, and conducting cross examination), remember that your firm's litigation department has in-house expertise and resources in addition to the knowledge we can provide.

12. I am going on secondment, parental or other extended leave, or leaving the firm—what happens to my client? Can Her Justice take the case back?

The client has retained your firm, not any individual attorney, for pro bono representation. Her Justice is a pro-bono-first organization. With a relatively small staff of attorneys, we are able to mentor thousands of cases a year because the firms represent the clients directly, aided by our training and mentoring. Because of this leverage model, usually it is not possible for Her Justice to take the case back. Although it is possible to take on a client as an attorney working alone, it is best if the client has two associates in addition to a supervising partner. This will allow each attorney to accommodate very busy times for billable work and allows for seamless transition of cases in the event that an attorney leaves the firm for any reason. If you are leaving, it is imperative that you find a replacement attorney at the firm before you go. The client should meet their new attorney with you, ideally in person, before you leave, and the new attorney should take possession of all files and materials. Contact Her Justice right away if you are leaving the firm for any significant period of time. Ultimately, when a pro bono attorney is no longer available to the client, it is the responsibility of the firm to re-staff the case. If your firm has taken an uncontested divorce that has become contested, and the firm has a policy against pro-bono contested matrimonial work, speak with your mentor immediately about your options.

BEST PRACTICES AND ETHICAL CONSIDERATIONS

Thank you so much for your time, effort and energy in providing pro bono legal representation to our clients. This document is meant to provide some useful framing of the unique experiences and needs of our clients as well as some best practices and ethical considerations to guide you in your practice.

POVERTY IS A RACE AND GENDER EQUITY ISSUE

The impacts of poverty are felt disproportionately amongst communities of color and communities with Limited English Proficiency (LEP) in New York City and New York State. A comprehensive study of poverty in New York City by the Poverty Tracker Research Group at Columbia University (2021) found that, before the pandemic, nearly one in five adults (or 1.2 million people) in New York City lived in poverty and more than 350,000 children (one in five) live in poverty¹. Research from the New York State Comptroller shows that one quarter of New York's foreign born population lived below the poverty level in 2021 compared to 15% nationwide². Further, a study by the Poverty Tracker Research Group at Columbia found that every year, from 2016 to 2019, Black and Latino New Yorkers were **twice** as likely as white New Yorkers to experience poverty; 22% of Black New Yorkers, 25% of Latino New Yorkers, 21% Asian New Yorkers lived in poverty from 2016 to 2019 compared to 12% of white New Yorkers.³ Further, due to structural racism and discrimination, "roughly 40% of Black New Yorkers and 30% of Latino New Yorkers who exited poverty were pushed back below the poverty threshold just a year later"⁴. According to researchers at the Poverty Tracker Research Group at Columbia, "the interaction between racism, discrimination, and economic inequality leaves Black and Latino New Yorkers significantly more likely to endure material hardship than white New Yorkers⁵."

People of marginalized gender identity, referring to women and individuals who identify outside of the gender binary⁶, in New York City were more likely to experience all forms of

¹ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

² New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

³ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁴ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁵ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁶ The gender binary refers to the idea that there are only two genders

disadvantage than cisgender⁷ men⁸. In fact, families with female heads of household experience poverty at more than two times the rate of all families and four times the rate of married couples.⁹ A study conducted by Legal Services NYC (2016) found that Black Americans in same sex couples have poverty rates at least twice of those of different sex couples and Black people in same-sex couples are more than six times as likely to be impoverished than White men in same-sex couples¹⁰. This same study found that transgender Americans are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%)¹¹.

HER JUSTICE CLIENT POPULATION

Her Justice serves low-income folks of marginalized gender identities who reside in the 5 boroughs of New York with legal issues in the areas of family, matrimonial, and immigration law. Our clients' income falls 200% below the Federal Poverty Level (FPL), which was \$14,580 for a single person and \$60,000 for a family of 4 in 2023¹². Poverty is “when an individual or household does not have the financial resources to meet basic needs such as food, clothing, and shelter, or alternatively, access to a minimum standard of living”.¹³ Our clients are 92% women of color, 83% self-identify as survivors of intimate partner violence, and 48% have Limited English Proficiency (LEP) and would need an interpreter to effectively engage in court proceedings¹⁴.

⁷ Cisgender refers to someone whose gender identity is the same as the sex they were assigned at birth

⁸ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁹ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁰ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

¹¹ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

¹² ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2023

<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

¹³ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁴ Her Justice Annual Report FY 2022



Her Justice is a pro bono first organization which means we employ a small highly-skilled staff of attorneys that use their skills and expertise to educate and mentor pro bono attorneys, like yourself, on how to effectively serve and represent our client population. In FY 2022, our model allowed us to leverage the skills and expertise of our 14 in-house attorneys to mentor 2,162 pro bono volunteer attorneys who served 5,313 women children, donating 46,092 hours of their time and energy amounting to a value of \$35,958,719 in legal services¹⁵.

BEST PRACTICES

Differences in Perspective – Cultural Humility

Her Justice clients come from diverse backgrounds. Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective your client has on their case may vary significantly from yours. Take this as an opportunity to explore sensitivity and cultural humility.

The term cultural humility was coined by doctors Melanie Tervalon and Jann Murray-Garcia in 1998 and describes “a lifelong commitment to self-evaluation and self-critique, to redressing of power imbalances in the patient-physician dynamic, and to developing the mutually beneficial and non-paternalistic clinical and advocacy partnerships with communities”¹⁶. Similar to medical professionals, a power imbalance exists between legal professionals and the people they serve. We acknowledge and are grateful for your professional expertise; however, in challenging this power imbalance, it is important to recognize the client as the expert regarding their life experience and the needs of their family. Remember “client-centered lawyering prioritizes the client, the client’s understanding of the problem, and achievement of the client’s goals in the way

¹⁵ Her Justice Annual Report FY 2022

¹⁶ Tervalon, M. & Murray-Garcia, J. (1998). Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. *Journal of Health Care for the Poor and Underserved*. Vol 9.2. pp 117-125

the client deems best”¹⁷. Empower your client to make informed decisions by explaining the law, legal processes and possible outcomes. Don’t assume things and be sure to leave space for inquiry and introspection.

Respect, Empathy & Trust

Many of our clients are survivors of various forms of victimization frequently related to their gender identity, race, ethnicity, sexual orientation, class, English language proficiency, and/or immigration status. They may have experienced further victimization in attempting to access help from agencies or individuals that did not give them the space to be understood. These experiences may cause them to feel hesitant, unsafe, or distrustful. It is important to prioritize building trust in your attorney-client relationship by approaching your client with respect, empathy, patience, and transparency.

Some suggestions for establishing a good relationship with your client are:

- Be prepared to listen. Do not be in a hurry to give advice without the complete picture
- Validate their experience and believe what they tell you unless there is clear evidence of the contrary
- Be mindful of your asks of the client. Keep in mind the other conflicting demands in their life and any existing restrictions on time or money and be as accommodating as possible
- Be realistic in your deliverables to your client and set clear boundaries
- Confirm with the client that you understand them, and they are understanding you
- Be patient in repeating information and be willing to rephrase information to improve understanding
- Listen carefully and encourage questioning
- Be responsive to the needs your client raises with you. If their need falls outside of the scope of your representation, speak with your mentor for appropriate referrals
- Empower the client’s informed decision making and respect the decisions they’ve made

Considerations for LGBTQ+ Clients

LGBTQ+ clients are often among the most marginalized communities served by Her Justice¹⁸. In working with LGBTQ+ clients it is important to not assume their gender identity or sexual orientation. In your initial conversation with your client introduce yourself by your name and gender pronouns. Ask your client their name and if they feel comfortable sharing their gender pronouns with you. Understand that your client may not feel comfortable sharing their gender pronouns with you initially. If they do not share their gender pronouns with you, please refer to

¹⁷ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁸ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

the client by name or using gender neutral pronouns (they/them/theirs). If you make a mistake in your client's gender pronouns, acknowledge the mistake and move on.

Mirror the language the client uses in referring to their gender identity and sexual orientation. Always refer to your client with the name the client gave you. Referring to a client by a name they no longer use is called "deadnaming" and is very traumatizing as it negates your client's identity¹⁹. If you make a mistake in referring to your client by the wrong name, acknowledge the mistake and move on.

Lastly, be an ally and advocate for your client. According to a Lambda Legal survey of 2,376 LGBTQ+ people, 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression²⁰. To the extent the client is comfortable, attempt to address bias in the courtroom and always respect the name, gender, and pronouns they identify with.

Considerations for Clients with Disabilities

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed, and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodations are needed. Be mindful of the accessibility of your building. Be patient with needing to repeat and rephrase information for your client. If you need additional resources to accommodate your client, speak to your Her Justice mentor.

Communication

Be thoughtful about the communication needs of your client. Frequently, our clients do not have experience with the legal system and may be unfamiliar with many of the terms commonly used in the court room or legal discourse. Due to circumstance, their formal education may be limited, and they may have a low level of literacy. Be mindful of the needs of your client. Ensure they are able to understand all materials presented to them to the fullest capacity. Always check for comprehension.

For limited English proficiency clients, please review the "Limited English Proficiency (LEP) Clients" on this document.

¹⁹ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

²⁰ as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

Scheduling

Before making your first phone call with your client, review the information we provided you with to ensure it is safe to call the client at the time you are calling and that it is safe to leave a voicemail. Remember that many of our clients self-identify as survivors of intimate partner violence and may still be residing with the opposing party.

In your initial conversation with your client establish what methods and times are best for you to contact your client. Keep in mind that our clients are low income and may not have sufficient resources to maintain a phone plan or continuously purchase more minutes for their phone. If possible, ask if there is a trusted friend or family member whose phone you can contact if you experience difficulty in contacting your client.

In making appointments, especially in person, be mindful of time and economic restrictions your client may be experiencing. Take into account their work and child care schedules in making these appointments. Be mindful of any safety concerns your client may have in terms of what times are most appropriate in scheduling appointments. Consider whether the firm can pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation.

When scheduling in person appointments with your client, consider the security requirements to enter the building. Many law offices require guests to present a valid form of identification and intense security checks to enter. This can be extremely anxiety inducing for undocumented clients that may not have a valid form of ID, LGBTQ+ clients that may not have a valid form of ID that reflects their gender identity, and clients with limited English proficiency. Some clients have difficulty navigating large office buildings and may not know where to enter, which elevator to use, or which security desk to go to. It is a best practice to meet your client in the lobby of your building and escort them to the meeting room or your office.

Missed Appointments

We emphasize to our clients that they should call you in advance if they need to change or cancel their appointment or are running late. However, it is not unusual for clients to have trouble keeping appointments. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. Or attending the appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Responsiveness

Our clients typically have incomes below 200% of the federal poverty line, \$14,580 for a single person and \$60,000 for a family of 4 in 2023²¹, and are typically juggling multiple urgent needs. Many of our clients do not have a phone plan and instead purchase minutes on a pre-paid phone. However, in light of food or housing insecurities, your client may choose to go without minutes to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

Interacting with the legal system is inherently traumatizing and anxiety-inducing for many of our clients. Remember that for many of our clients the legal system is unfamiliar. This is not their area of expertise and they know they need to rely on your knowledge and support to successfully navigate their case. Be patient when fielding phone calls and questions from your client. Be transparent about your capacity and set clear boundaries with your client. For example, if you are receiving multiple calls a week from a client asking for case updates, call them back and schedule a regular check-in meeting with them that fits with your work schedule to go over any questions they have and provide any case updates. This will help ease the clients' anxiety as they know a schedule to expect regular communication from you on their case.

Interviewing

Clients are often sharing sensitive personal information with you that can be difficult to share. It is imperative to build trust in your attorney-client relationship. Remind your client that the information they share with you is confidential. When asking questions about sensitive information make sure your questioning is grounded in what is needed for the case. It may be helpful to provide the client with some additional framing when asking questions as to why the information is needed and what it will be used for. For example,

- when asking questions regarding sensitive information we suggest this framing: "I am going to ask you some questions to better understand your case and how I can help. Please be as forthcoming as possible so I can provide you with the best assistance possible. Some of these questions may ask you about sensitive or private information. I want to assure you that everything you share with me is confidential, I will not share what you tell me here without your permission. Before we begin, I just want to emphasize that you do not have to share anything with me that you do not feel comfortable sharing. Please let me know if you would like to take a break or stop at any point during our interview."

²¹ ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2023
<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

At the end of the interview thank the client for sharing this information with you. It was likely not easy for them to share that level of vulnerability with you. Reground them in what this information will be used for and provide them with any next steps.

Limited English Proficiency (LEP) Clients

As stated previously, our clients come from diverse backgrounds and speak a multitude of languages. In 2022, 6 million people in New York spoke a language other than English; of that, 2.5 million speak English less well and would be considered Limited English Proficient or LEP.²² LEPs in New York City speak 151 different languages²³. New York City has acknowledged the need for greater language access through NYC Local Law No. 33 (LL 30) that requires covered agencies to translate commonly distributed documents into 10 designated languages and provide telephonic interpretation in at least 100 languages²⁴. However, LL 30, for the most part, does not apply to most legal organizations including legal nonprofits. This means that there is a huge gap in the legal services available for LEPs. Even in our own work we see cases for LEPs take much longer to receive services than similarly situated English speaking cases.

We greatly appreciate your effort if you are handling a case for an LEP client. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to use an in-house qualified interpreter to work with your client for the duration of the case. If that is not accessible to you, think creatively about the interpretation and translation services available to you. See if it is possible to retain professional interpreter services or review the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.** The Spanish Group, an internationally recognized certified translation service list 5 reasons why you should not use Google Translate or a similar software for translations:

- Translation apps translate the text literally. Think about the number of times you speak in expressions in English. For example, the phrase “break a leg” is an expression of good luck, however, if translated literally it gives the impression that you are wishing that someone would break their leg.
- Many of these translation apps are not updated or operated by professional translators
- The translator apps do not account for the regional dialect your client may speak.

²² VOLS. (2022). Language Access in Pro Bono Practice.

²³ VOLS. (2022). Language Access in Pro Bono Practice.

²⁴ VOLS. (2022). Language Access in Pro Bono Practice.

- Using a translator app frequently requires proofreading by someone fluent in the language to ensure the grammar and language choices match with the idea being expressed.
- Using a translator app for translating sensitive information is unsafe as the information may be compromised during a data breach²⁵

Here are some other best practices in working with interpreters:

- Always brief the interpreter on the nature of the call before starting the meeting with client
- Consult the interpreter regarding whether a legal interpreter is more appropriate for the call
- Speak to the client directly, do not address your comments to the interpreter
- Ask the interpreter to confirm the client can understand them
- Ask the client to ensure they understand you

Managing Your Case

Even if there are no updates in your case for the client, continue to regularly check in with them. Remember our clients are facing many complex issues and conflicting demands. Without regular check-ins you may miss vital information about your client's living situation, access to phone and internet services, and safety.

Be affirmative in asking questions to your mentor and informing them of any case updates. It is your responsibility to inform your mentor in a timely fashion when documents are due to be filed in court or immigration authorities, when court dates are scheduled, and when final orders or judgements are received. Without this information we are unable to accurately report on our cases and are unable to monitor the needs of our clients.

Change in Notary Requirements

On January 1, 2024 CPLR 2106 was substantially amended to allow ANY person to submit an affirmation instead of an affidavit, with essentially the same force and effect. Now, in civil proceedings, any Pro Se litigant can swear to the truth of something without the requirement of a notary.

However, in an Uncontested Divorce, the Verified Complaint and Sworn Statement of Removal of Barriers must still be signed before a notary to comply with other provisions of the DRL.

²⁵ The Spanish Group. (2020). 5 Reasons why not to Use Google Translate for Business Purposes. The Spanish Group. <https://thespanishgroup.org/blog/top-5-reasons-not-use-google-translate-business-purposes/>

Therefore, we believe it is best practice to continue notarizing all documents that have previously required a notary signature. This limits liability, claims of malfeasance or fraud, and takes very little additional effort. The samples herein include the notary language.

In the event you or your firm choose to submit documents that do not require notarization without a notary signature, you can find the “non-notary” language in the courts’ sample forms, located here: https://ww2.nycourts.gov/divorce/divorce_withchildrenunder21.shtml

WHAT IS DOMESTIC VIOLENCE?

The United Nations defines domestic abuse or domestic violence as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner, child, relative, or any other household member¹. The epidemic of domestic violence involves physical acts of violence, emotional, psychological, verbal, sexual, legal and financial abuse against an intimate partner or family member². This includes any behaviors that “frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone”³. Fundamentally, domestic violence is “a pattern of coercive behavior or tactics that is culturally learned and socially condoned”⁴.

Domestic violence can impact anyone of any race, age, sexual orientation, gender identity, nationality, religion, socioeconomic background, immigration status, language of fluency, or education level⁵.

Although many domestic violence cases involve individuals in a romantic relationship (typically referred to as intimate partner violence), this may not always be the case. The individuals involved may be dating, cohabitating, married, divorced, separated, and/or have a child in common. Domestic violence can present and be interpreted differently depending on the surrounding cultural and social context of the individuals involved. However, a consistent theme is use of power and control to victimize the other party.

EXAMPLES OF ABUSIVE BEHAVIORS

Physical Abuse

This form of abuse includes acts like spitting, scratching, biting, grabbing, shaking, shoving, pushing, restraining, throwing, twisting, slapping, punching, choking, burning, forcing sexual contact, forcing alcohol and/or drug use, and other acts that inhibit physical well-being. Food and medication may be withheld and access to medical attention or police services may be prevented.

¹ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

² Breger, M. L., Kennedy, D.A., Zuccardy, J.M., & Hon. Elkins, L.H. (2022). New York Law of Domestic Violence. Chapter 1. Domestic Violence Defined.

³ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

⁴ New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁵ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

They may be kidnapped or confined in an enclosed space or abandoned in an unfamiliar place. Physical abuse may or may not cause visible physical injuries⁶.

Sexual Abuse

This form of abuse includes pressured sex when that is not consensual, coerced sex by manipulation or threat, physically forced sex, sexual assault accompanied by violence, or other acts the right to freely and safely express their sexuality⁷.

Emotional Abuse

This form of abuse includes acts and behaviors like undermining a person's self-worth through constant criticism; belittle one's abilities; name-calling or other verbal abuse; damaging a partner's relationship with their children; and isolating a partner from friends and family⁸.

Psychological Abuse

This form of abuse involves acts or behaviors causing fear or intimidation; threatening physical harm to self, a partner, or child(ren); attacking a partner's property, pets, or others acts of intimidation; and forcing isolation for anyone outside of the relationship or domestic violence situation⁹.

Financial or Economic Abuse

Economic abuse occurs when control is invoked over the ability to acquire, use and maintain financial resources, such as transportation, food, clothing, shelter, insurance, credit, and money. This form of abuse involves making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, committing identity theft by opening fraudulent accounts or credit lines in their name, placing sole financial responsibility for supporting their household, and/or forbidding attendance at school or employment¹⁰.

Cyber Abuse

⁶ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁷ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁸ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁹ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

¹⁰ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

This form of abuse includes hacking, installation of spyware, cyber stalking, spoofing, identity theft, impersonation (including deep fakes), sexual extortion (colloquially known as sextortion), and the nonconsensual distribution or threat of distribution of sexually explicit images and videos¹¹.

Abuse of Process

This form of abuse involves misusing and manipulating legal and social processes to weaponize them against the victimized person. This includes acts like making false reports of abuse, substance abuse, or child neglect to police or ACS, filing frivolous or fraudulent immigration or court proceedings, filing retaliatory orders of protection, intentionally delaying court or immigration proceedings, misleading or lying about their legal rights and options, threats of deportation, threats to withdraw or refusal to continue support in immigration applications, stealing newly received immigration benefits or identification – like employment authorization documents, A numbers, and social security numbers – to commit identity theft, etc.

POWER AND CONTROL WHEEL

Below is the original power and control wheel. Since its creation, subsequent power and control wheels have been developed to explore specific accepts of abuse in relation to a person's identity. It describes the tactics a responsible party may use to maintain control over the person they are victimizing¹². This wheel is not comprehensive but provides helpful framing to understand the aspects of victimization someone may be experiencing. *Other versions of the power and control wheel specific to victimization experienced immigrants and people with a disability can be found in the Appendix section of this manual*

¹¹ New York Cyber Sexual Abuse Task Force. About Cyber Sexual Abuse. New York Cyber Sexual Abuse Task Force. <https://cyberabuse.nyc/>

¹² National Domestic Violence Hotline. (2023). Power and Control Break Free from Abuse. National Domestic Violence Hotline. <https://www.thehotline.org/identify-abuse/power-and-control/>



13

“WHY DO THEY STAY?” The Stages of Change Model

Domestic violence is a complex and multi-dimensional issue that's presentation and impact cannot be generalized. Each person processes the complexities of their relationship and their trauma from the abuse they experienced differently. This process is uniquely personal to them and often not a linear process¹⁴. The psychology field has developed a tool for understanding the complex needs and actions of domestic violence survivors¹⁵. It describes the process survivors go through when they seek to end the violence and abuse they experienced. The model includes five distinct stages:

(1) *Pre-contemplation*

¹³ Copyright by the Domestic Abuse Intervention Project, 202 East Superior Street, Duluth, MN, 55802 218-722-2781

¹⁴ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁵ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

- a. In this stage the person experiencing the abuse is not aware of the extent of the problem and minimizes or denies the abuse. At this point they likely have no intention to change or leave the situation. They may feel responsible for the abuse they are suffering and may be modifying their actions to avoid further abuse¹⁶.

(2) *Contemplation*

- a. Usually in this stage the abuse has increased in its severity. The survivor begins to consider the possibility of changing their current situation and may begin building social, emotional, and financial support. They may make an initial attempt to leave. However, the survivor may express ambivalence and fluctuate between feeling troubled and unconcerned as they consider whether the situation can continue unchanged¹⁷.

(3) *Preparation*

- a. In this stage the survivor begins to understand the abuse they experienced differently. They become more aware of the abuse they are experiencing and attempt to determine the best course of action and develop a plan to carry it out. In this stage the survivor may set aside money; call an abuse hotline; gather information about resources, services, and legal options for survivors of domestic violence; and reconnect with people they were isolated from¹⁸.

(4) *Action*

- a. In this stage the survivor begins to carry out strategies to protect themselves and their children from future violence by taking actions such as going into shelter, seeking a protection order, or having others intervene in the abuse¹⁹.

(5) *Maintenance*

- a. This stage involves a continuation of actions by the survivor that are needed to maintain the change. These actions may involve safety planning, seeking mental health counseling, and rebuilding financial health²⁰.

This model is cyclical and nonlinear. In fact, it is common for survivors to fluctuate between stages as they move towards maintenance²¹. Again, a survivor's process of leaving a domestic violence situation and healing from the trauma they experienced is specific and personal to them.

OTHER MODELS AND THEIR LIMITATIONS

¹⁶ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁷ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁸ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁹ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁰ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²¹ Stoever, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

Two of the most common models used to understand the intricacies of domestic violence are the Battered Woman Syndrome and the Cycle of Violence. The Battered Woman Syndrome and Cycle of Violence models were developed by Lenore Walker in her 1979 book *The Battered Woman* and further developed in her 1984 book *The Battered Woman Syndrome*²². The Cycle of Violence describes the cyclical nature of abuse in intimate partner violence. The cycle starts with building tension, acute abuse, and a honeymoon phase or a loving repentant period²³. Walker defines battered woman syndrome as “a cluster of psychological and behavioral characteristics that abused women develop as a result of how they perceive their batterer’s violence”²⁴. Walker posits that abused women developed “learned helplessness” as a result of the “cycle of violence”²⁵. Meaning that the continued and repeated abuse and control will cause the abused women to enter “psychological paralysis” and stop trying to leave the abusive situation²⁶. According to Walker, “Once the women are operating from a belief of helplessness, the perception becomes reality and they become passive, submissive, ‘helpless’”²⁷.

This model conflates domestic violence with intimate partner violence (IPV), imposes a heteronormative cisgender understanding of IPV that positions the cisgender woman as victim and the cisgender man as abuser, disempowers the survivor, and implies the survivor is complicit in the continuation of abuse. In addition, these models are not created to understand domestic violence and intimate partner violence from the perspective of the person being victimized. It instead gives justification to view people who remain in abusive relationships as lost causes.

²² Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²³ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁴ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁵ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁶ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

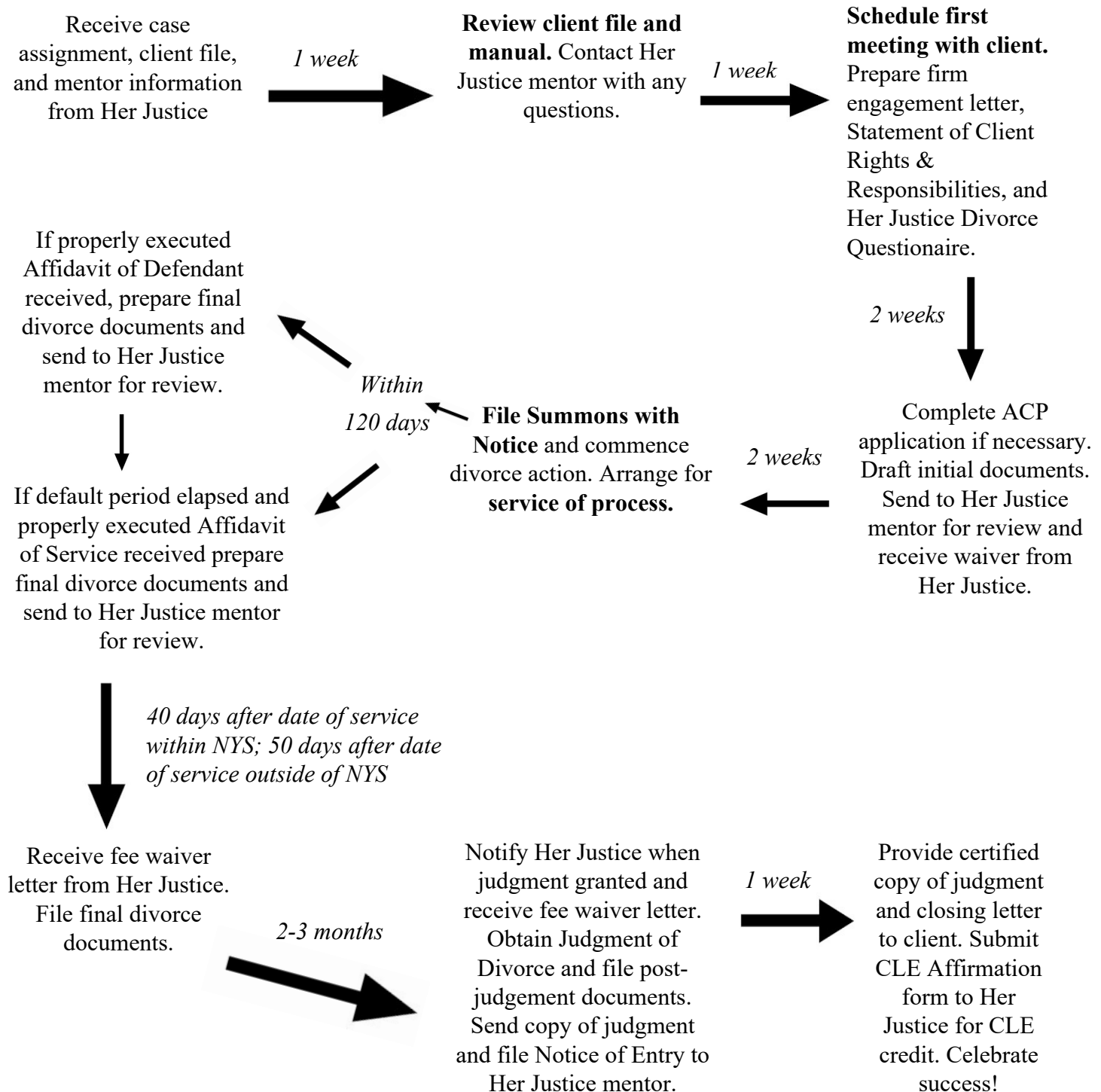
²⁷ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

**EXHIBIT 2 - Step by
Step Guide to
Completing Your Case**

STEP BY STEP GUIDE TO COMPLETING YOUR CASE

- (A) Cover Page and TOC
- (B) Suggested Timeline for Completing your Case
- (C) Managing Your Case
- (D) Statement of Client's Rights and Responsibilities
- (E) Drafting and Filing the Initial Papers
- (F) Filing an Address and/or SSN Confidentiality Motion
- (G) Serving Initial Papers
- (H) How to Serve your Spouse using a Friend or Family Member
- (I) How to Complete an Affidavit of Service
- (J) Awaiting the Defendant's Response
- (K) Preparing and Filing the Final Papers
- (L) UD Checklists (New York and Kings County)
- (M) Waiting for Judgment to be Signed
- (N) Preparing Post Judgment Papers

SUGGESTED TIMELINE FOR COMPLETING YOUR CASE



MANAGING YOUR CASE

Her Justice provides all volunteer attorneys with a case opening report (a “COR”) and a file that includes the parties’ marriage certificate, any relevant family or criminal court orders, and proof of the adverse party’s income, if available to the client.

As soon as possible after reviewing the COR and client file:

- Call the client to introduce yourself and any other team members (for example a paralegal or a firm employee who will be providing interpretation).
- Schedule an initial meeting with the client to sign your firm’s retainer and fill out the Client Questionnaire, which appears in the Appendix.

Scheduling the initial client meeting

1. Introduce yourself and your firm, and tell the client that you are taking their case through the Her Justice uncontested divorce program.
2. Determine if you need an interpreter.
3. Find out if anything in their situation has changed since they last spoke with a Her Justice staff attorney (e.g. spouse has served them with legal papers; client now receives cash public assistance; spouse has moved; children’s living situation has changed; etc.).
4. When choosing a day and time for the appointment, find out from the client if they have any barriers to getting to your office on time (e.g. work schedule; mobility issues; child care issues; cannot afford MetroCard; etc.).
5. Confirm that the client has address and directions to your office (and that this is not the same place as the Her Justice office, where they would have met a Her Justice staff attorney during screening); explain your building’s security/check in procedures; make sure the client knows what floor to go to and who to ask for when they arrive.
6. Ask the client to bring any documents that may be missing from the case file you received from Her Justice, and also ask them to bring a recent photograph of their spouse for the process server.

Conducting the initial client meeting

1. You should have the case file from Her Justice, including:
 - a. COR
 - b. Marriage Certificate
 - c. Client’s income information
 - d. Prior Family Court Orders, if applicable*
 - e. Spouse’s income information, if applicable and available
2. Introduce yourself and anyone else in the room (e.g. interpreter, paralegal). Explain the scope of the representation and the meaning of attorney-client privilege.
3. Walk through and sign your firm’s retainer (typically, you can get this from your pro bono partner or coordinator) and a standard Statement of Client Rights & Responsibilities (provided in this manual in the following section). The client should be given signed copies of both documents.

4. Go through the Client Questionnaire (provided in the Appendix of this manual).
5. Explain to the client the chronology of the case, i.e., what your next steps will be as the attorney, and when they will next hear from you.
6. Make sure the client has your contact information.

*As this manual covers cases that do not involve children, there likely will be no relevant Family Court Orders. In the event there are any prior Family Court Orders such as an Order of Protection, your client will need to provide a certified copy of the Order. A certified copy has a raised seal and can be obtained in the Records Room of the Family Court where the Order was issued. There is no fee to obtain a Certified Copy. You will need a certified copy with a raised seal if you are filing on paper. If you are e-filing you do not need a raised seal.

STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

The following signed document must be provided to your client along with a copy of your firm's retainer:

Statement of Client's Rights and Responsibilities

Your attorney is providing you with this document to inform you of what you, as a client, are entitled to by law or by custom. To help prevent any misunderstanding between you and your attorney please read this document carefully.

If you ever have any questions about these rights, or about the way your case is being handled, do not hesitate to ask your attorney. They should be readily able to represent your best interests and keep you informed about your case.

An attorney may not refuse to represent you on the basis of race, creed, color, sex, sexual orientation, age, national origin or disability.

You are entitled to an attorney who will be capable of handling your case; show you courtesy and consideration at all times, represent you zealously, and preserve your confidences and secrets that are revealed in the course of the relationship.

You are expected to be truthful in all discussion with your attorney, and to provide all relevant information and documentation to enable them to competently prepare your case.

You are entitled to be kept informed of the status of your case and to be provided with copies of correspondence and documents prepared on your behalf or received from the court or your adversary.

You have the right to be present in court at the time that conferences are held.

You are entitled to make the ultimate decision on the objectives to be pursued in your case, and to make the final decision regarding the settlement of your case.

You are entitled to have your attorney's best efforts exerted on your behalf, but no particular results can be guaranteed.

If you entrust money with an attorney for an escrow deposit in your case, the attorney must safeguard the escrow in a special bank account. You are entitled to a written escrow agreement, a written receipt, and a complete record concerning the escrow. When the terms of the escrow agreement have been performed, the attorney must promptly make payment of the escrow to all persons who are entitled to it.

Receipt acknowledged on this ____ day of _____, 20____:

Client's signature

Attorney's signature

DRAFTING AND FILING THE INITIAL PAPERS

Now that you have been formally retained and gathered all the requisite information, you are ready to draft the initial divorce papers. We recommend that you use the samples contained within this manual to draft your initial documents. Please be sure to consult our checklists to make sure you have drafted all the required documents, using the “Ancillary Documents” section of this manual.

The following is a list of the initial papers that should be reviewed by your mentor at Her Justice before you file. **PLEASE PROVIDE ONLY THESE INITIAL DOCUMENTS TO YOUR HER JUSTICE MENTOR IN THE FIRST ROUND OF REVIEW:**

1. Summons with Notice
2. Verified Complaint
3. Affidavit of Defendant
4. Affidavit of Service
5. Cover Letter to Defendant
6. Cover letter to Correctional Facility, if applicable
7. Ex Parte Motion to keep address and/or SSN confidential, if applicable (next section)
8. Sworn Statement of Removal of Barriers to Remarriage, if religious ceremony

Once your mentor has signed off on the papers, Her Justice will provide a fee waiver letter to waive filing fees associated with your client’s case. You should file your Summons with Notice, along with the fee waiver letter, within two weeks of receipt of the fee waiver letter. Your case will be assigned an Index Number. This number should be incorporated into the caption of all of your subsequent papers. If you file in person at the courthouse, you will need to handwrite in the Index Number onto the Summons once you receive it from the clerk. Be sure to notify the Clerk that it is a NO FEE case before handing them the paperwork. The clerk will provide you with a receipt indicating the Index No., the date filed and the name of the case. Be sure to check the receipt to ensure the parties’ names were entered correctly. If not, ask the clerk to correct it **IMMEDIATELY. Once you have filed the Summons with Notice e-mail the stamped copy to your Her Justice Mentor.**

We recommend that your client sign the Verified Complaint before or shortly after you file the Summons with Notice, if possible. The Verified Complaint is not filed at this time; it is kept in your file for service on the Defendant if the Defendant requests it, but in almost all cases is simply filed at the conclusion of the case.

We recommend that you file your case in New York County (Manhattan) or Kings (Brooklyn) if either the client or the spouse lives in one of these counties. If neither party lives in Manhattan or Brooklyn, you may file in New York County using Civil Practice Law & Rules (CPLR) 509. Speak with your mentor about the pros and cons of each venue.

Note: Once you file the Summons in court, you have 120 days to serve the Defendant (see the “Serving the Initial Papers” and “How to Serve Your Spouse Using a Friend or Family Member” sections). Be sure you have discussed service with your client and i) have confirmed a location and plan for service upon the Defendant, and ii) considered any possible reasons for delay, before filing the Summons. If you discover any obstacles to service, or if you believe you will not be able to effectuate service within the 120 day period, speak to your Her Justice mentor.

You also have the option to e-file using the NYSCEF system (<https://iapps.courts.state.ny.us/nyscef/HomePage>). Your supervising attorney or managing clerk/attorney at your firm may have a preference as to whether you e-file or paper file, so you should consult with them. In addition, there are certain requirements to e-filing when the other party is unrepresented, and rules covering when a case was commenced “on paper” vs. e-filing, so you should also speak to your mentor about the pros and cons of e-filing if you have a choice. E-filing also makes filing outside of New York or Kings County a much easier option as well.

NYSCEF E-filing Instructions for Uncontested Divorces

Go to NYSCEF Home page: <https://iapps.courts.state.ny.us/nyscef/Login>, login or create an account.

1. After logging in, there are several columns to choose from including "file documents" or "my cases." Click on "Supreme Court" in the File Documents column. After each new page (below sequence), click "Next."
2. Click "Start a New Case"
3. Select a Court: New York County Supreme
4. Select Case Type: Matrimonial, Uncontested, yes or no to children under age 18
5. Add parties: double check names against summons for accuracy
6. Commencement Documents (can upload multiple documents on this page; you need to upload two - the summons w/ notice and fee waiver):
 - a. Commencement Document (drop down menu): Select "Summons w/ Notice" - no need to fill in other information, notes, Exhibit # etc. Upload Summons with Notice PDF file.
7. Enter Payment Information: This page will show Index Fee and total as \$210.00. Enter credit Card
8. Review Your Filing: double check caption. Check filing acknowledgment. Note that this IS a matrimonial action, so these records are sealed and only accessible by the court and parties.
9. Click File
10. Check for confirmation email "Notification of Filing" - beware you may get an error message when you click file, but wait for the confirmation email. Email will say that e-filing status is "Waiting for Index Number." Keep this email in the client's file.
11. It may take about a few days to receive a second email stating that an index number has been assigned. Keep this email in the client's file.
12. You can log back into NYSCEF and check "My Cases." Click on the case caption for this case, and you will see the filed documents. Once an Index No. is assigned, it will be stamped along with the date you filed the papers on NYSCEF at the top of the pages.
13. This is the stamped Summons with Notice that should be kept in your client's records and served on the Defendant along with a Notice of Electronic Filing and Stipulation and Consent to E-Filing (along with any other documents your mentor has instructed you to serve on the Defendant). We recommend serving the Stipulation and Consent to E-Filing so that the Defendant can (hopefully) send it signed back with the Affidavit of Defendant, eliminating any delays or barriers to concluding this divorce via NYSCEF!

FILING AN ADDRESS AND/OR SSN CONFIDENTIAL MOTION

If your client is a domestic violence victim and needs to keep their address confidential from their spouse, they have two options.

1. They may file an application with the Department of State for a confidential mailing address, which is a PO Box. Visit [the Address Confidentiality Program website](#) for a description of this program and the application form.
 - a. If the client identified during the Her Justice intake and assessment process that they needed to keep their address confidential, Her Justice may have already submitted this application for them, in which case the client may already have their card with the PO Box address. Insert this ACP address directly in the papers anywhere that their home address is required.
 - b. If the client has not yet applied for an ACP address, you can help them fill out and sign the form. Do not prepare or file the initial documents until they receive their ACP address, since this must be inserted in place of their home address.
 - c. If the client is using an ACP address and is not keeping their SSN confidential, or they do not have an SSN, you may file the initial documents as normal.
2. If the client needs to keep their SSN confidential in addition to their home address (or, if they have an ACP address but also needs to keep their SSN confidential), you must prepare a motion for Address and/or Social Security Number Confidentiality. See our sample materials in the “Ancillary Documents” section of this manual. This motion is prepared and filed simultaneously with the Summons with Notice.
 - a. Documents required:
 - i. Fee waiver letter
 - ii. Request for Judicial Intervention (RJI) and RJI Addendum (if children under 18)
 - iii. Proposed Order and Supporting documents (Affidavit of Plaintiff with any exhibits; Attorney Affirmation; Letter on firm letterhead)
 - b. The Summons is filed with the Cashier, and the ex parte Order with supporting documents is filed in the Ex-Parte Office (in NY County, this is Room 315).
 - c. A judge reviews the papers and usually signs within two days.
 - d. Once the order is signed, pick it up from the Ex-Parte Office.
 - e. The signed Order only (not the supporting documents) must be served on the spouse along with the Summons with Notice (see Serving the Initial Papers, next page).

If the client needs to keep their address confidential, **do not include their home address anywhere on any of the documents that you prepare!** Even if the document is not served directly on the spouse, as a party to the action, they may access the file at any time, and if your client’s home address appears anywhere in the file, you may have compromised their safety.

SERVING THE INITIAL PAPERS

Once you have filed your Summons with Notice and an Index Number has been assigned, it is time to prepare the initial documents for service on the Defendant.

Service in a divorce action must be by in-hand personal delivery, and in New York, can be effectuated by any adult over 18 who is not a party to the action.

Discuss with your client what makes sense and is safest for service on their spouse. Service is often easier and safer when effectuated by a process server or the county sheriff. Sheriff service in NYC can be requested by filling out a form which is available online at <https://www1.nyc.gov/site/finance/sheriff-courts/sheriff-serving-legal-papers.page>. Or, your firm's managing attorney's office may be able to assist you in finding a private process server. If your firm is using the Sheriff's Office or a private process server they may not use the exact form you prepare in your initial documents and that is fine, however New York State requires that the Affidavit of Service submitted must **substantially conform** to the version in the manual so be sure the necessary language is present.

Alternatively, some clients have friends or adult family members who are willing and able to effect service, which may be a better option for a spouse who might refuse to open the door to a stranger or someone in uniform. You may provide the service instructions on the following pages to your client's friend or family member. **Your client should not ask a friend or family member to serve if there is a safety risk**, for example if the client expects that the spouse might react violently to service.

You should contact your managing attorney's office for guidance on out-of-state service, which in many states, must be done by a sheriff or licensed process server in that state.

The following documents should be provided to whomever is serving the Defendant:

1. Documents for service on the Defendant:

- a. Summons with Notice with Notice of Automatic Orders, Notice of Continuation of Healthcare Coverage, and Notice of Guideline Maintenance
- b. Confidentiality orders for Social Security and/or address, if applicable
- c. Sworn Statement of Removal of Barriers to Remarriage, if parties were married in a religious ceremony
- d. Child Support Standards Chart, if there are children of the marriage under 21 (available to print online)
- e. Cover Letter to Defendant
- f. Affidavit of Defendant with postage-paid envelope addressed to your office

2. Documents for the use of the Process Server:

- a. Cover letter to correctional facility, or Sheriff Service of Process Intake Sheet, if applicable (or general cover letter with recommendations for service times and locations, as well as a photograph of the Defendant if available).

- b. Form of Affidavit of Service to be completed after service, with postage-paid envelope addressed to your office.

HOW TO SERVE YOUR SPOUSE USING A FRIEND OR FAMILY MEMBER

STEP 1: Select the server.

Select the person who will serve your spouse. The person who serves the papers must be 18 or over and not a party to the action (in other words, not you).

Do not put your friend or family member in danger. **If you believe that your spouse may react violently to being served**, discuss with your attorney before asking someone to serve them.

STEP 2: Provide the documents.

Provide the server with the following documents, clipped together in this order:

1. SUMMONS WITH NOTICE (stamped by the court with the date it was filed, and with the Index Number written on it)
2. SIGNED ORDER TO KEEP PLAINTIFF'S ADDRESS CONFIDENTIAL (if your attorney did this)
3. Cover Letter for Affidavit of Defendant with SASE
4. AFFIDAVIT OF DEFENDANT IN ACTION FOR DIVORCE
5. CHILD SUPPORT STANDARDS CHART (if you have children with your spouse)
6. SWORN STATEMENT OF REMOVAL OF BARRIERS TO REMARRIAGE (if you were married in a religious ceremony)
7. Self-Addressed Stamped Envelope addressed to your attorney, for your spouse to return the Affidavit of Defendant if he chooses to sign it.

➔ These are the documents that will be served. They should **not** be served in an envelope.

You will also give the server a blank Affidavit of Service, a stamped envelope addressed to your attorney, and the last page of this document, "HOW TO COMPLETE THE AFFIDAVIT OF SERVICE".

If the server does not know your spouse personally, also give them a recent photograph of your spouse. If you do not have a recent photograph, give that person a detailed physical description of your spouse. The server must give the photo back to you when they give you the completed Affidavit of Service.

➔ These documents are for the server to fill out and return to you, and should not be served on your spouse!

STEP 3: Discuss with the server the date for service.

The Summons **MUST** be served within 120 days of filing. The server should be prepared to serve well in advance of the deadline in the event that multiple attempts are required.

Your spouse **cannot be served on a Sunday**, or on a religious holiday in the religion that they practice. For example, if they are Jewish and observes the Sabbath, they cannot be served on a Saturday **or** Sunday.

STEP 4: **The server serves your spouse.**

The server should approach your spouse and ask two questions:

1. “Are you _____?” (whatever your spouse’s full name is). (If the server knows your spouse personally, they do not have to ask this question.)
2. “Are you currently serving in the military?”

The server should then hand the clipped packet of documents to your spouse and **make sure the documents touch his body**.

Your spouse does not have to “accept” service. As long as the person serving your spouse has touched your spouse anywhere on their body with the papers, service is complete. It doesn’t matter if your spouse states they “refuse” the papers, drops them, or tears them up.

STEP 5: **The server fills out and signs the Affidavit of Service.**

Once service is complete, the server should immediately fill out the Affidavit of Service by writing in their name and address, the date, time and location where service took place, checking the box regarding how your spouse was identified, and checking the boxes regarding your spouse’s physical description. **All sections of the Affidavit must be fully completed.**

The server must then sign the Affidavit **in front of a Notary Public**. They can find notaries at most banks, mail centers, copy stores, etc., or your attorney may be a notary and may be willing to notarize for you. Make sure the Notary Public includes the county where the affidavit is signed on the front page, and the correct date by their signature on the second page.

The Affidavit of Service cannot be completed, signed or notarized until **after** your spouse has been served!

STEP 6: **Return the signed Affidavit of Service to your attorney.**

Review the Affidavit of Service to make sure it is complete, and then give it (and the photo, if the server used one) to your attorney. Your attorney cannot finalize your divorce until you return the properly signed and notarized Affidavit of Service, so be sure to do this ASAP!

HOW TO COMPLETE THE AFFIDAVIT OF SERVICE

The Affidavit of Service cannot be completed or signed until after you have served the Defendant.

Make sure that all the following information is filled out correctly:

1. "STATE OF NEW YORK, COUNTY OF _____, ss." In the blank after "COUNTY OF," fill in **the county where you will sign the Affidavit**. This is not necessarily the county where you live or the county where you served the Defendant.
2. " _____ being duly sworn, says:" Fill in your first and last name.
3. Paragraph 1: Fill in your home address. If you are not comfortable giving your home address, the city and state where you live is enough.
4. Paragraph 2: Fill in the date, time of day, and **exact** address where you served the Defendant. If you served them on the street and not at an address, provide the most detailed description possible of where you served them; for example, "outside 100 Broadway, New York, NY, 10005" or "the SE corner of Broadway and Pine Streets, New York, NY, 10005".
5. Paragraph 4: Check **one** of the boxes indicating how you knew that the person you served was the Defendant. If you know them personally, you should fill in the length of time you have known them, and how you know them; for example, "I have known the Defendant for 5 years and they my in-law."
6. Paragraph 5: You must fill out **all** check-boxes regarding the physical description of the Defendant and their skin color, even if you are also providing a photo of them with the Affidavit. If you are not sure of their height, weight and/or age, give your best guess. "Identifying features" includes any visible tattoos or scars.

All sections of the Affidavit must be fully completed, or else it is possible that the divorce will not be signed by the judge.

When you have filled out the Affidavit, **do not sign it yet**. Take it to a Notary Public. You can find notaries at most banks, mail centers, copy stores, etc. Some notaries charge a small fee for their services.

You must sign the Affidavit **in front of the notary**. Make sure the Notary Public includes the correct date by their signature on the second page.

Give the completed Affidavit of Service to your friend / the Plaintiff, or mail it back to them attorney in the envelope provided.

AWAITING THE DEFENDANT'S RESPONSE

Once the spouse has been served, make sure to collect the signed and notarized Affidavit of Service as soon as possible, and when you get it, review it carefully to make sure it is filled out completely and accurately. Even one skipped checkbox might mean that the Affidavit, and therefore proper service, is found to be defective later on.

The Defendant has 20 days from the date of service to “appear” in the action (to demand service of a complaint). The assumption in this program is that rather than contesting, the Defendant will either ignore the papers and default in the action (a “default” case), or sign the Affidavit of Defendant and return it to your office, consenting to the divorce (a “waiver” case).

The final divorce papers will reflect the response of the Defendant after they are served. If the Defendant properly executes an Affidavit of Defendant, you can prepare the final divorce papers immediately, and the documents will state, wherever applicable, that the Defendant has waived their right to appear in and contest the action.

Otherwise, if the Defendant fails to respond to your Summons with Notice, you must wait 41 days (for service within the State of New York) or 51 days (for service outside of the State of New York) and then prepare final divorce papers stating that the Defendant has defaulted in the action.

If the Defendant contacts you and objects to the divorce (either by phone or written correspondence), contact your Her Justice mentor for guidance. Often, with some negotiation, the divorce can remain uncontested and proceed in the manner described in this manual.

Note: If the Defendant serves and files an Answer, Demand for Complaint, and/or Notice of Appearance, this means they have formally appeared in the action to contest it. This response is rare but possible. Her Justice has carefully screened the cases we have identified as uncontested divorces to ensure they are not likely to be contested, but we cannot guarantee they will not be. In the event the Defendant contests, contact your Her Justice mentor immediately. Your mentor will discuss with you, and other associates at the firm if necessary, the next steps.

PREPARING AND FILING THE FINAL PAPERS

The final divorce papers will reflect the response of the Defendant after they are served. If the Defendant properly executes an Affidavit of Defendant, you can prepare the final divorce papers stating, wherever applicable, that the Defendant has waived their right to appear in and contest the action. You can send “waiver” drafts to your mentor for review immediately after receiving the Affidavit of Defendant – check it carefully to ensure it is accurate and complete!

Otherwise, if the Defendant fails to respond to your Summons with Notice, you must wait 41 days (if served in New York) or 51 days (if served in another state) and then prepare final divorce papers stating that the Defendant has defaulted in the action. Your mentor will not review “default” papers until after the 41 or 51 day time period has run, because within this time, there is still a chance that the Defendant might sign the waiver (or contest).

Examples of both “waiver” and “default” documents, plus other ancillary documents required by the Court, are included in this manual. Specific forms are available on the New York Court website: <https://www.nycourts.gov/divorce/forms.shtml>

The final divorce papers **that should be sent to your mentor for review** are as follows:

1. Note of Issue
2. Request for Judicial Intervention (RJI)
Available at:
https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/UD-13fillable.pdf
*Use only this version. Do NOT create your own or use one produced by a program.
3. Affirmation of Regularity
4. Part 130 Certification
5. Affidavit of Plaintiff
6. Affidavit of No/Unknown Social Security Number(s), if Plaintiff is unable to provide their or Defendant’s Social Security number (see sample in “Ancillary Documents” section)
7. Findings of Fact and Conclusions of Law
8. Judgment of Divorce
9. Certificate of Dissolution
Available at:
https://www.nycourts.gov/LegacyPDFS/divorce/forms_instructions/DOH-2168.pdf
*Use only this version. Do NOT create your own or use one produced by a program.

In order to thoroughly review the final papers, your mentor will also want to see the court-stamped copy of the Summons with Notice and the completed Affidavit of Service (default cases) or Affidavit of Defendant (waiver cases).

Instructions for filing in-person in New York and Kings County, as well as the official court checklists for both courts, follow. At most firms, your Managing Attorney / Managing Clerk will do this filing for you.

FILING FINALS IN NEW YORK COUNTY (MANHATTAN)

1. Go to the Matrimonial Support Office in Room 311 with the finals arranged in the order specified in the checklist on the following page. The Mat Clerk will review the finals for accuracy and completeness, and if accepted, stamp them as “undefended”.
2. Bring the stamped finals to Room 160 with the fee waiver, and submit the final papers.
3. Have the cashier stamp an extra copy of the Note of Issue, and staple the receipt to it for your file.
4. NOTE: If your firm is handling multiple uncontested divorces, the Mat Clerk will only review two sets of finals per day.

FILING FINALS IN KINGS COUNTY (BROOKLYN)

1. Bring the original and 2 copies of the Note of Issue (NOI) and RJI to the County Clerk's office in the basement of the courthouse, and go to Window 5.
2. File the NOI, RJI, and fee waiver letter at Window 5. They will keep the fee waiver letter and the originals, and stamp your two copies.
3. Bring the packet (including one stamped copy of the NOI and RJI), arranged in the order specified in the checklist on page 16, to the Mat Clerk on the 10th floor. Use the court checklist as a cover sheet to the packet, with the Plaintiff's name, case index no., and date of filing finals at the top of the checklist.
4. The Mat Clerk will review your packet for accuracy and completeness, and if it is accepted for filing, they will stamp your file copy of the NOI.
5. Current processing times as of the end of 2023:
 - 5 weeks for NOI to be entered into the system and become trackable with eCourts/eTrack.
 - One year for JOD to be reviewed/signed by a judge.
 - 3 weeks after JOD is signed to be entered by the Clerk's Office and ready for pickup.

***ONCE YOU HAVE FILED YOUR FINAL PAPERS E-MAIL THE STAMPED NOTE OF ISSUE TO YOUR HER JUSTICE MENTOR**

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY MATRIMONIAL SUPPORT OFFICE
UNCONTESTED DIVORCE - REVIEW CHECKLIST**

**PAPERS WILL NOT BE REVIEWED UNTIL ALL
INSTRUCTIONS ARE FOLLOWED.**

The name, address and phone number of the preparer or filer **MUST** be indicated on **ALL 3 COPIES** of the Note of Issue. (This applies to **ALL** cases being submitted by anyone other than the Plaintiff - including those where a Letter of Authorization is present.) **Limit of 2 cases per agency and filer each day. NO EXCEPTIONS**

NOTE: Photo ID may be requested for verification of identity and/or residency of any person filing papers in this office.

ALL documents MUST be individually stapled and placed in the following order:

- ☐ 3 copies of the Note of Issue with Name/Address/Phone # of preparer
- ☐ RJI Form (UD-13 (no fee))
- ☐ If children under 18, RJI Matrimonial Addendum (UCS-840M)
- ☐ Part 130 Certification
- ☐ Summons - or - Summons with Notice
- ☐ Notice of Guideline Maintenance for Uncontested Divorce (cases as of 1-25-16)
- ☐ Verified Complaint - **MUST BE SUBMITTED IN ALL CASES & SIGNED BY PLAINTIFF**
- ☐ Affidavit of Service or Affidavit of Defendant
- ☐ Affidavit / Affirmation of Regularity
- ☐ Plaintiff's Affidavit
- ☐ If maintenance is requested (cases as of 1-25-16):
Annual Income Worksheet (UD-8(1)) & Maintenance Guideline Worksheet (UD-8(2))
- ☐ Child Support Worksheet -or- Stipulation -or- Family Court Order (within 3 years)
- ☐ Removal of Barriers to Remarriage
- ☐ Qualified Medical Child Support Order (if applicable)
- ☐ Separation Agreement (if applicable)
- ☐ Findings of Fact and Conclusions of Law (proposed)
- ☐ Judgment of Divorce (proposed)
- ☐ Certificate of Dissolution (Form DOH-2168)
- ☐ Support Collection Unit Form or State Registry Form (if child support)
- ☐ UCS 111 Child Support Summary Form (if applicable)
- ☐ Stamped /self-addressed postcard (with name of the action & Index # on back)

If the clerk determines that you have not followed these instructions, your papers will be returned to you and will not be reviewed until you do so.

Note: While uncontested divorce cases may be submitted on papers, the Court always reserves its right, in its discretion, to order an inquest.

Revised 1/25/2016

KINGS COUNTY SUPREME COURT
MATRIMONIAL TERM CLERK'S OFFICE
360 ADAMS STREET, 10th FLOOR

Last Name of Plaintiff _____ Index No. _____ Date _____

UNCONTESTED MATRIMONIAL CHECKLIST - (Check appropriate boxes below.)

Forms listed in bold print shall be submitted in every case.

PLEASE SUBMIT UNCONTESTED DIVORCE IN THE FOLLOWING ORDER:

- | | | |
|--|--------------------------|---|
| UCS840 | <input type="checkbox"/> | RJI <u>fully completed & legible with County Clerk filed stamp</u> |
| UCS 840 M | <input type="checkbox"/> | Matrimonial Addendum to RJI when there are children under 18. |
| * | <input type="checkbox"/> | New York State Case Registry Filing Form |
| UCS-111 | <input type="checkbox"/> | Child Support Summary Form |
| DOH-2168 | <input type="checkbox"/> | Certificate of Dissolution |
| UD1 & UD-2/A-3
<u>OR UD 1a/A-1</u> | <input type="checkbox"/> | Summons with Verified Complaint <u>OR</u> Summons with Notice <u>with County Clerk stamp showing date of filing</u> |
| UD-3/A-4 | <input type="checkbox"/> | Affidavit of Service OR <input type="checkbox"/> UD-7 / A-5 Affidavit of Defendant |
| UD-9/A-10 | <input type="checkbox"/> | Note of Issue stamped by County Clerk |
| UD-6/A-9 | <input type="checkbox"/> | Affidavit of Plaintiff |
| | <input type="checkbox"/> | DRL 255 (formerly DRL 177) compliance in affidavits or stip |
| | <input type="checkbox"/> | Corroborating Affidavit of Third Party (annulment/ or adultery cases only) |
| UD-4 & 4a/A-6 | <input type="checkbox"/> | Sworn Statement of Removal of Barriers to Remarriage with proof of service |
| UD-5/A-8 | <input type="checkbox"/> | Affirmation (Affidavit) of Regularity |
| UD-12/a-14 | <input type="checkbox"/> | Rule 130 Certification |
| UD-8 * | <input type="checkbox"/> | Child Support Worksheets - <i>Shall be submitted when there are unemancipated children under the age of 21 who are supported by parent or guardian, unless Family Court order of support or written stipulation containing all statutory basic support information is submitted.</i> |
| UD-8a | <input type="checkbox"/> | Support Collection Unit Information Sheet, if applicable |
| | <input type="checkbox"/> | Income Deduction Order, if applicable |
| UD-8b * | <input type="checkbox"/> | Qualified Medical Child Support Order - shall be submitted if a group health plan is available and there are unemancipated children under 21 years of age. |
| | <input type="checkbox"/> | Written Agreements - (signed, acknowledged, and notarized by both parties, <u>include DRL 255 language as to health insurance notification requirements</u> and stamped paid by County Clerk |
| UD-10/A-12 * | <input type="checkbox"/> | Findings of Facts and Conclusions of Law - when there are unemancipated children of the marriage under 21 years of age basic support obligation information shall be included. DRL 255 language <u>shall</u> be included when there is an agreement present. |
| UD-11 /A-13 * | <input type="checkbox"/> | Judgment of Divorce - when there are unemancipated children of the marriage under 21 years of age a sum certain child support award shall be included in the judgment. |

* Please note child support statutory requirements.

WAITING FOR THE JUDGMENT TO BE SIGNED

A year waiting period for a judgment of divorce to be signed is typical. The time may vary depending on the volume at the Court, the time of year, and the county where you filed. You can periodically check the Court website (eCourts) for an update in the case status: <https://iapps.courts.state.ny.us/webcivil/FCASMain>

NOTE: Many firms' managing attorneys' offices track uncontested divorce pro bono cases using eCourts or another online service, such as eLaw. Often, they will get a notification through this system of an "appearance date". Usually, this "appearance date" is just a placeholder in the court system that the papers are being presented to a judge or referee around this date, and your presence is not required. If your appearance is actually required at the court, you will get a notice from the court through the mail.

In addition, these online tracking services can alert you that a Judgment has been signed, and the divorce granted, many weeks before that Judgment has been "entered" by the Clerk. The Judgment cannot be picked up from the court until it is "entered". Your Judgment of Divorce is ready for pickup when you get the self-addressed stamped postcard back from the court saying that it is ready.

Once you receive notification that the Judgment of Divorce is ready for pick up (by receiving the postcard in the mail or through eCourts), contact Her Justice for another fee waiver letter, and pick up a certified copy of the Judgment of Divorce from the matrimonial clerk.

PREPARING POST-JUDGMENT PAPERS

As soon as possible after picking up the Judgment of Divorce, you must give the adverse party notice that the parties are now divorced. **Your case is not complete until the following steps have been taken.**

1. Prepare a Notice of Entry and litigation back.
2. Serve a copy of the Notice of Entry with a copy of the judgment of divorce and a copy of litigation back on the Defendant by first-class mail.
3. Prepare Affidavit/Affirmation of Service.
4. File the original Notice of Entry with a copy of the Judgment of Divorce, the original Affidavit of Service, and the original litigation back (all in one packet) with the Court. Bring along a copy of your Notice of Entry to court to get file-stamped.
5. Provide the original certified Judgment of Divorce (with raised seal) to client with termination letter.
6. Keep a file-stamped copy of Notice of Entry and copy of Judgment of Divorce in your file.
7. Email PDFs of file-stamped Notice of Entry, Judgment of Divorce, Affidavit of Service, and closing letter to Her Justice.

CONCLUDING YOUR CASE

As detailed in the checklist above, prepare a termination letter to the client and provide them with a certified copy of the Judgment of Divorce (with a raised seal). Provide Her Justice with a PDF of the court-stamped Notice of Entry and Judgment of Divorce. Congratulations on completing your case!

**EXHIBIT 3 -
Samples for Default
Cases**

SAMPLES FOR DEFAULT CASES

- (A) Cover Page and TOC
- (B) Notice on Sample Language
- (C) Verified Complaint Action for Divorce
- (D) Summons with Notice
- (E) Affidavit of Service
- (F) Certification by Attorney
- (G) Note of Issue
- (H) Affirmation of Regularity
- (I) Affidavit of Plaintiff
- (J) Findings of Fact and Conclusions of Law
- (K) Judgment of Divorce
- (L) Notice of Entry
- (M) Affidavit of Service by Mail of Judgment of Divorce and Notice of Entry

Please note: This manual is for use in uncontested divorce cases where there are no children of the marriage under the age of 21. If you are working on a case where there are children of the marriage under 21 please contact your Her Justice mentor immediately to obtain a copy of our manual for uncontested divorce cases with children. This manual does not include the forms or steps that are required in cases with children.

Change in Notary Requirements

On January 1, 2024 CPLR 2106 was substantially amended to allow ANY person to submit an affirmation instead of an affidavit, with essentially the same force and effect. Now, in civil proceedings, any Pro Se litigant can swear to the truth of something without the requirement of a notary.

However, in an Uncontested Divorce, the Verified Complaint and Sworn Statement of Removal of Barriers must still be signed before a notary to comply with other provisions of the DRL.

Therefore, we believe it is best practice to continue notarizing all documents that have previously required a notary signature. This limits liability, claims of malfeasance or fraud and takes very little additional effort. The samples herein include the notary language.

In the event you or your firm choose to submit documents that do not require notarization without a notary signature, you can find the “non-notary” language in the courts’ sample forms, located here: https://ww2.nycourts.gov/divorce/divorce_withchildrenunder21.shtml

NOTICE ON SAMPLE LANGUAGE

Her Justice acknowledges that anyone of any race, age, sexual orientation, gender identity, nationality, religion, socioeconomic background, immigration status, language of fluency, or education level may be victimized by domestic violence¹. Therefore, we made our materials gender neutral in their discussion of domestic violence, best legal practices, and explanations of the substantive law and practical application of the law. Please note, per standard legal practice, we do not make language edits to direct quotes of legal statute.

However, when it came to our samples, we had to consider additional factors. Court room professionals commonly do not acknowledge the gender pronouns or the chosen name of LGBTQ+ people in the court room. In fact, a Lambda Legal survey of 2,376 LGBTQ+ people found that 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression². The blatant homophobia and transphobia in the court room may result in a client being unfairly scrutinized for gender neutral pronouns being left in court submitted documents. Therefore, we made the decision to use gender neutral names but not gendered pronouns in our samples.

The language used in affidavits, motions, orders, etc. submitted on behalf of your client should reflect the gender pronouns and name they identify with. We encourage you to advocate for your client by affirming their gender identity and sexual orientation in and outside of the court to the extent the client feels comfortable.

¹ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

² as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

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

-----X Index No.
JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.
-----X

VERIFIED COMPLAINT

ACTION FOR DIVORCE

The Plaintiff, by Dylan Advocate, complaining of the Defendant, alleges the following:

FIRST: The parties are over the age of 18 years.

SECOND: This court has jurisdiction to hear this action for divorce. The Plaintiff has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

THIRD: The Plaintiff and Defendant were married to each other on February 25, 2005, in City of Brooklyn, County of Kings, State of New York.

The marriage was not performed by a clergyman, minister or leader of the Society for Ethical Culture.

FOURTH: There is no child as a result of this marriage, and no child is expected.

The Plaintiff resides at ACP 1050, Albany, NY 11207. The Defendant resides at 222 Main Street, Queens, NY 11356.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

FIFTH: The grounds for divorce are as follows: Irretrievable Breakdown of the Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

SIXTH: There is no judgment in any court for a divorce and no other matrimonial action for divorce between the parties is pending in this Court or in any other court of competent jurisdiction.

SEVENTH: Neither the Wife nor the Husband needs maintenance.

WHEREFORE, the Plaintiff demands judgment against the Defendant, dissolving the marriage between the parties to this action, and granting the following relief:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

Dated: , 2024

Dylan Advocate, Esq.
MY Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
123-456-7891

STATE OF NEW YORK, COUNTY OF _____, ss.

I, JAIME DOE, am the Plaintiff in the within action for a divorce. I have read the foregoing Complaint and know the contents thereof. The contents of the Complaint are true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

JAIME DOE

Subscribed and sworn to before me
on _____, 2024

Notary Public
My commission expires on _____

(Form UD-2 - 1/25/16)

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

-----X Index No.

Date Summons Filed:
JAIME DOE,

Plaintiff designates New York County as the
place of trial.
The basis of venue is CPLR Sec. 509.

Plaintiff,

SUMMONS WITH NOTICE

-against-

Plaintiff resides at 111 Main Street, Queens,
NY 11356.

LEE DOE,

Defendant.

-----X

ACTION FOR DIVORCE

To the above named Defendant:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated: , 2023

Dylan Advocate, Esq.
My Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
212-123-4567

NOTICE: The nature of this action is to dissolve the marriage between the parties, on the grounds: DRL Section 170 subd. (7) - the relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

The relief sought is a judgment of absolute divorce in favor of the Plaintiff dissolving the marriage between the parties in this action. The nature of any ancillary or additional relief demanded is:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

(Form UD-1 - 1/25/16)

NOTICE OF ENTRY OF AUTOMATIC ORDERS (D.R.L. 236) Rev. 1/13
FAILURE TO COMPLY WITH THESE ORDERS MAY BE DEEMED
A CONTEMPT OF COURT

PURSUANT TO the Uniform Rules of the Trial Courts, and DOMESTIC RELATIONS LAW Section 236, Part B, Section 2, both you and your spouse (the parties) are bound by the following **AUTOMATIC ORDERS**, which have been entered against you and your spouse in your divorce action pursuant to 22 NYCRR Section 202.16(a), and which shall remain in full force and effect during the pendency of the action, unless terminated, modified or amended by further order of the court or upon written agreement between the parties:

(1) ORDERED: Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fee in connection with this action.

(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401k accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debts hereafter, including, but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual housing expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

IMPORTANT NOTE: After service of Summons with Notice or Summons and Complaint for divorce, if you or your spouse wishes to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.

**NOTICE CONCERNING CONTINUATION OF
HEALTH CARE COVERAGE**
(Required by Section 255(1) of the Domestic Relations Law)

PLEASE TAKE NOTICE that once a judgment of divorce is signed in this action, both you and your spouse may or may not continue to be eligible for coverage under each other's health insurance plan, depending on the terms of the plan.

NOTICE OF GUIDELINE MAINTENANCE

If your divorce was commenced on or after January 25, 2016, this Notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you. **It does not mean that your spouse (the person you are married to) is seeking or offering an award of "Maintenance" in this action. "Maintenance" means the amount to be paid to the other spouse for support after the divorce is final.**

You are hereby given notice that under the Maintenance Guidelines Law (Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$228,000 to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the incomes of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of the obligation. If you and your spouse have no children, the higher formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise the higher formula will apply.

Lower Formula

1. Multiply Maintenance Payor's Income by 20%.
2. Multiply Maintenance Payee's Income by 25%.

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income* = **Result 2**.

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE LOWER FORMULA.

Higher Formula

1. Multiply Maintenance Payor's Income by 30%
2. Multiply Maintenance Payee's Income by 20%

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income* = **Result 2**

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE HIGHER FORMULA.

* Combined Income equals Maintenance Payor's Income up to \$228,000 plus Maintenance Payee's Income.

Note: The Court will determine how long maintenance will be paid in accordance with the statute.

(Rev. 1/31/18)

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

-----X Index No.
JAIME DOE,

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF _____, ss.

_____ being duly sworn, says:

1. I am not a party to this action, am over 18 years of age and reside at:

2. On _____, 2023, at _____M., at

I served the within Summons with Notice, and the notice of automatic orders, and the notice of guideline maintenance, and the notice of continuation of health care coverage, on JOHN DOE the Defendant named by delivering true copies on the Defendant personally.

3. The notice required by the Domestic Relations Law, Section 232 -- "ACTION FOR DIVORCE" -- was legibly printed on the face of the Summons served on the Defendant.

4. I knew the person so served to be the person described in the Summons as the Defendant. My knowledge of the Defendant and how I acquired it are as follows:

☐ I have known the Defendant for _____ years and
OR

☒ I identified the Defendant by a photograph annexed to this affidavit which was given to me by the Plaintiff.

OR

☐ Plaintiff accompanied me and pointed out the Defendant.

OR

☐ I asked the person served if he was the person named in the Summons and Defendant admitted being the person so named.

5. Deponent describes the individual served as follows:

Sex: ☐ Male ☐ Female

Height: ☐ Under 5' ☐ 5'0"-5'3" ☐ 5'4"-5'8" ☐ 5'9"-6'0" ☐ Over 6'

Weight: ☐ Under 100 Lbs ☐ 100-130 Lbs ☐ 131-160 Lbs ☐ 161-200 Lbs ☐ Over 200 Lbs

Age: ☐ 14-20 Yrs ☐ 21-35 ☐ 36-50 Yrs ☐ 51-65 Yrs ☐ Over 65

Hair Color: ☐ Black ☐ Brown ☐ Blond ☐ Grey ☐ Red ☐ White ☐ Balding ☐ Bald

Color of Skin - describe color:

Other identifying features, if any:

6. At the time I served the Defendant, I asked him whether he was in the military service of this state, any other state or this nation, and the Defendant responded in the negative.

Name:

Subscribed and sworn to before me
on

Notary Public

My commission expires on

(Form UD-3 - 1/25/16)

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

-----X Index No

JAIME DOE,

Plaintiff,

CERTIFICATION BY ATTORNEY

-against-

LEE DOE,

Defendant.

-----X

CERTIFICATION: I, Dylan Advocate, Esq. of My Law Office, am an attorney duly admitted to the practice of law in the State of New York, and I hereby certify that all of the papers that I have served, filed or submitted to the Court in this divorce action are not frivolous as defined in subsection (c) of Sec. 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated:

Dylan Advocate, Esq.
Attorney for Plaintiff

(Form UD-12 - 5/99)

NOTE OF ISSUE - UNCONTESTED DIVORCE

*

*

*

*

*

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

-----X Index No.

JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.

-----X

NO TRIAL

FILED BY: My Law Office

Attorneys for Plaintiff

DATE SUMMONS FILED: _____, 2023

DATE SUMMONS SERVED: _____, 2023

DATE ISSUE JOINED: **NOT JOINED - Default**

NATURE OF ACTION: **UNCONTESTED DIVORCE**

RELIEF: **ABSOLUTE DIVORCE**

Dylan Advocate, Esq.

My Law Office

Attorneys for Plaintiff

123 Main Street

New York, NY 10005

123-456-891

Fax No.:

Defendant: JAIME DOE

Office and P.O. Address:

222 Main Street

Queens, NY 11356

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

-----X Index No.
JAIME DOE,

Plaintiff,

AFFIRMATION OF REGULARITY

-against-

LEE DOE,

Defendant.

-----X

I, Dylan Advocate, Esq. of My Law Office, the undersigned attorney-at-law duly admitted to practice law in the State of New York, respectfully show:

1. My Law Office are the attorneys of record for the Plaintiff herein.
2. This is a matrimonial action.
3. The Summons with Notice, Notice of Automatic Orders and Notice of Guideline Maintenance were personally served upon the Defendant herein, within the State of New York as appears by the affidavit of the Defendant submitted herewith.
4. The Defendant has appeared in this action and executed an affidavit agreeing that this matter be placed on the matrimonial calendar immediately.

WHEREFORE, I respectfully request that this action be placed on the undefended matrimonial calendar.

I state under penalty of perjury that the statements herein made are true, except as to such statements as are based upon information and belief, which statements I believe to be true.

Dated:

Dylan Advocate, Esq.

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

-----X Index No.
JAIME DOE,

Plaintiff,

AFFIDAVIT OF PLAINTIFF

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF , ss.

JAIME DOE, being duly sworn, says:

1. The Plaintiff, JAIME DOE, resides at 111 Main Street, Queens, NY 11356, and was born on January 1, 1990. The Social Security Number of the Plaintiff is 111-11-1111. The Defendant, LEE DOE, resides at 222 Main Street, Queens, NY 11356, and was born on February 2, 1990. The Social Security Number of the Defendant is 222-22-2222. The Plaintiff and Defendant were both 18 years of age or over when this action was commenced.

2. This court has jurisdiction to hear this action for divorce. The Plaintiff has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

3. I married the Defendant on February 25, 2005, in City of Brooklyn, County of Kings, State of New York. The marriage was not performed by a clergyman, minister or leader of the Society for Ethical Culture. No steps have to be taken by either party to remove any barriers to either party's remarriage. I waive any requirement of a filing by the Defendant of a statement, pursuant to Section 253 of the Domestic Relations Law, confirming removal of barriers to my remarriage.

4. There is no child as a result of this marriage, and no child is expected.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

I fully understand that upon the entrance of a judgment of divorce, I may no longer be allowed to receive health coverage under my former spouse's health insurance plan. I may be entitled to purchase health insurance on my own through a COBRA option, if available, and otherwise I may be required to secure my own health insurance.

5. The grounds for divorce are as follows: Irretrievable Breakdown of the Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

6a. In addition to the dissolution of the marriage, I am seeking the following relief:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

6b. DRL Sec. 170(7) is the ground alleged, and the Plaintiff hereby affirms that all economic issues of equitable distribution of marital property, the payment or waiver of spousal support, and the payment of counsel and experts' fees and expenses, have been resolved by the parties by written agreement or written waiver. The Defendant has signed a separate affidavit confirming this. Issues of custody, visitation and child support have not been raised or addressed since there are no unemancipated children of the marriage.

7. The Defendant is not in the active military service of the United States, New York or any other state or territory. I have submitted with these papers an Affidavit of Defendant which states that the Defendant is not in the active military service of the United States, New York or any other state or territory.

8. I am not receiving Public Assistance. To my knowledge the Defendant is not receiving Public Assistance.

9. No other matrimonial action is pending in any other court, and the marriage has not been terminated by any prior decree of any court of competent jurisdiction.

10. The Plaintiff's prior surname is SMITH, and the Plaintiff wishes to be able

to resume use of said prior surname.

11. I acknowledge receipt of the Notice of Guideline Maintenance from the Court pursuant to DRL 236 B(6), Chapter 269 of the Laws of 2015, which was served with the Summons.

12. I have been provided a copy of the Notice Relating to Health Care of the Parties. I fully understand that upon the entrance of a judgment of divorce, I may no longer be allowed to receive health coverage under my former spouse's health insurance plan. I may be entitled to purchase health insurance on my own through a COBRA option, if available, and otherwise I may be required to secure my own health insurance.

WHEREFORE, I respectfully request that a judgment be entered for the relief sought and such other relief as the court deems fitting and proper.

JAIME DOE

Subscribed and sworn to before me
on

Notary Public
My commission expires on

(Form UD-6 - 1/25/16)

At the Matrimonial/IAS Part of the New York
Supreme Court at the Courthouse, New York County,
on the day of , 2024.

Present:
Hon. Justice
-----X Index No.

Calendar No.
JAIME DOE,

Plaintiff,

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

-against-

LEE DOE,

Defendant.
-----X

The issues of this action having been submitted to me as one of
the Justices/Referees of this Court at Part hereof, held in and for the County of New
York on , and having considered the allegations and proofs of the
respective parties, and due deliberation having been had thereon.

NOW, after reading and considering the papers submitted, I do hereby make
the following findings of essential facts which I deem established by the evidence and reach the
following conclusions of law.

FINDINGS OF FACT

FIRST: The Plaintiff and Defendant were both 18 years of age or over when
this action was commenced.

SECOND: This court has jurisdiction to hear this action for divorce.
The Plaintiff has resided in New York State for a continuous period in excess of two years
immediately preceding the commencement of this action.

THIRD: The Plaintiff and Defendant were married on February 25, 2005, in
City of Brooklyn, County of Kings, State of New York, in a civil ceremony.

FOURTH: No decree, judgment or order of divorce, annulment or dissolution of marriage has been granted to either party against the other in any court of competent jurisdiction of this state or any other state, territory or country, and there is no other action for divorce, annulment or dissolution of marriage by either party against the other pending in any court.

FIFTH: This action was commenced by filing the Summons with Notice with the County Clerk on , 2023. The Defendant was served personally with the Summons with Notice, Notice of Automatic Orders, Notice of Continuation of Healthcare Coverage and Notice of Guideline Maintenance. The Defendant has defaulted in appearance.

SIXTH: The Defendant is not in the military service of the United States, New York or any other state or territory.

SEVENTH: There is no child as a result of this marriage, and no child is expected.

EIGHTH: The grounds for divorce which are alleged in the Verified Complaint were proved as follows: Irretrievable Breakdown of the Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months. The Plaintiff has so stated under oath.

NINTH: A sworn statement as to the removal of barriers to remarriage is not required because the parties were married in a civil ceremony.

TENTH: The Court has informed the unrepresented party or parties of the maintenance guideline obligation pursuant to DLR Sec. 236(B)(6) enacted by Laws of 2015, Ch. 269, S 5658/A 7636-b (the "Maintenance Guidelines Law"). Neither party is seeking maintenance from the other.

ELEVENTH: Equitable Distribution is not an issue.

TWELFTH: There is no unemancipated child of the marriage.

THIRTEENTH: The Plaintiff's address is 111 Main Street, Queens, NY 11356, and social security number is 111-11-1111. The Defendant's address is 222 Main Street, Queens, NY 11356, and social security number is 222-22-2222.

There are no unemancipated children of the marriage.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

FOURTEENTH: The Plaintiff may resume use of the prior surname: SMITH.

FIFTEENTH: Compliance with DRL Sec. 255 (1) and (2) has been satisfied as follows: There is no agreement between the parties. Each party has been provided notice as required by DRL Sec. 255(1).

SIXTEENTH: The Judgment of Divorce incorporates all ancillary issues, including the payment of counsel and experts' fees and expenses, which issues:

[] were settled by written settlement/separation agreement

[] were settled by oral settlement/separation on the record

[] were settled by written waivers or affidavits (the Affidavit of Plaintiff and the Affidavit of Defendant)

[] were determined by the Court

[] were determined by the Family Court order (custody, visitation or child support and/or spousal support issues only)

[X] are not to be incorporated into the Judgment of Divorce, in that neither party to the divorce has contested any such issues based on the Affidavit of Plaintiff (which Defendant has not contested).

CONCLUSIONS OF LAW

FIRST: Residence as required by DRL Sec. 230 has been satisfied.

SECOND: The requirements of DRL Sec. 255 have been satisfied.

THIRD: The requirements of DRL Sec. 240 1(a) including the Records Checking Requirements in DRL Sec. 240 1(a-1) have been satisfied.

FOURTH: The requirements of DRL Sec. 240(1-b) have been satisfied.

FIFTH: The requirements of DRL Sec. 236(B)(2)(b) have been satisfied.

SIXTH: The requirements of DRL Sec. 236(B)(6) have been satisfied.

SEVENTH: DRL Sec. 170 subd. (7) is the ground alleged, and all economic issues of equitable distribution of marital property, the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses, as well as custody and visitation with infant children of the marriage, have been resolved by the parties or determined by the Court and incorporated into the Judgment.

EIGHTH: The Plaintiff is entitled to a judgment of divorce on the grounds of DRL Section 170 subd. (7) - the relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months, and granting the incidental relief awarded.

Dated:

J.S.C./Referee

(Form UD-10 - Rev. 3/1/18)

At the Matrimonial/IAS Part of the New York
Supreme Court at the Courthouse, New York County,
on the day of , 2024.

Present:

Hon. Justice

-----X Index No.

Calendar No.

JAIME DOE,

Plaintiff,

JUDGMENT OF DIVORCE

-against-

LEE DOE,

Defendant.

-----X

This action was submitted to the referee/this Court for consideration on the
day of , 2024.

The Defendant was served personally within the State of New York.

The Plaintiff presented a Summons with Notice and Affidavit of
Plaintiff constituting the facts of the matter.

The Defendant has appeared and waived his right to answer.

The Court accepted written proof of non-military service.

The Plaintiff's address is 111 Main Street, Queens, NY 11356, and social
security number is xxx-xx-1111. The Defendant's address is 222 Main Street, Queens, NY 11356,
and social security number is xxx-xx-2222.

Now on motion of Her Justice, the attorneys for the Plaintiff, it is:

ORDERED, ADJUDGED AND DECREED that the application of the
Plaintiff is hereby granted to dissolve the marriage between the Plaintiff, JAIME DOE, and the
Defendant, LEE DOE, by reason of: the relationship between the Plaintiff and Defendant has

broken down irretrievably for a period of at least six months, pursuant to DRL Section 170 subd. (7), and the Plaintiff has so stated under oath in their affidavit which Defendant has not contested; and it is further

ORDERED AND ADJUDGED that there are no minor children of the marriage; and it is further

ORDERED AND ADJUDGED that there are no court orders with regard to custody, visitation or maintenance to be continued; and it is further

ORDERED AND ADJUDGED that no maintenance was awarded because [X] neither party seeks maintenance, OR [] the Guideline Award of Maintenance under the Maintenance Guidelines Law (L. 2015, c. 269) was zero, OR [] the Court has denied the request for maintenance, and it is further

ORDERED AND ADJUDGED that there is no Settlement Agreement entered between the parties, and it is further

ORDERED AND ADJUDGED that the Settlement Agreement entered into between the parties on the day of _____, ____ an original OR a transcript of which is on file with the Court and incorporated herein by reference, shall survive and shall not be merged into this judgment, and the parties are hereby directed to comply with all legally enforceable terms and conditions of said agreement as if such terms and conditions were set forth in their entirety herein; **NOT APPLICABLE**, and it is further

ORDERED AND ADJUDGED that the Supreme Court shall retain jurisdiction of this matter to hear any applications to enforce or modify the provisions of this Judgment, provided the Court retains jurisdiction of the matter concurrently with the Family Court for the purpose of modifying this Judgment with regard to maintenance, to the extent permitted by law, and it is further

ORDERED AND ADJUDGED that any applications brought in the Supreme Court to enforce or modify the provisions of this Judgment shall be brought in a county wherein one of the parties resides, provided that if there are minor children of the marriage, such application

shall be brought in a county wherein one of the parties or the child or children reside, except, in the discretion of the judge, for good cause. Good cause applications shall be made by motion or order to show cause. Where the address of either party and any child or children is unknown and not a matter of public record, or is the subject of an existing confidentiality order pursuant to DRL Sec. 254 or FCA Sec. 154-b, such applications may be brought in the county where this Judgment was entered, and it is further

ORDERED AND ADJUDGED that providing for the transfer of title to the marital residence is Not Applicable in this case, and it is further

ORDERED AND ADJUDGED that both parties are authorized to resume the use of any prior surname, and it is further

ORDERED AND ADJUDGED that the Plaintiff may resume use of the prior surname, SMITH, and it is further

ORDERED AND ADJUDGED that the Defendant shall be served with a copy of this Judgment, with notice of entry, by the Plaintiff within 20 days of such entry.

Dated:

ENTER:

J.S.C./Referee

CLERK

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

-----X Index No.

JAIME DOE,

Plaintiff,

NOTICE OF ENTRY

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF _____, ss.

PLEASE TAKE NOTICE that the attached is a true copy of a Judgment of Divorce in this matter that was entered in the Office of the Clerk of the Supreme Court, New York County, on _____, 2023

Dated:

Dylan Advocate, Esq.
My Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
123-456-7891

TO: LEE DOE
Defendant
222 Main Street
Queens, NY 11356

(Form UD-14 - 5/99)

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

-----X Index No.

JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.

-----X

**AFFIDAVIT OF SERVICE
BY MAIL OF JUDGMENT OF
DIVORCE AND NOTICE OF ENTRY**

STATE OF NEW YORK, COUNTY OF _____, ss.

I, _____, being duly sworn, depose and say that: I am not a party to the within action for divorce; I am over 18 years of age; I reside at _____; and on _____, 2023, I served the within copies of the Notice of Entry and Judgment upon LEE DOE, the Defendant herein named, at 222 Main Street, Queens, NY 11356, by depositing true copies thereof, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, by regular mail and by certified mail, return receipt requested, addressed to LEE DOE, the Defendant herein named, at 222 Main Street, Queens, NY 11356.

Name:

Subscribed and sworn to before me
on _____

Notary Public
My commission expires on _____

ADMISSION OF SERVICE -- Due service of the within Notice of Entry and Judgment is hereby admitted.

Dated: _____

LEE DOE

EXHIBIT 4 - Samples for Waiver Cases

SAMPLES FOR WAIVER CASES

- (A) TOC and Notary Note
- (B) Notice on Sample Language
- (C) Verified Complaint Action for Divorce
- (D) Summons with Notice
- (E) Affidavit of Service
- (F) Certification by Attorney
- (G) Note of Issue
- (H) Affirmation of Regularity
- (I) Affidavit of Plaintiff
- (J) Affidavit of Defendant
- (K) Findings of Fact and Conclusions of Law
- (L) Judgement of Divorce
- (M) Notice of Entry
- (N) Affidavit of Service by Mail of Judgement of Divorce and Notice of Entry

Please note: This manual is for use in uncontested divorce cases where there are no children of the marriage under the age of 21. If you are working on a case where there are children of the marriage under 21 please contact your Her Justice mentor immediately to obtain a copy of our manual for uncontested divorce cases with children. This manual does not include the forms or steps that are required in cases with children.

Change in Notary Requirements

On January 1, 2024 CPLR 2106 was substantially amended to allow ANY person to submit an affirmation instead of an affidavit, with essentially the same force and effect. Now, in civil proceedings, any Pro Se litigant can swear to the truth of something without the requirement of a notary.

However, in an Uncontested Divorce, the Verified Complaint and Sworn Statement of Removal of Barriers must still be signed before a notary to comply with other provisions of the DRL.

Therefore, we believe it is best practice to continue notarizing all documents that have previously required a notary signature. This limits liability, claims of malfeasance or fraud and takes very little additional effort. The samples herein include the notary language.

In the event you or your firm choose to submit documents that do not require notarization without a notary signature, you can find the “non-notary” language in the courts’ sample forms, located here: https://ww2.nycourts.gov/divorce/divorce_withchildrenunder21.shtml

NOTICE ON SAMPLE LANGUAGE

Her Justice acknowledges that anyone of any race, age, sexual orientation, gender identity, nationality, religion, socioeconomic background, immigration status, language of fluency, or education level may be victimized by domestic violence¹. Therefore, we made our materials gender neutral in their discussion of domestic violence, best legal practices, and explanations of the substantive law and practical application of the law. Please note, per standard legal practice, we do not make language edits to direct quotes of legal statute.

However, when it came to our samples, we had to consider additional factors. Court room professionals commonly do not acknowledge the gender pronouns or the chosen name of LGBTQ+ people in the court room. In fact, a Lambda Legal survey of 2,376 LGBTQ+ people found that 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression². The blatant homophobia and transphobia in the court room may result in a client being unfairly scrutinized for gender neutral pronouns being left in court submitted documents. Therefore, we made the decision to use gender neutral names but not gendered pronouns in our samples.

The language used in affidavits, motions, orders, etc. submitted on behalf of your client should reflect the gender pronouns and name they identify with. We encourage you to advocate for your client by affirming their gender identity and sexual orientation in and outside of the court to the extent the client feels comfortable.

¹ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

² as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

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

-----X Index No.

JAIME DOE,
Plaintiff,

-against-

LEE DOE,

Defendant.
-----X

VERIFIED COMPLAINT

ACTION FOR DIVORCE

The Plaintiff, by My Law Office, complaining of the Defendant, alleges the following:

FIRST: The parties are over the age of 18 years.

SECOND: This court has jurisdiction to hear this action for divorce. The Plaintiff has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

THIRD: The Plaintiff and Defendant were married to each other on December 12, 2005, in City of Brooklyn, County of Kings and the State of New York.

The marriage was not performed by a clergyman, minister or leader of the Society for Ethical Culture.

FOURTH: There is no child as a result of this marriage, and no child is expected.

The Plaintiff resides at 111 Main Street, Queens, NY 11356. The Defendant resides at 222 Main Street, Queens, NY 11356.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

FIFTH: The grounds for divorce are as follows: Irretrievable Breakdown of the

Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

SIXTH: There is no judgment in any court for a divorce and no other matrimonial action for divorce between the parties is pending in this Court or in any other court of competent jurisdiction.

SEVENTH: Neither the Wife nor the Husband needs maintenance.

WHEREFORE, the Plaintiff demands judgment against the Defendant, dissolving the marriage between the parties to this action, and granting the following relief:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

Dated: , 2023

Dylan Advocate, Esq.
My Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
123-456-7891

STATE OF NEW YORK, COUNTY OF , ss.

I, JAIME DOE, am the Plaintiff in the within action for a divorce. I have read the foregoing Complaint and know the contents thereof. The contents of the Complaint are true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

JAIME DOE

Subscribed and sworn to before me
on _____, 2023

Notary Public
My commission expires on _____

(Form UD-2 - 1/25/16)

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

-----X Index No.

JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.
-----X

Date Summons Filed:

Plaintiff designates New York County as the
place of trial.

The basis of venue is CPLR Sec. 509.

SUMMONS WITH NOTICE

Plaintiff resides at 111 Main Street, Queens,
NY 11356.

ACTION FOR DIVORCE

To the above named Defendant:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the
Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the
day of service (or within thirty (30) days after the service is complete if this summons is not
personally delivered to you within the State of New York); and in case of your failure to appear,
judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated: , 2023

Dylan Advocate, Esq.
My Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
123-456-7891

NOTICE: The nature of this action is to dissolve the marriage between the parties, on the grounds:
DRL Section 170 subd. (7) - the relationship between the Plaintiff and Defendant has broken down
irretrievably for a period of at least six months.

The relief sought is a judgment of absolute divorce in favor of the Plaintiff dissolving the marriage between the parties in this action. The nature of any ancillary or additional relief demanded is:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

(Form UD-1 - 1/25/16)

NOTICE OF ENTRY OF AUTOMATIC ORDERS (D.R.L. 236) Rev. 1/13
FAILURE TO COMPLY WITH THESE ORDERS MAY BE DEEMED
A CONTEMPT OF COURT

PURSUANT TO the Uniform Rules of the Trial Courts, and DOMESTIC RELATIONS LAW Section 236, Part B, Section 2, both you and your spouse (the parties) are bound by the following **AUTOMATIC ORDERS**, which have been entered against you and your spouse in your divorce action pursuant to 22 NYCRR Section 202.16(a), and which shall remain in full force and effect during the pendency of the action, unless terminated, modified or amended by further order of the court or upon written agreement between the parties:

(1) ORDERED: Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fee in connection with this action.

(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401k accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debts hereafter, including, but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual housing expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

IMPORTANT NOTE: After service of Summons with Notice or Summons and Complaint for divorce, if you or your spouse wishes to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.

**NOTICE CONCERNING CONTINUATION OF
HEALTH CARE COVERAGE**

(Required by Section 255(1) of the Domestic Relations Law)

PLEASE TAKE NOTICE that once a judgment of divorce is signed in this action, both you and your spouse may or may not continue to be eligible for coverage under each other's health insurance plan, depending on the terms of the plan.

NOTICE OF GUIDELINE MAINTENANCE

If your divorce was commenced on or after January 25, 2016, this Notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you. **It does not mean that your spouse (the person you are married to) is seeking or offering an award of "Maintenance" in this action. "Maintenance" means the amount to be paid to the other spouse for support after the divorce is final.**

You are hereby given notice that under the Maintenance Guidelines Law (Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$228,000 to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the incomes of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of the obligation. If you and your spouse have no children, the higher formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise the higher formula will apply.

Lower Formula

1. Multiply Maintenance Payor's Income by 20%.
2. Multiply Maintenance Payee's Income by 25%.

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income* = **Result 2**.

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE LOWER FORMULA.

Higher Formula

1. Multiply Maintenance Payor's Income by 30%
2. Multiply Maintenance Payee's Income by 20%

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income* = **Result 2**

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE HIGHER FORMULA.

*** Combined Income equals Maintenance Payor's Income up to \$228,000 plus Maintenance Payee's Income.**

Note: The Court will determine how long maintenance will be paid in accordance with the statute.

(Rev. 1/31/18)

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

-----X Index No.

JAIME DOE,

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF _____, ss.

_____ being duly sworn, says:

1. I am not a party to this action, am over 18 years of age and reside at:

2. On _____, 2023, at _____M., at

I served the within Summons with Notice, and the notice of automatic orders, and the notice of continuation of health care coverage and Notice of Guideline Maintenance, on LEE DOE the Defendant named by delivering true copies on the Defendant personally.

3. The notice required by the Domestic Relations Law, Section 232 -- "ACTION FOR DIVORCE" -- was legibly printed on the face of the Summons served on the Defendant.

4. I knew the person so served to be the person described in the Summons as the Defendant. My knowledge of the Defendant and how I acquired it are as follows:

[] I have known the Defendant for _____ years and
OR

[] I identified the Defendant by a photograph annexed to this affidavit which was given to me by the Plaintiff.

OR

[] Plaintiff accompanied me and pointed out the Defendant.

OR

[X] I asked the person served if he was the person named in the Summons and Defendant admitted being the person so named.

5. Deponent describes the individual served as follows:

Sex: ☐ Male ☐ Female

Height: ☐ Under 5' ☐ 5'0"-5'3" ☐ 5'4"-5'8" ☐ 5'9"-6'0" ☐ Over 6'

Weight: ☐ Under 100 Lbs ☐ 100-130 Lbs ☐ 131-160 Lbs ☐ 161-200 Lbs ☐ Over 200 Lbs

Age: ☐ 14-20 Yrs ☐ 21-35 ☐ 36-50 Yrs ☐ 51-65 Yrs ☐ Over 65

Hair Color: ☐ Black ☐ Brown ☐ Blond ☐ Grey ☐ Red ☐ White ☐ Balding ☐ Bald

Color of Skin - describe color:

Other identifying features, if any:

6. At the time I served the Defendant, I asked him whether he was in the military service of this state, any other state or this nation, and the Defendant responded in the negative.

Name:

Subscribed and sworn to before me
on

Notary Public

My commission expires on

(Form UD-3 - 1/25/16)

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

-----X Index No.

JAIME DOE,

Plaintiff,

CERTIFICATION BY ATTORNEY

-against-

LEE DOE,

Defendant.

-----X

CERTIFICATION: I, Dylan Advocate, Esq. of Law Office, am an attorney duly admitted to the practice of law in the State of New York, and I hereby certify that all of the papers that I have served, filed or submitted to the Court in this divorce action are not frivolous as defined in subsection (c) of Sec. 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated:

Dylan Advocate, Esq.
Attorney for Plaintiff

(Form UD-12 - 5/99)

NOTE OF ISSUE - UNCONTESTED DIVORCE

*

*

*

*

*

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

-----X Index No.

JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.

-----X

NO TRIAL

FILED BY: My Law Office

Attorneys for Plaintiff

DATE SUMMONS FILED: , 2023

DATE SUMMONS SERVED: , 2023

DATE ISSUE JOINED: **NOT JOINED - Default**

NATURE OF ACTION: **UNCONTESTED DIVORCE**

RELIEF: **ABSOLUTE DIVORCE**

Dylan Advocate, Esq.

My Law Office

Attorneys for Plaintiff

123 Main Street

New York, NY 10005

123-456-7891

Fax No.:

Defendant: LEE DOE

Office and P.O. Address:

222 Main Street

Queens, NY 11356

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

-----X Index No.
JAIME DOE,

Plaintiff,

AFFIRMATION OF REGULARITY

-against-

LEE DOE,

Defendant.

-----X

I, Dylan Advocate, Esq. of My Law Office, the undersigned attorney-at-law duly admitted to practice law in the State of New York, respectfully show:

1. My Law Office are the attorneys of record for the Plaintiff herein.
2. This is a matrimonial action.
3. The Summons with Notice and Notice of Automatic Orders were personally served upon the Defendant herein, within the State of New York as appears by the affidavit of service submitted herewith.
4. The Defendant is in default for failure to serve a notice of appearance or failure to answer the complaint served in this action in due time, and the time to answer has not been extended by stipulation, court order or otherwise.

WHEREFORE, I respectfully request that this action be placed on the undefended matrimonial calendar.

I state under penalty of perjury that the statements herein made are true, except as to such statements as are based upon information and belief, which statements I believe to be true.

Dated:

Dylan Advocate, Esq.

(Form UD-5 - 1/25/16)

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

-----X Index No.

JAIME DOE,

Plaintiff,

AFFIDAVIT OF PLAINTIFF

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF , ss.

JAIME DOE, being duly sworn, says:

1. The Plaintiff, JAIME DOE, resides at 111 Main Street, Queens, NY 11356, and was born on January 1, 1990. The Social Security Number of the Plaintiff is 111-11-1111. The Defendant, LEE DOE, resides at 222 Main Street, Queens, NY 11356, and was born on February 2, 1990. The Social Security Number of the Defendant is 222-22-2222. The Plaintiff and Defendant were both 18 years of age or over when this action was commenced.

2. This court has jurisdiction to hear this action for divorce. The Plaintiff has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

3. I married the Defendant on December 12, 2005, in City of Brooklyn, County of Kings and the State of New York. The marriage was not performed by a clergyman, minister or leader of the Society for Ethical Culture. No steps have to be taken by either party to remove any barriers to either party's remarriage. I waive any requirement of a filing by the Defendant of a statement, pursuant to Section 253 of the Domestic Relations Law, confirming removal of barriers to my remarriage.

4. There is no child as a result of this marriage, and no child is expected.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

I fully understand that upon the entrance of a judgment of divorce, I may no longer be allowed to receive health coverage under my former spouse's health insurance plan. I may be entitled to purchase health insurance on my own through a COBRA option, if available, and otherwise I may be required to secure my own health insurance.

5. The grounds for divorce are as follows: Irretrievable Breakdown of the Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

6a. In addition to the dissolution of the marriage, I am seeking the following relief:

That the parties do not require maintenance and no claim will be made by either party for maintenance. The Plaintiff is not seeking maintenance as payee as described in the Notice of Guideline Maintenance.

That the parties do not require payment of counsel and experts' fees and expenses.

That both parties may resume the use of any prior surname.

That Plaintiff may resume the use of their prior surname, DOE.

That the Court grant such other and further relief as the Court may deem fit and proper.

The parties have divided up the marital property, and no claim will be made by either party under equitable distribution.

6b. DRL Sec. 170(7) is the ground alleged, and the Plaintiff hereby affirms that all economic issues of equitable distribution of marital property, the payment or waiver of spousal support, and the payment of counsel and experts' fees and expenses, are specified above and in the Summons with Notice and are to be determined by the court and are to be incorporated into the Judgment of Divorce. Issues of custody, visitation and child support have not been raised or addressed since there are no unemancipated children of the marriage.

7. The Defendant is not in the active military service of the United States, New York or any other state or territory. I know this because he admitted it to the process server on

8. I am not receiving Public Assistance. To my knowledge the Defendant is not receiving Public Assistance.

9. No other matrimonial action is pending in any other court, and the marriage has not been terminated by any prior decree of any court of competent jurisdiction.

10. The Plaintiff's prior surname is DOE, and the Plaintiff wishes to be able to resume use of said prior surname.

11. I have been provided a copy of the Notice Relating to Health Care of the Parties. I fully understand that upon the entrance of a judgment of divorce, I may no longer be allowed to receive health coverage under my former spouse's health insurance plan. I may be entitled to purchase health insurance on my own through a COBRA option, if available, and otherwise I may be required to secure my own health insurance.

WHEREFORE, I respectfully request that a judgment be entered for the relief sought and such other relief as the court deems fitting and proper.

JAIME DOE

Subscribed and sworn to before me
on

Notary Public
My commission expires on

(Form UD-6 - 1/25/16)

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

XXXXXXXXXX,

Plaintiff,

- against -

XXXXXXX

Defendant.

INDEX NO.: _____

AFFIDAVIT OF DEFENDANT

STATE OF NEW YORK, COUNTY OF _____, ss.

XXXXXXX, being duly sworn, says:

1. I am the Defendant in this action for divorce, and I am over the age of 18 years. I reside at XXXXXXXXXXXXX and my social security number is _____.

2. I admit service of the Summons with Notice for divorce on _____, 2019, based upon the following grounds: DRL Section 170 subd. (7) - the relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months. I also admit service of the Notice of Automatic Orders, the Notice of Guideline Maintenance, and Notice Concerning Continuation of Health Care Coverage which accompanied the Summons with Notice.

3. I appear in this action; however, I do not intend to respond to the summons or answer the complaint and I waive the twenty (20) or thirty (30) day period provided by law to respond to the summons or answer the complaint. I waive the forty (40) day waiting period to place this matter on the calendar, and I hereby consent to this action being placed on the uncontested divorce calendar immediately.

4. I am not an active member of the military service of the United States. I am not a member of the military service of New York or any other state or territory.

5. I waive the service of all further papers in this action except for a copy of the final Judgment of Divorce. I specifically waive the service upon me of the Note of Issue, Request For Judicial Intervention, Barriers to Remarriage Affidavit, proposed Findings of Fact and Conclusions of Law, proposed Judgment of Divorce, Notice of Settlement, and any other notices, pleadings and papers in this action. I, however, specifically reserve the right to receive a copy of any Judgment as ultimately may be granted in this action. I further waive all statutory waiting periods prior to judgment.

6. I am not seeking equitable distribution. I understand that I may be prevented from further asserting my right to equitable distribution.

7. I am not seeking maintenance as payee as described in the Notice of Guideline Maintenance, and I agree that neither party shall be obligated to provide maintenance. I make this agreement as an agreement regarding maintenance pursuant to DRL 236(B)(3).

8. The relationship of the Plaintiff and Defendant has broken down irretrievably for a period of more than six months. All economic issues of equitable distribution of marital property, custody and visitation and payment of child support, the payment or waiver of spousal support, and the payment of counsel and experts' fees and expenses, have been resolved by the parties in our Affidavit of Plaintiff and Affidavit of Defendant and are to be incorporated into the Judgment of Divorce.

9. The marriage was not performed by a clergyman, minister or leader of the Society for Ethical Culture.

10. I acknowledge receipt of the Notice of Guideline Maintenance from the Court pursuant to DRL 236 B(6), Chapter 269 of the Laws of 2015, which was served with the Summons.

11. I have been provided a copy of the Notice Concerning Continuation of Health Care Coverage. I fully understand that upon entrance of a judgment of divorce I may no longer be allowed to receive health insurance under my former spouses health insurance plan. I may be entitled to purchase health insurance on my own through COBRA option, if available, and otherwise I may be required to secure my own health insurance.

XXXXXXXX

STATE OF NEW YORK, COUNTY OF NEW YORK, ss.

On the _____ day of _____, 2019, before me, the undersigned, personally appeared XXXXXXXXXXXX, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
My commission expires on _____

At the Matrimonial/IAS Part of the New York
Supreme Court at the Courthouse, New York County,
on the day of , 2023.

Present:

Hon. _____

Justice

-----X Index No.

Calendar No.

JAIME DOE,

Plaintiff,

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

-against-

LEE DOE,

Defendant.

-----X

The issues of this action having been submitted to me as one of the
Justices/Referees of this Court at Part hereof, held in and for the County of New York
on , and having considered the allegations and proofs of the respective
parties, and due deliberation having been had thereon.

NOW, after reading and considering the papers submitted, I do hereby make the
following findings of essential facts which I deem established by the evidence and reach the
following conclusions of law.

FINDINGS OF FACT

FIRST: The Plaintiff and Defendant were both 18 years of age or over when this
action was commenced.

SECOND: This court has jurisdiction to hear this action for divorce. The
Plaintiff has resided in New York State for a continuous period in excess of two years immediately
preceding the commencement of this action.

THIRD: The Plaintiff and Defendant were married on December 12, 2005, in
City of Brooklyn, County of Kings and the State of New York, in a civil ceremony.

FOURTH: No decree, judgment or order of divorce, annulment or dissolution of marriage has been granted to either party against the other in any court of competent jurisdiction of this state or any other state, territory or country, and there is no other action for divorce, annulment or dissolution of marriage by either party against the other pending in any court.

FIFTH: This action was commenced by filing the Summons with Notice with the County Clerk on _____, 2023. The Defendant was served personally with the Summons with Notice, Notice of Automatic Orders and Notice of Continuation of Healthcare Coverage. The Defendant has appeared and waived his right to answer.

SIXTH: The Defendant is not in the military service of the United States.

SEVENTH: There is no child as a result of this marriage, and no child is expected.

EIGHTH: The grounds for divorce which are alleged in the Verified Complaint were proved as follows: Irretrievable Breakdown of the Relationship for at Least Six Months (DRL Sec. 170(7)): The relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months. The Plaintiff and Defendant have so stated under oath.

NINTH: A sworn statement as to the removal of barriers to remarriage is not required because the parties were married in a civil ceremony.

TENTH: Neither party is seeking maintenance from the other.

ELEVENTH: Equitable Distribution is not an issue.

TWELFTH: There is no unemancipated child of the marriage.

THIRTEENTH: The Plaintiff's address is 111 Main Street, Queens, NY 11356, and social security number is 111-11-1111. The Defendant's address is 222 Main Street, Queens, NY 11356, and social security number is 222-22-2222.

There are no unemancipated children of the marriage.

The parties are covered by the following group health plans:

Plaintiff

Group Health Plan: NOT APPLICABLE

Defendant

Group Health Plan: NOT APPLICABLE

FOURTEENTH: The Plaintiff may resume use of the prior surname: SMITH.

FIFTEENTH: Compliance with DRL Sec. 255 (1) and (2) has been satisfied as follows: There is no agreement between the parties. Each party has been provided notice as required by DRL Sec. 255(1).

SIXTEENTH: The Judgment of Divorce incorporates all ancillary issues, including the payment of counsel and experts' fees and expenses, which issues:

☐ were settled by written settlement/separation agreement

☐ were settled by oral settlement/separation on the record

☒ were settled by written waivers or affidavits (the Affidavit of Plaintiff and the Affidavit of Defendant)

☐ were determined by the Court

☐ were determined by the Family Court order (custody, visitation or child support and/or spousal support issues only)

☐ are not to be incorporated into the Judgment of Divorce, in that neither party to the divorce has contested any such issues based on the Affidavit of Plaintiff (which Defendant has not contested).

CONCLUSIONS OF LAW

FIRST: Residence as required by DRL Sec. 230 has been satisfied.

SECOND: The requirements of DRL Sec. 255 have been satisfied.

THIRD: The requirements of DRL Sec. 240 1(a) including the Records Checking Requirements in DRL Sec. 240 1(a-1) have been satisfied.

FOURTH: The requirements of DRL Sec. 240(1-b) have been satisfied.

FIFTH: The requirements of DRL Sec. 236(B)(2)(b) have been satisfied.

SIXTH: The requirements of DRL Sec. 236(B)(6) have been satisfied.

SEVENTH: DRL Sec. 170 subd. (7) is the ground alleged, and all economic issues of equitable distribution of marital property, the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses, as well as custody and visitation with infant children of the marriage, have been resolved by the parties or determined by the Court and incorporated into the Judgment.

EIGHTH: The Plaintiff is entitled to a judgment of divorce on the grounds of DRL Section 170 subd. (7) - the relationship between the Plaintiff and Defendant has broken down irretrievably for a period of at least six months, and granting the incidental relief awarded.

Dated:

J.S.C./Referee

(Form UD-10 - Rev. 3/1/18)

At the Matrimonial/IAS Part of the New York
Supreme Court at the Courthouse, New York County,
on the day of , 2023.

Present:

Hon. Justice

-----X Index No. -

Calendar No.

JAIME DOE,

Plaintiff,

JUDGMENT OF DIVORCE

-against-

LEE DOE,

Defendant.

-----X

This action was submitted to the referee/this Court for consideration on the
day of , 2023.

The Defendant was served personally within the State of New York.

The Plaintiff presented a Summons with Notice and Affidavit of Plaintiff
constituting the facts of the matter.

The Defendant has appeared and waived his right to answer.

The Court accepted written proof of non-military service.

The Plaintiff's address is 111 Main Street, Queens, NY 11356, and social security
number is 111-11-111. The Defendant's address is 222 Main Street, Queens, NY 11356, and social
security number is 222-22-2222.

Now on motion of MY Law Office, the attorneys for the Plaintiff, it is:

ORDERED, ADJUDGED AND DECREED that the application of the Plaintiff
is hereby granted to dissolve the marriage between the Plaintiff, JAIME DOE, and the Defendant,
LEE DOE, by reason of: the relationship between the Plaintiff and Defendant has broken down

irretrievably for a period of at least six months, pursuant to DRL Section 170 subd. (7), and the Plaintiff and Defendant have so stated under oath in the Affidavit of Plaintiff and Affidavit of Defendant; and it is further

ORDERED AND ADJUDGED that there are no minor children of the marriage; and it is further

ORDERED AND ADJUDGED that there are no court orders with regard to custody, visitation or maintenance to be continued; and it is further

ORDERED AND ADJUDGED that no maintenance was awarded because [X] neither party seeks maintenance.

ORDERED AND ADJUDGED that there is no Settlement Agreement entered between the parties, and it is further

ORDERED AND ADJUDGED that the Settlement Agreement entered into between the parties on the day of _____, ____ an original OR a transcript of which is on file with the Court and incorporated herein by reference, shall survive and shall not be merged into this judgment, and the parties are hereby directed to comply with all legally enforceable terms and conditions of said agreement as if such terms and conditions were set forth in their entirety herein; **NOT APPLICABLE**, and it is further

ORDERED AND ADJUDGED that the Supreme Court shall retain jurisdiction of this matter to hear any applications to enforce or modify the provisions of this Judgment, provided the Court retains jurisdiction of the matter concurrently with the Family Court for the purpose of modifying this Judgment with regard to maintenance, to the extent permitted by law, and it is further

ORDERED AND ADJUDGED that any applications brought in the Supreme Court to enforce or modify the provisions of this Judgment shall be brought in a county wherein one of the parties resides, provided that if there are minor children of the marriage, such application shall be brought in a county wherein one of the parties or the child or children reside, except, in the discretion of the judge, for good cause. Good cause applications shall be made by motion or order to show cause. Where the address of either party and any child or children is unknown and

not a matter of public record, or is the subject of an existing confidentiality order pursuant to DRL Sec. 254 or FCA Sec. 154-b, such applications may be brought in the county where this Judgment was entered, and it is further

ORDERED AND ADJUDGED that providing for the transfer of title to the marital residence is Not Applicable in this case, and it is further

ORDERED AND ADJUDGED that both parties are authorized to resume the use of any prior surname, and it is further

ORDERED AND ADJUDGED that the Plaintiff may resume use of the prior surname, SMITH, and it is further

ORDERED AND ADJUDGED that the Defendant shall be served with a copy of this Judgment, with notice of entry, by the Plaintiff within 20 days of such entry.

Dated:

ENTER:

J.S.C./Referee

CLERK

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

-----X Index No.

JAIME DOE,

Plaintiff,

NOTICE OF ENTRY

-against-

LEE DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF , ss.

PLEASE TAKE NOTICE that the attached is a true copy of a Judgment of Divorce in this matter that was entered in the Office of the Clerk of the Supreme Court, New York County, on

Dated:

Dylan Advocate, Esq.
My Law Office
Attorneys for Plaintiff
123 Main Street
New York, NY 10005
123-456-7891

TO: LEE DOE
Defendant
222 Main Street
Queens, NY 11356

(Form UD-14 - 5/99)

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

-----X Index No.
JAIME DOE,

Plaintiff,

-against-

LEE DOE,

Defendant.

-----X

**AFFIDAVIT OF SERVICE
BY MAIL OF JUDGMENT OF
DIVORCE AND NOTICE OF ENTRY**

STATE OF NEW YORK, COUNTY OF , ss.

I, , being duly sworn, depose and say that: I am not a party to the within action for divorce; I am over 18 years of age; I reside at ; and on , 2019, I served the within copies of the Notice of Entry and Judgment upon LEE DOE, the Defendant herein named, at 222 Main Street, Queens, NY 11356, by depositing true copies thereof, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, by regular mail and by certified mail, return receipt requested, addressed to LEE DOE, the Defendant herein named, at 222 Main Street, Queens, NY 11356.

Name:

Subscribed and sworn to before me
on

Notary Public
My commission expires on

ADMISSION OF SERVICE -- Due service of the within Notice of Entry and Judgment is hereby admitted.

Dated:

LEE DOE

**EXHIBIT 5 -
Ancillary Documents**

ANCILLARY DOCUMENTS

- (A) Cover Page and TOC
- (B) Statement of Clients Rights and Responsibilities
- (C) Long Form Client Questionnaire
- (D) Sample Cover Letter to Defendant
- (E) Sample Cover Letter to Correctional Facility
- (F) Order to Maintain Plaintiff's Address and SSN Confidential
- (G) Affidavit in Support of Motion to Maintain Plaintiff's Address and SSN Confidential
- (H) Affirmation in Support of Motion to Maintain Plaintiff's Address and SSN Confidential
- (I) Sample Letter of Consent from Firm as Designated Agent for Service of Process
- (J) Certificate of Dissolution of Marriage
- (K) Sample Affidavit of No Social Security Number
- (L) Sample Affidavit of Unknown Social Security Number
- (M) Postcard
- (N) Sample Closing Letter to Client

Statement of Client's Rights and Responsibilities

Your attorney is providing you with this document to inform you of what you, as a client, are entitled to by law or by custom. To help prevent any misunderstanding between you and your attorney please read this document carefully.

If you ever have any questions about these rights, or about the way your case is being handled, do not hesitate to ask your attorney. They should be readily able to represent your best interests and keep you informed about your case.

An attorney may not refuse to represent you on the basis of race, creed, color, sex, sexual orientation, age, national origin or disability.

You are entitled to an attorney who will be capable of handling your case; show you courtesy and consideration at all times, represent you zealously, and preserve your confidences and secrets that are revealed in the course of the relationship.

You are expected to be truthful in all discussion with your attorney, and to provide all relevant information and documentation to enable them to competently prepare your case.

You are entitled to be kept informed of the status of your case and to be provided with copies of correspondence and documents prepared on your behalf or received from the court or your adversary.

You have the right to be present in court at the time that conferences are held.

You are entitled to make the ultimate decision on the objectives to be pursued in your case, and to make the final decision regarding the settlement of your case.

You are entitled to have your attorney's best efforts exerted on your behalf, but no particular results can be guaranteed.

If you entrust money with an attorney for an escrow deposit in your case, the attorney must safeguard the escrow in a special bank account. You are entitled to a written escrow agreement, a written receipt, and a complete record concerning the escrow. When the terms of the escrow agreement have been performed, the attorney must promptly make payment of the escrow to all persons who are entitled to it.

Receipt acknowledged on this _____ day of _____, 20__:

Client's signature

Attorney's signature

LONG FORM CLIENT QUESTIONNAIRE

CLIENT INFORMATION

NAME:

Last*

First

Middle

*Make sure that the last name provided by the client is legally their last name. Some clients do not use their married names and will go by their maiden names. If the client legally changed their last name to that of their spouse's, that name must be used for purposes of the divorce action.

PRIOR SURNAME:

Client's last name before they got married, if different from current last name.

PREFERRED PRONOUNS:

CURRENT ADDRESS:

Street

Apt. #

City

State

Zip Code

COUNTY:

New York

Bronx

Kings

Queens

Richmond

PHONE NUMBERS: () _____ (H)

() _____ (C)

() _____ (Other: _____)

The client should provide a daytime and evening telephone number where they can be reached and receive messages. If the client does not have a telephone, request the number of a relative, neighbor or friend for a contact number. Clients should also be advised that they must respond promptly, or within 24 hours, to all telephone calls.

E-MAIL ADDRESS:

SOCIAL SECURITY NUMBER:

Required by state law to be included on the Certificate of Dissolution. Must also be included in

divorce pleadings. If the client does not have a Social Security number, an additional affidavit will need to be prepared.

DATE OF BIRTH:

Month

Day

Year

PLACE OF BIRTH:

City

State

Country

RACE:

Hispanic

Native American

Black

Caribbean

White

Asian

Multi-racial

Other: _____

IS CLIENT STILL LIVING WITH THEIR SPOUSE?

Yes

No

IF YES, AND THE CLIENT SEEKS AN UNCONTESTED DIVORCE, CONTACT YOUR HER JUSTICE MENTOR FOR GUIDANCE.

DOES THE CLIENT'S SPOUSE KNOW WHERE THEY CURRENTLY LIVES?

Yes

No

IF NO, DOES CLIENT WISH TO KEEP THEIR CURRENT ADDRESS AND/OR SOCIAL SECURITY NUMBER CONFIDENTIAL FROM THEIR SPOUSE?*

Yes

No

* Note that matrimonial documents are confidential and publicly inaccessible, so their address and Social Security number cannot be accessed by anyone other than their spouse and/or their attorney.

IF YES, DOES CLIENT HAVE A LEGITIMATE REASON* FOR KEEPING THEIR CURRENT ADDRESS AND/OR SOCIAL SECURITY NUMBER CONFIDENTIAL FROM THEIR SPOUSE?

Yes

No

*For example, the client fears for their safety if their current address is disclosed to their abusive spouse.

HIGHEST LEVEL OF EDUCATION COMPLETED:

Elementary School: up to grade ____
High School: up to grade ____
GED
Vocational/Trade School
College: degree obtained ____
Post-Graduate: degree obtained ____

CLIENT RESIDENCY & MARRIAGE

HOW MANY YEARS HAS THE CLIENT LIVED IN NEW YORK STATE CONTINUOUSLY AND IMMEDIATELY PRIOR TO THIS INTERVIEW? _____

If your client has lived in New York State for less than two years, see Domestic Relations Law Section 230, or the “Residency” section in this Divorce Manual, for additional ways to satisfy the residency requirement.

DATE OF MARRIAGE: _____
Month Day Year

PLACE OF MARRIAGE: _____
City State Country

WERE THE CLIENT AND SPOUSE MARRIED IN A RELIGIOUS OR CIVIL CEREMONY? Religious* Civil

*A ceremony is religious if performed by a priest, minister, rabbi, reverend, imam, or ordained officiant.

DATE THE CLIENT AND SPOUSE BEGAN TO LIVE SEPARATE AND APART:

Month Day Year

IS THIS THE CLIENT'S FIRST MARRIAGE? Yes No

IF NO, HOW MANY TIMES HAS THE CLIENT BEEN MARRIED? _____

DID THE CLIENT'S PRIOR MARRIAGE(S) END BY DIVORCE, ANNULMENT, OR DEATH?

CLIENT EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER: (if applicable)

Name

Address

INCOME*:

(Weekly)

(Bi-weekly)

(Monthly)

*Client should provide proof of their source(s) of income at the time of the initial client interview. Specify if amount is net or gross income.

CLIENT'S PROOF OF EMPLOYMENT INCOME:

Paycheck

W-2 For Income

Tax Return

Other:

IF THE CLIENT IS NOT EMPLOYED, WHAT IS/ARE THE CLIENT'S SOURCE(S) OF INCOME?

Cash Public Assistance

Worker's Compensation

Unemployment

Supplemental Security Income (SSI)

Disability (SSD)

Social Security Retirement

Child Support

Spousal Support/Maintenance

Other: _____

AMOUNT(S) RECEIVED*:

(Weekly)

(Bi-weekly)

(Monthly)

*Client should provide proof of their source(s) of income at time of interview.

PROOF OF CLIENT'S SOURCE OF INCOME:

Budget Letter (Public Assistance)

Check

Written Statement

Other:

CLIENT HEALTH INSURANCE

DOES THE CLIENT HAVE HEALTH INSURANCE BENEFITS? Yes No

IF NO, SKIP TO THE NEXT SECTION.

IF YES, CONTINUE WITH THE QUESTIONS BELOW.

IS/ARE THE INSURANCE BENEFIT(S) PROVIDED BY AN EMPLOYER OR OTHER SOURCE(S)?

Employer Other: _____

Group Health Plan: _____

Address: _____

ID #: _____

Plan Administrator (if known): _____

Type of Coverage*: _____

*If the client receives medical and/or dental benefits from their employer, indicate as such above.

If the client is a recipient of Public Assistance, they will most likely receive Medicaid. In this instance this will qualify as health insurance benefits and you should complete the information above.

IS THE SPOUSE COVERED UNDER THESE BENEFIT(S)? Yes No

If the client provides health insurance benefits to the spouse, the client may terminate coverage, and has no obligation to continue providing coverage, of the spouse upon a judgment of divorce.

SPOUSE INFORMATION

NAME OF SPOUSE:

Last

First

Middle

CURRENT ADDRESS OF SPOUSE:

Street

Apt. #

City

State

Zip Code

IS THE SPOUSE CURRENTLY INCARCERATED? Yes No

Accurate information is necessary for purposes of service of the divorce papers at the correctional facility. Refer to appropriate city and/or state inmate lookup websites for additional information on incarcerated inmates.

KNOWN ALIASES OF SPOUSE: _____

ADDRESS OF FACILITY:

*This information may be obtained at the time arrangements are made for service on the spouse at the correctional facility.

IF THE CLIENT DOES NOT KNOW THEIR SPOUSE'S CURRENT ADDRESS, IS THERE ANY OTHER LOCATION WHERE HE CAN BE FOUND? YES NO
IF YES, WHERE?

NOTE: The defendant-spouse must be personally served with the Summons with Notice. Therefore, it is important for the client to make every effort to provide current and accurate information regarding the whereabouts of their spouse.

PHONE NUMBERS: () _____ (H)
() _____ (C)
() _____ (Other: _____)

If unknown, or the spouse does not have a Social Security number, a separate affidavit will need to be prepared.

Month Day Year

PLACE OF BIRTH: _____
City State Country

RACE:

Hispanic
Caribbean
Multi-racial

Native American
White
Other: _____

Black
Asian

HIGHEST LEVEL OF EDUCATION COMPLETED:

Elementary School: up to grade ____
High School: up to grade ____
GED
Vocational/Trade School
College: degree obtained _____
Post-Graduate: degree obtained _____

SPOUSE'S INCOME (if known)*:

(Weekly)

(Bi-weekly)

(Monthly)

*Specify whether gross or net amount. If available, the client should present a current copy of the spouse's proof of income at the time of the initial client interview. If the spouse is incarcerated, it is likely that he will have no income and the statutory minimum of \$25.00 per month should be requested in the divorce papers to resolve the issue of child support, unless there is an order of support issued by the Family Court within the last three years that can be continued.

SPOUSE HEALTH INSURANCE

DOES THE SPOUSE HAVE HEALTH INSURANCE BENEFIT(S)? Yes No

IF NO, SKIP TO THE NEXT SECTION.

IF YES, CONTINUE WITH THE QUESTIONS BELOW.

IS/ARE THE INSURANCE BENEFIT(S) PROVIDED BY AN EMPLOYER OR OTHER SOURCE(S)? Employer Other: _____

Group Health Plan: _____

Address: _____

ID #: _____

Plan Administrator (if known): _____

Type of Coverage: _____

IS THE CLIENT COVERED UNDER THESE BENEFIT(S)? Yes No

If your client currently receives health insurance benefits through their spouse, please note that the client will not be a covered family member under the policy once a judgment of divorce is granted by the court. The non-participant spouse may continue coverage under COBRA for up to three years, but this will be provided to the non-participant spouse at cost, unless the participant spouse agrees to pay or is ordered to pay this cost.

SPOUSE RESIDENCY & MARRIAGE

HOW MANY YEARS HAS THE SPOUSE LIVED IN NEW YORK STATE CONTINUOUSLY AND IMMEDIATELY PRIOR TO THIS INTERVIEW? _____

IS THIS THE SPOUSE'S FIRST MARRIAGE? Yes No

IF NO, HOW MANY TIMES HAS THE SPOUSE BEEN MARRIED? _____

DID THE SPOUSE'S PRIOR MARRIAGE(S) END BY DIVORCE, ANNULMENT, OR DEATH?

IS THE SPOUSE CURRENTLY IN THE MILITARY OF THE UNITED STATES? Yes No

IF YES, IS THE SPOUSE ON: ACTIVE DUTY OR RESERVES ?

MARITAL ASSETS & LIABILITIES

Marital assets and liabilities include any property, whether real or personal, or debt that was acquired on or after the date of marriage. Marital property may include, but is not limited to, a house, land (domestic or foreign), mobile home, car, jewelry, bank account, furniture, insurance policy, pension plan, 401(k) plan, loan, credit card debt, or mortgage. It does not matter who has title to the property. If the property was acquired during the marriage, it is considered a marital asset.

Marital property, including debt, can be equitably divided between the client and their spouse in a divorce.

DOES THE CLIENT SEEK EQUITABLE DISTRIBUTION OF ANY MARITAL PROPERTY? Yes No

IF NO, SKIP TO THE NEXT SECTION.

IF YES, LIST MARITAL PROPERTY BELOW AND NOTIFY YOUR HER JUSTICEMENTOR IMMEDIATELY:

VENUE

The client's divorce action can be commenced in the county where either party resides under CPLR Section **503** or in the county designated by the plaintiff, if both parties reside outside of the county in which the action is commenced, under CPLR Section **509**.

Venue is based on:

CPLR Section 503 basis is plaintiff's county of residence.

CPLR Section 503 basis is defendant's county of residence.

CPLR Section 509 basis is the county designated by plaintiff.

GROUND FOR DIVORCE

In order to divorce in New York State, the client must have a legal reason to be divorced. New York allows only seven (7) legal reasons for divorce (called "grounds for divorce"). For the purposes of this Program, your client will fit into one of four (4) grounds: (i) Cruel and Inhuman Treatment; (ii) Abandonment or Constructive Abandonment; (iii) Imprisonment; or (iv) Irretrievable Breakdown. Unless otherwise noted, Her Justice clients will be pursuing a divorce based on Irretrievable Breakdown.

Refer to the Grounds section in the Manual before selecting the applicable ground for divorce.

DRL § 170(7): IRRETRIEVABLE BREAKDOWN OF THE MARRIAGE

The ground of irretrievable breakdown may be used if the relationship between husband and wife has broken down irretrievably for a period of at least six (6) months and one party has so stated under oath. A final judgment of divorce cannot be granted until all ancillary issues have been resolved by the parties, or determined by the court and incorporated into the judgment of divorce.

DATE WHEN RELATIONSHIP BROKE DOWN IRRETRIEVABLY:

Month

Day

Year

Service:

The client should provide a recent picture of their spouse to the person designated for service. If

the client does not have a picture, they should provide a detailed description of their spouse to the person who will serve the divorce documents on their spouse.

The defendant -spouse will be served by:

friend/relative of client

a process server

county sheriff

correctional facility

Order of Child Support*

Resume Use of Prior Surname:

You should always request this to give the client the option to change their name sometime in the future, regardless of whether the client used their spouse's last name.

That the plaintiff be authorized to resume use of their prior surname.

SAMPLE COVER LETTER TO DEFENDANT

November , 2022

JAIME DOE
446 Maiden Lane
Bronx, NY 10452

Re: Divorce Proceeding

Dear Mx. DOE:

We represent your spouse, Jay Doe, in this action for divorce.

Enclosed please find a copy of the Summons with Notice filed on , 2022.

I have also enclosed an Affidavit of Defendant, because your spouse has indicated to us that you may consent to a divorce. If you do not wish to contest this divorce, please fill out and sign the enclosed Affidavit of Defendant in the presence of a notary and return it to my office in the enclosed self-addressed stamped envelope at your earliest possible convenience.

If you choose to sign the enclosed affidavit, you will need to fill in the blanks for the **county in which the affidavit is notarized, the date you were served, and your social security number, as indicated.**

Also, please note, even though you have been served with a Notice of Maintenance Guidelines (spousal support), Mx. Doe is not requesting spousal support. This Notice is required by the Court in all Divorce cases.

Please understand that I represent your spouse. You are welcome to contact an attorney of your choosing to review the enclosed documents.

Please feel free to contact me at (212) 555-5555 if you would like to discuss this matter.

Very truly yours,

Dylan Advocate, Esq.

SAMPLE COVER LETTER TO CORRECTIONS

August 18, 2022
Eric M. Taylor Center
Attn.: Mailroom Officer
Re: JAIME DOE
NYSID 11122223333
10-10 Hazen Street
East Elmhurst, NY 11370

Re: Doe v. Doe

Index No. XXXXX-2022

Inmate: JAIME DOE

DOB: 1/1/2000

Book & Case No. XXXXXXXX

To Whom it May Concern,

I am an attorney associated with the law firm of My Law Office, which has been retained to represent LEE DOE, the plaintiff in the above-referenced divorce action commenced in New York County.

As a courtesy, please serve the following documents upon the defendant JAIME DOE, an inmate at the Eric M. Taylor Correctional Facility:

- Verified Summons and Complaint with accompanying Notice of Automatic Orders, Notice of Health Care Coverage and Notice of Maintenance Guidelines; and
- Affidavit of Defendant with Cover Letter to Defendant;
- Order to maintain LEE DOE's address and social security number confidential

The officer who served JAIME DOE should complete and return the Affidavit of Service to the undersigned in the self-addressed stamped envelope provided. There is a second self-addressed stamped envelope enclosed should the Defendant wish to sign the divorce documents and return them.

I can be reached directly at 646-442-1111 if there are any questions. Thank you very much for your assistance in this matter.

Sincerely,

Dylan Advocate, Esq.

At an Ex Parte Motion Office of the Supreme Court of
the State of New York, held in the County of New
York, at the courthouse located at 60 Centre Street, NY,
NY on , 2022.

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

-----X Index No.
LEE DOE,

Plaintiff,

-against-

JAIME DOE,

Defendant.

-----X

**ORDER TO MAINTAIN PLAINTIFF'S
ADDRESS & SOCIAL SECURITY
NUMBER CONFIDENTIAL**

PLEASE TAKE NOTICE, that, upon the Affidavit of Lee Doe, the Plaintiff herein, sworn to
on the 13th day of August, 2022, upon the Affirmation of Dylan Advocate, Esq., dated August
16th , 2022, and upon the Exhibits annexed hereto, and upon all prior papers and proceedings
had herein; and it being alleged that Lee Doe has been a survivor of domestic violence and that
she has requested to maintain her address and social security number confidential for purposes of
this proceeding,

NOW on motion of Plaintiff, it is hereby

ORDERED, that the Plaintiff is permitted to maintain her address and social security
number confidential for purposes of this action for divorce, and that Plaintiff may utilize the
address of My Law Office, attn.: Dylan Advocate, Esq, 100 Main Street, New York, NY 10005
for service of papers, and such address is deemed her residence for purposes of this action, and it
is further;

ORDERED, that Plaintiff must insert the address of My Law Office, attn.: Dylan Advocate, Esq., 123 Main Street, New York, NY 10005, for service in the place instead of Plaintiff's residence on the Summons with Notice and all other papers filed by Plaintiff, and it is further;

ORDERED, that the County Clerk is directed to accept the Plaintiff's Summons with Notice for filing without Plaintiff's home address indicated thereon, and it is further;

ORDERED, that personal service of a copy of this Order, together with the Summons with Notice, and Notice of Automatic Orders, Notice of Guideline Maintenance and DRL 255 Notice must be made on Defendant, and it is further;

ORDERED, that service of any responsive pleadings and papers shall be made upon My Law Office, attn.: Dylan Advocate, Esq., 123 Main Street, New York, NY 10005, the agent for service of papers designated by the Plaintiff, and not upon Plaintiff directly, and it is further;

ORDERED, that under the circumstances presented herein warranting the need to keep Plaintiff's address and social security number confidential, Plaintiff's compliance with statute requiring that certain documents contain the Parties name, address and social security number, i.e. Public Health Law Sec. 4139 and DRL Sec. 240(b), is excused to the extent that Plaintiff's address and social security number shall be redacted from all papers filed with the court to which a party or attorney has access, including, but not limited to the Verified Complaint, the Affidavit of Plaintiff, Certificate of Dissolution, Findings of Fact and Conclusions of Law, and Judgment of Divorce. Plaintiff's address and social security number may be revealed upon motion on notice to Plaintiff to be granted at the discretion of the court, in which Defendant demonstrates a compelling need to obtain such information.

ENTER:

Index No. _____

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

-----X Index No.
LEE DOE,

Plaintiff,

-against-

**AFFIDAVIT IN SUPPORT OF
MOTION TO MAINTAIN
PLAINTIFF'S ADDRESS
AND SOCIAL SECURITY
NUMBER CONFIDENTIAL**

JAIME DOE,

Defendant.

-----X

STATE OF NEW YORK)

:ss.:

COUNTY OF NEW YORK)

LEE DOE, being duly sworn, desposes and says:

1. I am the Plaintiff herein and I submit this affidavit in support of a Proposed Order to Maintain Plaintiff's address and social security number confidential.

2. I am filing an Action for Divorce on the ground of Irretrievable Breakdown of the Marriage for a period of six months or more prior to commencement of the action. The relationship is irretrievably broken in part because of the domestic violence perpetrated against me by Defendant, my spouse. Because of Defendant's history of abuse and control, I am in fear for my safety.

(a) Defendant was physically, verbally and financially abusive throughout our marriage.

(b) On January 10, 2016 Defendant and I got into a verbal altercation. He threatened to kill me "with his bare hands". A copy of the Domestic Incident Report I filed with the police in annexed hereto as **Exhibit A**.

- (c) On March 15, 2018 Defendant became irate because he discovered that I spent \$15 on a cab to get home from work one evening when it was particularly cold. He asked for all of my bank account and credit information and told me he would control the finances from then on.
- (d) On or about April 1, 2018 I discovered that Defendant had opened a credit card in my name and charged \$103 at Walgreen's, when I confronted him about it he denied it and threatened to hurt me if I didn't let it go.
- (e) On or about April 12, 2018 Defendant and I got into a verbal altercation and he struck me with an open palm in the face causing me intense pain and fear and causing me to fear for my physical safety. I fled the apartment and called the police. The Defendant was arrested and an order of protection was issued against him. See annexed hereto as **Exhibit B.**
- (f) Since the Order of Protection has been in place I moved from the apartment and have not revealed my new location to Defendant. I fear that my physical safety would be in jeopardy if defendant knew my location.
- (g) Due to the fact that Defendant has used my social security number to open a line of credit in the past and I currently have a freeze on my credit report because of his previous unauthorized use I request the court allow me to keep my social security number confidential.

3. In order to keep my address and Social Security number confidential, my attorney, Dylan Advocate, Esq., of My Law Office located at 123 Main Street, New York, NY 10005, will receive service of legal papers from the defendant in this action for divorce. Ms. Advocate's

Affirmation in Support of this application and MY Law Office's letter of consent accompany this application. See annexed hereto as Exhibit C.

4. No previous application for the relief sought herein has been made in this or any other court.

LEE DOE

Subscribed to and sworn to before me this day of , 2022

Notary Public

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

-----X Index No.
LEE DOE,

Plaintiff,

-against-

**AFFIRMATION IN SUPPORT OF
MOTION TO MAINTAIN
PLAINTIFF'S ADDRESS
AND SOCIAL SECURITY
NUMBER CONFIDENTIAL**

JAIME DOE,

Defendant.

-----X

I, Dylan Advocate, Esq. an attorney duly admitted to practice law in the State of New York,
hereby affirm the following under penalty of perjury:

1. I am associated with My Law Office, attorney for Plaintiff. As such, I am fully familiar with the facts and circumstances of this action.
2. This affirmation is submitted in support of the instant motion by Plaintiff to keep her address and social security number confidential.
3. Plaintiff, Lee Doe, is about to commence an action for divorce against defendant Jaime Doe, based upon the ground of DRL 170(7) Irretrievable Breakdown of the Marriage for a period of six months or more.
4. I have examined the facts and circumstances of the proposed action of the Plaintiff and have determined that there is good cause for filing the instant application due to Plaintiff's history in experiencing domestic violence at the hands of her spouse.
5. My Law Office consents to the use of its address at 123 Main Street, New York, NY 10001 as Plaintiff's address for the purpose of service of papers in this action. See letter of consent from My Law Office, attached as **EXHIBIT C**.

6. There has been no prior request for the relief requested herein in accordance with CPLR 2217(B).

Dated: August , 2022

New York, New York

Her Justice

By: Dylan Advocate, Esq.
123 Main Street
New York, NY 10005
646.123.4567

Sample: Letter of Consent from Firm as Designated Agent for Service of Process

[Firm Letterhead]

May 13, 2022

Ex-Parte Motion Office

Supreme Court/ New York County, 60 Centre Street

New York, New York 10007

Re: Doe v. Doe Index No. _____

To Whom it May Concern:

This firm is counsel of record for the Plaintiff Lee Doe in the above referenced action. This letter is submitted in support of the Plaintiff's motion to keep their address and Social Security number Confidential.

Tho.: undersigned has reviewed the facts of this case and has determined that Plaintiff is a victim of domestic violence and must keep their current address and social security number confidential.

My Law Firm has consented to be designated as the Plaintiff's address for service, process and any correspondence.

Please contact the undersigned at (212) 123-4567 if there are any questions.

Dylan Advocate, Esq.

cc: Lee Doe

LOCAL INDEX NUMBER

New York State
Department of Health

STATE FILE NUMBER

CERTIFICATE OF DISSOLUTION OF MARRIAGE

TYPE, OR
PRINT IN
PERMANENT
BLACK INK

4

9

11

15

23

1A. NAME: FIRST MIDDLE LAST Jane Doe		1B. BIRTH NAME, IF DIFFERENT Smith		1C. SOCIAL SECURITY NUMBER 111-11-1111	
2A. DATE OF BIRTH: Month Day Year 01 01 1990		2B. STATE OF BIRTH (COUNTRY IF NOT USA) FL		2C. SEX (Optional) F	
3A. RESIDENCE: STATE NYS		3B. COUNTY Bronx		3C. LOCALITY (CHECK ONE AND SPECIFY) <input checked="" type="checkbox"/> CITY OF <input type="checkbox"/> TOWN OF <input type="checkbox"/> VILLAGE OF Bronx	
4D. STREET AND NUMBER OF RESIDENCE (INCLUDE ZIP CODE) 111 Main Street Bronx NY 10453					
4E. IF CITY OR VILLAGE, IS RESIDENCE WITHIN CITY OR VILLAGE LIMITS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, SPECIFY TOWN:					
5A. ATTORNEY - NAME Pro Bono Attorney					
5B. ADDRESS (INCLUDE ZIP CODE) Law Firm Address					
6A. NAME: FIRST MIDDLE LAST John Doe		6B. BIRTH NAME, IF DIFFERENT		6C. SOCIAL SECURITY NUMBER 222-22-2222	
7A. DATE OF BIRTH: Month Day Year 2 2 1990		7B. STATE OF BIRTH (COUNTRY IF NOT USA) NY		7C. SEX (Optional) M	
8A. RESIDENCE: STATE NYS		8B. COUNTY Bronx		8C. LOCALITY (CHECK ONE AND SPECIFY) <input checked="" type="checkbox"/> CITY OF <input type="checkbox"/> TOWN OF <input type="checkbox"/> VILLAGE OF Bronx	
9D. STREET AND NUMBER OF RESIDENCE (INCLUDE ZIP CODE) 446 Maiden Lane Bronx NY 10452					
9E. IF CITY OR VILLAGE, IS RESIDENCE WITHIN CITY OR VILLAGE LIMITS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, SPECIFY TOWN:					
10A. ATTORNEY - NAME Pro Se					
10B. ADDRESS (INCLUDE ZIP CODE)					
11A. PLACE OF THIS MARRIAGE - CITY, TOWN OR VILLAGE		11B. COUNTY		11C. STATE (COUNTRY IF NOT USA)	
12A. DATE OF THIS MARRIAGE: Month Day Year 2 4 15		12B. APPROXIMATE DATE COUPLE SEPARATED: Month Year 1 19		13A. NUMBER OF CHILDREN EVER BORN ALIVE OF THIS MARRIAGE (SPECIFY) 1	
13B. NUMBER OF CHILDREN UNDER 18 IN THIS FAMILY (SPECIFY) 1		14A. I CERTIFY THAT A DECREE OF DISSOLUTION OF THE ABOVE MARRIAGE WAS RENDERED ON: Month Day Year 14B. DATE OF ENTRY: Month Day Year			
14C. COUNTY OF DECREE		14D. TYPE OF DECREE - DIVORCE, ANNULMENT, OTHER DISSOLUTION (SPECIFY)			
14E. TITLE OF COURT		14F. SIGNATURE OF COUNTY CLERK			

CONFIDENTIAL INFORMATION

24. 15. RACE: WHITE, BLACK, AMERICAN INDIAN, OTHER (SPECIFY) White		16. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (SPECIFY) second		17. IF PREVIOUSLY MARRIED HOW MANY ENDED BY: A. DEATH: NUMBER NONE <input type="checkbox"/> B. DIVORCE OR ANNULMENT: NUMBER 1 <input type="checkbox"/>		18. EDUCATION: INDICATE HIGHEST GRADE COMPLETED ONLY ELEMENTARY: 0 1 2 3 4 5 6 7 8 HIGH SCHOOL: 9 10 11 12 COLLEGE: 1 2 3 4 5+ 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17	
25. 19. RACE: WHITE, BLACK, AMERICAN INDIAN, OTHER (SPECIFY) White		20. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (SPECIFY) first		21. IF PREVIOUSLY MARRIED HOW MANY ENDED BY: A. DEATH: NUMBER NONE <input type="checkbox"/> B. DIVORCE OR ANNULMENT: NUMBER NONE <input type="checkbox"/>		22. EDUCATION: INDICATE HIGHEST GRADE COMPLETED ONLY ELEMENTARY: 0 1 2 3 4 5 6 7 8 HIGH SCHOOL: 9 10 11 12 COLLEGE: 1 2 3 4 5+ 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17	
23. PLAINTIFF: Jane Doe		24. DECREE GRANTED TO: Plaintiff		25. LEGAL GROUNDS FOR DECREE (SPECIFY) DRL 170(7)			
26. SIGNATURE OF PERSON PREPARING CERTIFICATE ATTORNEY AT LAW							

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

DOH-2168 (7/2011)

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

-----X Index No.

LEE DOE,

Plaintiff,

**AFFIDAVIT OF NO SOCIAL
SECURITY NUMBERS**

-against-

JAIME DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF , ss.

I, LEE DOE, state under penalty of perjury that I am unable to provide my Social Security number for this divorce proceeding because I have never been issued a Social Security number.

I further state under penalty of perjury that I am unable to provide the Defendant's Social Security number for this divorce proceeding because, to my knowledge and upon information and belief, the Defendant has never been issued a Social Security number.

Dated:

LEE DOE

Subscribed and sworn to before me On this day of

Notary Public

My commission expires on

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

-----X Index No.
LEE DOE,

Plaintiff,

**AFFIDAVIT OF UNKNOWN
SOCIAL SECURITY NUMBERS**

-against-

JAIME DOE,

Defendant.

-----X

STATE OF NEW YORK, COUNTY OF , ss.

I, LEE DOE, state under penalty of perjury that the Defendant has refused to provide me with his Social Security number, and that I have made diligent efforts to obtain his Social Security number for this divorce proceeding. To the best of my knowledge the Defendant does have a Social Security number but for the above-mentioned reasons it is unknown and unobtainable to me.

Dated : - - - - -

LEE DOE

Subscribed and sworn to before me

On this day of

Notary Public

My commission expires on ____

POSTCARD

SUPREME COURT: COUNTY OF NEW YORK

Doe v. Doe

Index No.123456/2022

[] Submitted divorce papers insufficient. Go to County Clerk's Office to review papers for corrections and bring new post card.

[] Judgment of Divorce signed _____. Go to the County Clerk's Office to obtain certified copy.

[] Judgment of Divorce signed. Call _____ for instructions on how to retrieve papers for filing with the County Clerk's Office.

You must mail or deliver to the clerk a Post Card – Matrimonial Action containing the information set forth above, with postage affixed and your name and address on the reverse side.

You as attorney should sign the summons and other appropriate documents on the signature lines provided.

You should prepare a Certificate of Dissolution of Marriage, on the form prescribed by the NY Department of Health (DOH 2168).

SAMPLE: CLOSING LETTER TO CLIENT

[Firm Letterhead]

[Date]

[Client Full Name]

[Address]

Re: Conclusion of Representation in Divorce Action

Plaintiff v. Defendant Index No. 000000/13

Dear Mx. [Client Last Name],

I am pleased to inform you that your divorce has been finalized by the New York County Supreme Court. You are now divorced. Enclosed please find a Certified* copy of the Judgement of Divorce with Notice of Entry.

*If you need additional certified copies they must be obtained directly at the courthouse and they may charge you for each certified copy.

These documents are for your own records. Please keep them in a safe place as they will serve as proof that your marriage has been dissolved. If you wish to remarry or change your name, you may need to provide a copy of your Judgement of Divorce.

Copies of the Notice of Entry and Judgement of Divorce have been mailed to Mx. [Adverse Party Last Name]. This concludes Law Firm LLP's representation and responsibilities toward you in this matter. Your divorce case with My Law Firm and Her Justice is now closed. If you need legal assistance in the future on a divorce, family court, or immigration matter, you may contact Her Justice again for a new intake.

It has been a pleasure working with you and I wish you all the best in the future.

Sincerely,

Dylan Advocate, Esq.

Encl.

EXHIBIT 6 - APPENDIX

APPENDIX

- (A) Appendix TOC
- (B) Trauma Informed Interviewing Best Practices
- (C) Tips for Working with Interpreters
- (D) Immigrant Power and Control Wheel
- (E) Disability Power and Control Wheel
- (F) Lawyer's Manual on Domestic Violence Content and Link

EXCERPT FROM

Representing Domestic Violence Survivors Who Are Experiencing Trauma and Other Mental Health Challenges: A Handbook for Attorneys

Written by

Mary Malefyt Seighman, JD ♦ Erika Sussman, JD ♦ Olga Trujillo, JD

On behalf of the

National Center on Domestic Violence, Trauma & Mental Health

Edited by

Carole Warshaw, MD

December 2011

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www.nationalcenterdvtraumamh.org

Section One: Interviewing

Do Not Exacerbate the Harm or Risks

Lawyers working with survivors who are experiencing trauma and other mental health-related challenges should aim to ensure that their representation does not exacerbate the harm done to a client or create additional harms. Every domestic violence survivor faces risks. Some risks are batterer-generated; some risks are life-generated.⁴ Survivors who are experiencing trauma or other mental health challenges may face additional risks when they come in contact with systems and individuals who are ill equipped to address their particular mental health needs. Thus, attorneys must take steps to ensure that their relationship with the client does not exacerbate the risks or further harm the mental health of the survivor.

Be Aware of the Signs of Trauma

Lawyers working with survivors of domestic violence should be aware of signs of trauma and mental health challenges, such as:

- ◆ The client does not talk about her experience(s) in a linear manner. She may go off on tangents or her speech may not seem coherent.
- ◆ What would seem to be highly emotional facets of her experience are expressed with little emotion both in terms of facial expression and body language, and in terms of the tone of her voice (sometimes referred to as “flat affect”). She may be intellectually present but emotionally detached.
- ◆ The client develops a deep, blank stare or an absent look during meetings with her; this could be a sign that she is dissociating.
- ◆ The client is unable to remember key details of the abuse.

If you notice any of the above signs, you will want to take steps to avoid triggering feelings that are disruptive to your client as you work together on her case. While an attorney cannot ensure that an individual remains present and does not dissociate or otherwise disengage, there are steps you can take to remove as many barriers as possible to help your client be psychologically present for her own advocacy.

⁴ See Jill Davies, Eleanor Lyon, and Diane Monti-Catania, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (Sage Publications 1998).

Survivor-Defined Representation When the Client is Living with Trauma-Related or Other Mental Health Conditions

Survivor-defined advocacy requires that attorneys tailor their advocacy approach to meet the individualized needs of survivors. For survivors facing mental health challenges, this means that lawyers must:

- ◆ Gain an understanding of the ways in which *this client's* challenges impact her ability to engage in the advocacy process, and
- ◆ Tailor interviewing and counseling approaches to meet the needs of and maximize the self-determination of each individual client.

Survivors facing mental health challenges will often require more time and resource-intensive advocacy than other survivors. To use their time and resources wisely, lawyers must consider how to tailor their advocacy approach to be responsive to the issues and needs of survivors experiencing trauma related conditions and mental health concerns.

Begin a Dialogue about the Survivor's Mental Health Needs

The lawyer should begin a dialogue with the survivor about her mental health needs as it relates to the lawyer/client relationship. This type of conversation provides a space for the survivor to explain her circumstances and for both lawyer and survivor to develop strategies for accommodating those challenges in the course of their relationship.

Lawyers need not, and should not, try to gather the client's entire mental health history at this stage in the process. Rather, these preliminary conversations about the client's mental health should focus upon how any mental health challenges affect her functioning. To get this conversation going, lawyers might ask, "Is there anything that I should know to help us work better together?" Or, "How can I, as your lawyer, accommodate what you need in this process?" For example, if the lawyer's office creates too much sensory stimulation or causes sensory overload, your client might suggest meeting somewhere else. If she has difficulty focusing for long periods of time, the attorney might suggest taking several breaks or scheduling shorter appointments.

It is best practice for lawyers working with survivors to take the time necessary to build relationships and trust with their clients. Trust is key to developing the type of lawyer-client relationship required for effective representation. There are times, however, when lawyers have a limited amount of time or are meeting clients just before a hearing. In these situations, you need to gather as much information as possible, as quickly as possible, in preparation for your case. It is important to know that, when working under such tight deadlines, your client may not feel comfortable enough yet to disclose details about trauma

and mental health conditions. In those situations, you are not likely to get complete and accurate information about this from your client. Under such circumstances, you may want to partner with an advocate who has been working with the survivor to assist in gathering this information and to provide you with the context necessary to understand and advocate for the comprehensive and individual needs of the survivor.

Techniques for Building Trust and Ensuring Informed Consent with Survivors Who Experience Trauma and/or Mental Health Symptoms

Survivor-centered interviewing skills are critical to providing comprehensive, individualized advocacy to survivors of domestic violence, whether or not a survivor has experienced trauma or mental health concerns. First, by offering a survivor the space to tell her own story, from her own perspective, an attorney can begin to lay the foundation for building trust. Second, when an attorney actively listens to a survivor's story, she gains a more comprehensive, contextual understanding of the survivor's needs. This rich understanding, when combined with a working relationship based on trust and respect for survivor agency, forms the basis of an effective survivor-attorney partnership that can work toward the expressed goals and objectives of the survivor.

Oftentimes in the lives of survivors, people were abusive or let them down, service providers responded ineffectively to them, and/or systems ignored or added to their pain. Each survivor has a unique perspective of these realities and lives with the effects of these negative experiences. A survivor's cultural background will also impact the way in which she perceives her prior experiences.

Many survivors who have experienced violence from an intimate partner and/or have trauma related concerns are often likely to accommodate what they think you want. This can play out in different ways. A client may ask you directly, "What do you think I should do?" Or, a client may intuitively pick up from your discussion with her what she believes you want her to do. You may think the survivor is making an informed decision when in fact she is trying to do what she thinks you want.

To overcome the distrust that survivors who are dealing with trauma-related or other mental health symptoms experience, lawyers must take steps to nurture a respectful working relationship with them. Lawyers should:

- ◆ Develop a basic understanding of trauma-related and mental health conditions that survivors may experience;
- ◆ Be skilled in listening and asking questions to understand a survivor's perspective and needs; and
- ◆ Know how to decide what information and options to offer to meet those needs.

It is within the context of a respectful relationship that lawyers can provide opportunities for survivors experiencing trauma and mental health challenges to access the resources they need and to exercise more control over their own lives.

Jill Davies has crafted a list of the ways in which advocates can offer concrete assistance to survivors who have experienced trauma resulting from multiple victimizations. Attorneys for survivors who are dealing with mental health challenges can assist clients by:

- ◆ Recognizing that survivors may be unable to access all of the details;
- ◆ Providing options and the time and space for survivors to make fully-informed decisions;
- ◆ Validating the survivor's feelings throughout the process;
- ◆ Being responsive to a survivor's requests for information and support, even if she asks for the same information several times;
- ◆ Partnering with survivors to identify alternative coping strategies, when they are engaging in self-harming behaviors;
- ◆ Finding supports for developing alternative or additional coping strategies;
- ◆ Connecting survivors who are experiencing a mental health crisis with a trusted mental health referral/resource; and
- ◆ Offering support to survivors who are using alcohol and/or drugs by safety planning and strategizing to the greatest extent possible at the time (including assessing risks and developing strategies that mitigate the risks posed by alcohol and drug use) and encouraging them to contact you again.⁵

⁵ Adapted from Jill Davies, *Helping Sexual Assault Survivors with Multiple Victimizations and Needs, A Guide for Agencies Serving Sexual Assault Survivors* (July 2007).



GROWTH IN U.S. ETHNIC MARKETS

According to the U.S. Census Bureau, the foreign born population in the U.S. has grown from **9.7 million in 1970 to 32.2 million in 2003.**

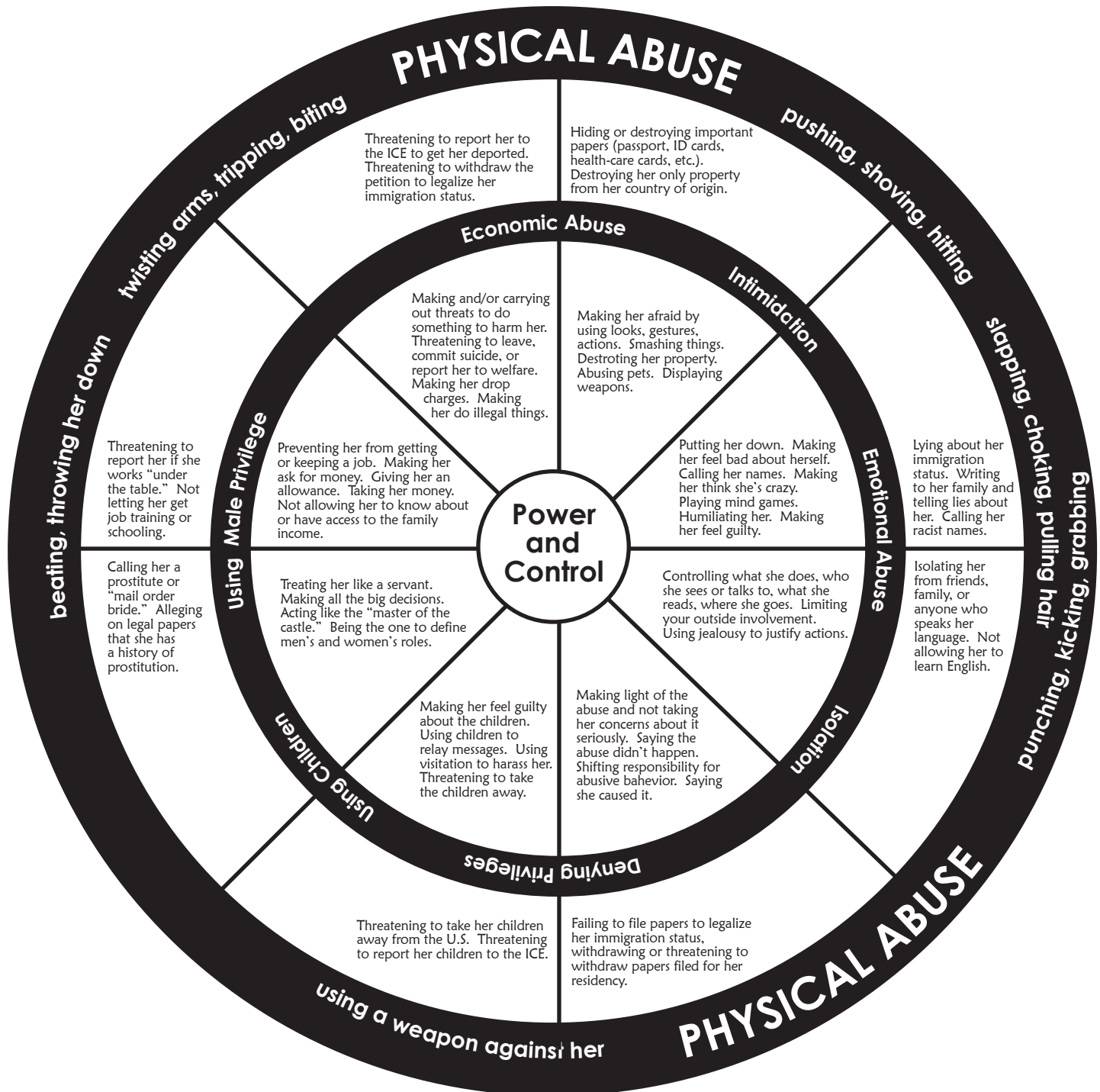
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TIPS FOR WORKING WITH AN INTERPRETER

- 1. BRIEF THE INTERPRETER** - Identify the name of your organization to the interpreter, provide specific instructions of what needs to be done or obtained, and let him/her know whether you need help with placing a call. If you need the interpreter to help you place a call to the Limited English Proficient (LEP) customer, you may ask the interpreter for a dial-out. There is a limited amount of time allotted for placing a dial-out once the interpreter is on the phone. Therefore, it is important that you provide a brief introduction and specific instructions to the interpreter in a timely manner.
- 2. SPEAK DIRECTLY TO THE CUSTOMER** - You and your customer can communicate directly with each other as if the interpreter were not there. The interpreter will relay the information and then communicate the customer's response directly back to you.
- 3. SPEAK NATURALLY, NOT LOUDER** - Speak at your normal pace, not slower.
 - **SEGMENTS** - Speak in one sentence or two short ones at a time. Try to avoid breaking up a thought. Your interpreter is trying to understand the meaning of what you're saying, so express the whole thought if possible. Interpreters will ask you to slow down or repeat if necessary. You should pause to make sure you give the interpreter time to deliver your message.
 - **CLARIFICATIONS** - If something is unclear, or if the interpreter is given a long statement, the interpreter will ask you for a complete or partial repetition of what was said, or clarify what the statement meant.
- 4. ASK IF THE LEP UNDERSTANDS** - Don't assume that a limited English-speaking customer understands you. In some cultures a person may say 'yes' as you explain something, not meaning they understand but rather they want you to keep talking because they are trying to follow the conversation. Keep in mind that a lack of English does not necessarily indicate a lack of education.
- 5. DO NOT ASK FOR THE INTERPRETER OPINION** - The interpreter's job is to convey the meaning of the source language and under no circumstances may he or she allow personal opinion to color the interpretation. Also, do not hold the interpreter responsible for what the customer does or does not say. For example, when the customer does not answer your question.
- 6. EVERYTHING YOU SAY WILL BE INTERPRETED** - Avoid private conversations. Whatever the interpreter hears will be interpreted. If you feel that the interpreter has not interpreted everything, ask the interpreter to do so. Avoid interrupting the interpreter while he/she is interpreting.
- 7. AVOID JARGON OR TECHNICAL TERMS** - Don't use jargon, slang, idioms, acronyms, or technical medical terms. Clarify unique vocabulary, and provide examples if they are needed to explain a term.
- 8. LENGTH OF INTERPRETATION SESSION** - When you're working with an interpreter, the conversation can often take twice as long compared with one in English. Many concepts you express have no equivalent in other languages, so the interpreter may have to describe or paraphrase many terms you use. Interpreters will often use more words to interpret what the original speaker says simply because of the grammar and syntax of the target language.
- 9. READING SCRIPTS** - People often talk more quickly when reading a script. When you are reading a script, prepared text, or a disclosure, slow down to give the interpreter a chance to stay up with you.
- 10. CULTURE** - Professional interpreters are familiar with the culture and customs of the limited English proficient (LEP) customer. During the conversation, the interpreter may identify and clarify a cultural issue they may not think you are aware of. If the interpreter feels that a particular question is culturally inappropriate, he or she might ask you to either rephrase the question or ask the interpreter to help you in getting the information in a more appropriate way.
- 11. CLOSING OF THE CALL** - The interpreter will wait for you to initiate the closing of the call. When appropriate, the interpreter will offer further assistance and will be the last to disconnect from the call. Remember to thank the interpreter for his or her efforts at the end of the session.

IMMIGRANT POWER AND CONTROL WHEEL



Produced and distributed by:

Adapted from original wheel by:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134



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Created by SAFE with in-depth input from
people with disabilities.
disabilityservices@safeaustin.org

Lawyer's Manual on Domestic Violence

Representing the Victim, 6th Edition

Edited by

Mary Rothwell Davis, Dorchon A. Leidholdt and Charlotte A. Watson



Supreme Court of the State of New York, Appellate Division, First Department
The New York State Judicial Committee on Women in the Courts

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FOR AN E-COPY

Supreme Court of the State of New York, Appellate Division, First Department

Hon. Luis A. Gonzalez, Presiding Justice

New York State Judicial Committee on Women in the Courts

Hon. Betty Weinberg Ellerin, Chair

This text is an unofficial publication of the Appellate Division, First Department, Supreme Court of the State of New York and the New York State Judicial Committee on Women in the Courts. The content represents the views of the contributors and does not necessarily reflect the views of the New York State Unified Court System, the Committee, or any New York State Judge.

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Summary of Contents

Acknowledgements	v	7 Intimate Partner Sexual Assault: An Overlooked Reality of Domestic Violence	
Summary of Contents	vi	<i>by Jill Laurie Goodman</i>	
Table of Contents	viii	<i>updated by</i>	
Foreword by Hon. Jonathan Lippman	xxv	<i>Lynn Hecht Schafran & Eliana Theodorou</i>	68
Introduction by Hon. Betty Weinberg Ellerin	xxvi		
Section 1 Introductory Matters		8 Taking Stalking Seriously	
1 Ensuring Victim Safety and Abuser Accountability: Reforms and Revisions in New York Courts' Response to Domestic Violence		<i>by Hilary Sunghee Seo</i>	77
<i>by Hon. Jonathan Lippman</i>	1	9 Litigating Family Offense Proceedings	
		<i>by Nicole Fidler & Dorchon A. Leidholdt</i>	87
2 A Look Back on Our 40-Year Walk, and a Glimpse Ahead		Section 3 Domestic Violence in the Courts	
<i>by Charlotte A. Watson</i>	18	10 Representing Victims of Domestic Violence in Supreme Court Matrimonial Actions	
		<i>by Hon. Emily Ruben</i>	108
Section 2 Fundamentals of a Domestic Violence Case		11 Prosecuting a Domestic Violence Case: Looking Beyond the Victim's Testimony	
3 Interviewing and Assisting Domestic Violence Survivors		<i>by Elizabeth Cronin</i>	116
<i>by B. J. Cling & Dorchon A. Leidholdt</i>	32	12 Compensation for Domestic Violence Victims: Tort Remedies and Beyond	
4 Assessing Lethality and Risk: What Do We Know, How Can We Help?		<i>by Betty Levinson</i>	130
<i>by Hon. Janice M. Rosa</i>	46	13 The Rights of Domestic Violence Victims in Criminal Proceedings	
5 Police Response: Mandatory Arrest & Primary Physical Aggressor		<i>by Christina Brandt-Young</i>	140
<i>by Lisa Fischel-Wolovick</i>	52	14 The Integrated Domestic Violence Court: New York's Successful Experience	
6 Firearms Seizure in Domestic Violence Proceedings		<i>by Hon. Daniel D. Angiolillo</i>	150
<i>by Hon. Mary Anne Lehmann</i>	62		

Section 4 Children and Domestic Violence

- 15 Litigating Custody and Visitation in Domestic Violence Cases**
by *Kim Susser* 163
- 16 Child Welfare Cases and Investigations Involving Domestic Violence**
by *Jill M. Zuccardy* 182
- 17 Representing Domestic Violence Victims in Child and Spousal Support Cases**
by *Roxana Bernal & Amy Hozer* 196
- 18 Interstate Custody for Domestic Violence Victims and Their Children: The UCCJEA and Relocation**
Updated by *Mary Rothwell Davis* 208
- 19 International Custody Disputes and Abduction: Invoking and Defending Against UCCJEA and Hague Convention Claims**
by *Betsy Tsai, Mary Rothwell Davis & Josephine Lea Iselin* 221

Section 5 Protecting All Victims

- 20 Lesbian, Gay, Bisexual, Transgender and Queer Victims of Intimate Partner Violence**
by *Sharon Stapel & Virginia M. Goggin* 241
- 21 Teen Victims of Intimate Partner Violence**
by *Andrew Sta. Ana & Stephanie Nilva* 254
- 22 Remedies for Immigrant Victims of Domestic Violence**
by *Melissa Brennan & Pooja Asnani* 266
- 23 Emerging Issues: FGM, Forced Marriage, Honor Violence & Trafficking**
by *Dorchen A. Leidholdt & Sayoni Maitra* 287

- 24 Disabled Victims of Domestic Violence**
by *Mary Rothwell Davis* 302
- 25 Abuse in Later Life: Domestic Violence and the Older Client**
by *Mary Rothwell Davis* 316

Section 6 Employment, Housing and Benefits

- 26 Domestic Violence Victims and Employment Law: Safeguarding the Workplace**
by *Wendy R. Weiser & Deborah A. Widiss*
updated by *Christina Brandt-Young & Jelena Kolic* 329
- 27 Public Assistance and Housing: Navigating Difficult Benefits Systems**
by *Jack Newton, Amy Schwartz & Sharon Stapel* 343
- 28 Helping Immigrant Victims of Domestic Violence Access Federal and State Public Benefits**
by *Barbara Weiner* 369

Section 7 Offender Accountability

- 29 Batterer Intervention Programs: What Criminal Justice Professionals Need to Know**
by *Rose M. Garrity* 378
- 30 The Role of Probation in Domestic Violence Cases**
by *William M. Schaefer, Jr. & Robert M. Maccarone* 386
- Appendix** 395
- Contributors** 410