

UNCONTESTED MATRIMONIAL CHECKLIST

Please be advised that the following papers are required for an uncontested Divorce on Affidavit and must be submitted to the CHIEF CLERKS OFFICE, 25 Delaware Avenue, Buffalo, NY 14202.

1. DRL 240 Information Sheet (when children under age 18)
2. Request for Judicial Intervention with proof of filing in the Erie County Clerk's Office. (USC-840)
- 2a). Matrimonial Addendum to RJ1 (if there are children under the age of 18)(USC-840M)
3. Default Calendar Note of Issue with proof of filing in Erie County Clerks Office (UD-9).
4. Index Number and Summons with proof of filing in ECCO prior to serving it. (DRL 211, 232; CPLR 306).(UD-1,UD-1a,UD-2)
5. Affidavit of Service or Affidavit of Defendant with proof of filing in ECCO. (UD7, UD3)
6. Plaintiff's Affidavit (CPLR 3212[b], DRL 211); need att'y certification if represented.
7. Verified Complaint (DRL 211) need att 'y certification if represented. (UD2)
8. Affidavit of Regularity (CPLR 3215). (UD5)
9. Verified Statement pursuant to DRL 253 (removal of barriers).(UD4)
10. Affidavit pursuant to DRL 76-h (all cases where children under 18 years of age).(UD8a)
11. Affidavit of non-military service (Military Law 303; 50 USCA App 520).
12. Written withdrawal of appearance, if applicable.
13. In all cases where child support involved: either "Itemization Sheet for Computation of income in Matrimonial Proceedings Involving Child Support" devised by Julius Blumberg Inc..or another form that is substantially equivalent to these and is deemed acceptable by the Court (Judiciary Law 215). (UD8)
14. Original Separation and/or Property Settlement Agreement or copy with date of filing applicable.
15. Prior Court orders, including any Family Court Orders of Support, Custody or Visitation.
16. Copy of 5-day notice sent to defendant pursuant to CPLR 3215 when:
 - 1) defendant has appeared but not answered the complaint, and there is no written withdrawal; or
 - 2) defendant has not appeared but more than 1 year has elapsed since the default. (Add additional 5 days if mailed) (CPLR 2103).Note: The controlling date is the date papers are submitted to Calendar Office.
- *17. Referee's Report -Findings of Fact and Conclusions of Law. (Note: Must include language required by new DRL 255-see DRL 255 Info Sheet available in ECCO) (UD10)
- *18. Matrimonial Judgment Entered upon Referee's Report (Check for Social Security Numbers)(Note: Must include language required by new DRL 255-see DRL 255 Info Sheet available in ECCO) (UD 11)
19. UCS-111 (if children under age 18).
20. A blank OCA Combined Child and Spousal Support Orders form (State Case Registry Form) to be given to the plaintiff at the time of filing (ONLY when Child Support Orders not Payable to Support Collection Unit).
- *21. Regardless of the grounds of the divorce, in any case where there is a Property Settlement Agreement, Separation Agreement, Memorandum of Understanding or any similar agreement between the parties, the agreement MUST contain either:
 - (a) provision for health insurance coverage for ex-spouse OR
 - (b) a statement signed by the parties as set forth in new DRL 255 (See Information Sheet available in ECCO).Effective October 30,2007 -See Information Sheet for applicability to agreements executed prior to 10/30/07