

ORLEANS COUNTY SUPREME COURT

Uncontested Divorce

Information Sheet

Orleans County Supreme Court
Courthouse Square
1 South Main Street
Albion, NY 14411

2023

The Court Clerk's Office is prohibited from providing legal advice. The Court Clerk's Office cannot assist you in the completion of these forms. If you require assistance, seek the advice of an attorney.

FILING FEES: (*Matrimonial Checklist Steps 1 & 2*)

You must pay the following fees to the Orleans County Clerk to begin your action for an Uncontested Divorce unless you are granted Poor Person status by the Court.

Index Number.....\$210.00
Note of Issue\$ 30.00
Request for Judicial Intervention.....\$ 95.00

(Matrimonial Checklist Step 3)

After receiving notice from the Court that your Divorce has been filed at the Orleans County Clerk's Office you will need to purchase a copy of your divorce to serve upon the Defendant. You will also need to bring completed Certificate of Dissolution.

Certificate of Dissolution.....\$ 5.00

Certified Copy of Judgment of Divorce ...\$5.00+\$1.25 per page

Regular Copy of Judgment of Divorce\$0.65 per page

All filings and fee payments are to be made at the Orleans County Clerk's Office, 3 South Main St, Suite 1., Albion, NY 14411.

POOR PERSON:

Submit all documents from Filing Step One as listed on the "Uncontested Matrimonial Checklist" to the Orleans County Clerk's Office. Immediately proceed with Filing Step Two.

Make sure to include a copy of the Notice of Automatic Orders, Notice of Guideline Maintenance and Notice Concerning Continuation of Health Care Coverage when serving Summons on Defendant.

APPROVED: You will receive written notice. Please wait to receive approval from the Orleans County Clerk's Office.

DENIAL: If your Poor Person's Order is denied a written Order will be mailed to you and you will be given notice that the case will be dismissed if the fees are not paid within 120 days of the date of the Order.

NOTE: If you are incarcerated you will need to submit an application pursuant to CPLR 1101 (f).

SERVICE OF SUMMONS & COMPLAINT:

Service of the Summons with Notice or Summons and Verified Complaint and Notice of Automatic Orders **MUST BE MADE** within **120 DAYS** of their filing with the County Clerk's Office.

DO IT YOURSELF (DIY) PROGRAM:

You may use the Supreme Court Uncontested Divorce DIY Program at www.nycourts.gov/courthelp/diy/divorce.shtml if (a) you have no children under 21 years of age and (b) your marriage has been broken for at least six (6) months and (c) all marital property issues, including debts, have been settled.

FORMS:

You may always obtain the most up-to-date copies of the Uniform Divorce Uncontested Divorce Packet Forms and Instructions from the Unified Court System's CourtHelp website at www.nycourts.gov/divorce/forms.shtml

The Orleans County Law Library in the Orleans County Courthouse does have a self-help computer. Forms can be printed there for free.

ADDITIONAL FORMS:

Copy of Separation Agreement or Family Court Order. A copy of any Separation Agreement, or Family Court Support Orders must be attached to the Judgment of Divorce (Form UD-11) if the terms are being incorporated into the Judgment of Divorce.

CHECKING ON YOUR DIVORCE:

Do not contact the Orleans County Clerk's office for information regarding how long it takes your divorce to be completed, which Judge is assigned to your case, or any other procedural questions. The Orleans County Clerk's office is the place of record for your file, but they are not the Court.

For questions on your divorce you may call Supreme Court at (585) 283-6657 between 9:00 a.m. and 5:00 p.m. Please have your Index Number when calling.

It may take up to **6 Months** to complete your divorce. Once completed you will receive a letter from Supreme Court.

Contact Supreme Court if your phone number or address changes.

NOTE: Please read instruction booklet prior to completing your paperwork.

Orleans County Clerk's Office
Uncontested Matrimonial Checklist
(Receipt for Filings)

PLEASE NOTE THAT THIS CHECKLIST IS FOR INFORMATIONAL PURPOSES ONLY! NOT ALL OF THE FORMS LISTED BELOW MAY BE REQUIRED IN YOUR CASE, OR ADDITIONAL INFORMATION MAY BE REQUIRED. PLEASE CONSULT YOUR INSTRUCTIONS FOR ADDITIONAL INFORMATION.

FILING STEP ONE - \$210.00:

- Index Application: Obtained at the Orleans County Clerk's Office (**\$210.00**)
- The following forms are typically filed as one document:
(One original and two copies are required)
 - Summons (Form UD-1a) OR Summons With Notice (Form UD-1)
 - Notice of Automatic Orders
 - Notice of Guideline Maintenance (For actions commenced after 01/25/2016)
 - Notice concerning continuation of Health Care Coverage
 - Verified Complaint (Form UD-2)

To waive the filing fees (Poor Person Request) include the following:

- Affidavit in Support of Application to Proceed as Poor Person
- Proposed Poor Person Order
- Proof of Income, For Example; W-2 or Benefit Statement

****IMMEDIATELY** PROCEED TO FILING STEP TWO**

FILING STEP TWO - \$130.00: (No Fee if you are Requesting Poor Person status)

- Request for Judicial Intervention "RJI" (**\$95.00**) (Form UD-13) Addendum to RJI (Form 840M)
(One original and two copies are required)
- Note of Issue (**\$30.00**) (Form UD-9)
(One original and one copy are required)
- Affidavit of Service (Form UD-3)
- Affirmation (Affidavit) of Regularity (Form UD-5)
- Affidavit of Plaintiff (Form UD-6)
- Affidavit of Defendant (Form UD-7)
(One copy is required if being filed prior to filing the RJI)
- Annual Income Worksheet (Form UD-8(1)) - if required
- Maintenance Guidelines Worksheet (For actions commenced after 01/25/2016) (Form UD-8(2)) - if required
- Findings of Fact/Conclusions of Law (Form UD-10)
- Judgment of Divorce (Form UD-11)

ONLY REQUIRED IF THERE ARE CHILDREN OF THE MARRIAGE:

- Child Support Worksheet (Form UD-8(3))
- Support Collection Unit Information Sheet (Form UD-8a)
- Qualified Medical Child Support Order (Form UD-8b)

FILING STEP THREE:

- Supreme Court forwards the finalized Judgment of Divorce directly to the County Clerk's Office. A letter notifying the parties that the Divorce has been filed will be sent by the Orleans County Clerk.
- Certificate of Dissolution of Marriage (**\$5.00**)

NOTE: Please read instruction booklet prior to completing your paperwork.