

Rules of the Matrimonial Center Clerk's Office:

Judgments and Orders

This office handles judgments and orders to be signed on contested and uncontested cases, as well as processing out-of-court work regarding court decisions and calendars

Please take notice that submission of a judgment or order must occur within 60 days of the court directing such submission. Failure to do so may result in the case being deemed abandoned pursuant to Uniform Rule 202.48.

Please refer to the Matrimonial Checklists available on the website, and at the Matrimonial Center Clerk's Office.

- ▶ Judgments and Orders are to be submitted as originals under a legal back which lists the name address and phone number of the submitting party or attorney. { *CPLR 2101 (d)*}. Failure to submit papers in this manner may result in rejection by this office. Submission of fax copies as originals **without good cause** may not be accepted by the court. Illegible photocopies are not acceptable for submission.
- ▶ Judgments and Orders to be submitted pursuant a decision of the court **must** include a copy of such decision with the submission. If the decision is rendered on the record, you **must** submit a copy of the transcript, unless specifically waived by the court. Indicate such waiver in writing.
- ▶ **Qualified Domestic Relations Orders** to be submitted for signature must include a notice of settlement date or waiver, proof of service, pre-approval by the plan administrator where possible, an affidavit or affirmation detailing the identity of the plan to be distributed, the valuation of the distribution (*where the stipulation is not specific*), as well as pedigree information concerning the parties and history of the divorce action (addresses, dates of commencement / divorce, etc.) A copy of the judgment and stipulation which authorizes the QDRO must also be submitted
* **See checklist available on the website, and at Matrimonial Center Clerk's Office**
- ▶ All judgments and orders submitted for signature must be accompanied by a self addressed post card with the name of the case and index number on it. Upon the order or judgment being signed, the date of signature will be put on the card, and mailed out by the County Clerk. To follow up on status, you may either appear in person, send in a written inquiry with a self addressed envelope, or **check the transmittal reports available on this site.**
- ▶ Any **counter-orders or judgments** submitted, **must** include an affirmation or affidavit explaining the need for such submission, why a consent submission could not be agreed upon, and the differences in the submissions. **By amendment to Uniform Court Rule 202.48, a marked copy of the counter submission showing the proposed changes to the judgment or order being objected to must also be submitted.** Failure to do so may result in the rejection of your papers, or your papers not being considered by the Court.

- ▶ Any request for **expedited handling** must include an **affirmation of emergency (ON NOTICE OR BY CONSENT OF THE OTHER PARTY)** or it will not be considered by the court.
- ▶ Amendments of orders /judgments require either consent or a formal motion for the relief.
- ▶ All matrimonial agreements must comply with DRL §177 (*as replaced by DRL §255*) - otherwise an addendum must be executed by the parties. **See the notice contained in the Court Notice Section of the website for more information.**

PLEASE TAKE NOTICE that the Department of Health requires an **original** document when filing **certificates of dissolution** in a matrimonial action. You **must** use the form provided by the DOH, (**form # DOH-2168**), amended **5/2000**. Photocopies will **not** be accepted. Forms are available at the Judgment Office, and the County Clerk.

UNCONTESTED DIVORCE PACKETS ARE AVAILABLE AT:

- ▶ **Matrimonial Center Clerk’s Office**
- ▶ **Court Information Center** (2nd floor Supreme Court - Nassau County)
- ▶ **New York State Unified Court System Web Site**
(www.nycourts.gov)
- ▶ **Supreme Court Clerk’s Offices throughout the state**

* If you are requesting by mail, send in a written request with a self addressed 10 x 13 envelope with approx. \$5.00 postage.
