

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_**

1

-----X

23

Plaintiff,  
-against-

Index No.:

**VERIFIED COMPLAINT**

**ACTION FOR DIVORCE**

4

Defendant.

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5

**FIRST:**

Plaintiff *herein / by* \_\_\_\_\_, complaining of the Defendant, alleges that the parties are over the age of 18 years and;

6

**SECOND:**

A)  The  *Plaintiff* /  *Defendant* has resided in New York State for a continuous period of at least two years immediately preceding the commencement of this divorce action.

**OR**

B)  The  *Plaintiff* /  *Defendant* resided in New York State on the date of commencement of this divorce action and for a continuous period of one year immediately preceding the commencement of this divorce action

**AND:**

a.  the parties were married in New York State.

**or**

b.  the parties have resided as married people in New York State.

**OR**

C)  The cause of action occurred in New York State and  *Plaintiff* /  *Defendant* resided in New York State for a continuous period of at least one year immediately preceding the commencement of this divorce action.

**OR**

D)  The cause of action occurred in New York State and both parties were residents at the time of commencement of this divorce action.

7

**THIRD:** The Plaintiff and the Defendant were married on \_\_\_\_\_ in (city, town or village; and state or country) \_\_\_\_\_.

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

(If the word "not" is deleted above check the appropriate box below).

*To the best of my knowledge I have taken all steps solely within my power to remove any barrier to the Defendant's remarriage.* **OR**

*I will take prior to the entry of final judgment all steps solely within my power to the best of my knowledge to remove any barrier to the Defendant's remarriage.* **OR**

*The Defendant has waived in writing the requirements of DRL §253 (Barriers to Remarriage).*

**9** **FOURTH:**  There are no children of the marriage (see definition on p.7 of Instructions) **OR**

There *is (are)* \_\_\_\_\_ child(ren) of the marriage (see definitions on p.7 of Instructions), namely:

<u>Name</u>	<u>Date of Birth</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**10** The Plaintiff resides at \_\_\_\_\_.  
The Defendant resides at \_\_\_\_\_.

**11** The parties are covered by the following group health plans:

**Plaintiff**

**Defendant**

Group Health Plan: \_\_\_\_\_

Group Health Plan: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Identification Number: \_\_\_\_\_

Identification Number: \_\_\_\_\_

Plan Administrator: \_\_\_\_\_

Plan Administrator: \_\_\_\_\_

Type of Coverage: \_\_\_\_\_

Type of Coverage: \_\_\_\_\_

**12** **FIFTH:** The grounds for divorce that are alleged as follows:

**Cruel and Inhuman Treatment (DRL §170(1)):**

At the following times Defendant committed the following act(s) which endangered the Plaintiff's physical or mental well being and rendered it unsafe or improper for Plaintiff to continue to reside with Defendant.

(State the facts that demonstrate cruel and inhuman conduct giving dates, places and specific acts. Conduct may include physical, verbal, sexual or emotional behavior.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach an additional sheet, if necessary).

**Abandonment (DRL 170(2)):**

- That commencing on or about \_\_\_\_\_, and continuing for a period of more than one (1) year immediately prior to commencement of this action, the Defendant left the marital residence of the parties located at \_\_\_\_\_, and did not return. Such absence was without cause or justification, and was without Plaintiff's consent.
  
- That commencing on or about \_\_\_\_\_, and continuing for a period of more than one (1) year immediately prior to commencement of this action, the Defendant refused to have sexual relations with the Plaintiff despite Plaintiff's repeated requests to resume such relations. Defendant does not suffer from any disability which would prevent *her / him* from engaging in such sexual relations with Plaintiff. The refusal to engage in sexual relations was without good cause or justification and occurred at the marital residence located at \_\_\_\_\_.
  
- That commencing on or about \_\_\_\_\_, and continuing for a period of more than one (1) year immediately prior to commencement of this action, the Defendant willfully and without cause or justification abandoned the Plaintiff, who had been a faithful and dutiful spouse, by depriving Plaintiff of access to the marital residence located at \_\_\_\_\_. This deprivation of access was without the consent of the Plaintiff and continued for a period of greater than one year.

**Imprisonment (DRL §170(3)):**

- That after the marriage of Plaintiff and Defendant, Defendant was confined in prison for a period of three or more consecutive years, to wit: that Defendant is/was confined in \_\_\_\_\_ prison on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and remained confined until the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; **OR**  remains confined to this date.  

*Name of correctional facility*

*Month*                      *Year*

*Month*                      *Year*

**Adultery (DRL §170(4)):**

- That on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  

*Month*                      *Year*                      *Location*

the Defendant voluntarily committed of an act of sexual or deviate sexual intercourse with a person other than the Plaintiff after the marriage of Plaintiff and Defendant.

**Living Separate and Apart Pursuant to a Separation Decree or Judgment of Separation(DRL §170(5)):**

- (a) That the \_\_\_\_\_ Court, \_\_\_\_\_ County, \_\_\_\_\_ (Country or State) rendered a decree or judgment of separation on \_\_\_\_\_, under Index Number \_\_\_\_\_; and
- (b) that the parties have lived separate and apart for a period of one year or longer after the granting of such decree; and
- (c) that the Plaintiff has substantially complied with all the terms and conditions of such decree or judgment.

**Living Separate and Apart Pursuant to a Separation Agreement (DRL §170(6)):**

- (a) That the Plaintiff and Defendant entered into a written agreement of separation, which they subscribed and acknowledged on \_\_\_\_\_, in the form required to entitle a deed to be recorded; and
- (b) that the *agreement / memorandum of said agreement* was filed on \_\_\_\_\_ in the Office of the Clerk of the County of \_\_\_\_\_, wherein *Plaintiff / Defendant* resided; and
- (c) that the parties have lived separate and apart for a period of one year or longer after the execution of said agreement; and
- (d) that the Plaintiff has substantially complied with all terms and conditions of such agreement.

**Irretrievable Breakdown in Relationship for at Least Six Months (DRL §170(7)):**

- That the relationship between Plaintiff and Defendant has broken down irretrievably for a period of at least six months.

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

**WHEREFORE,** Plaintiff demands judgment against the Defendant as follows:

A judgment dissolving the marriage between the parties

**AND**

**continued on next page**

**14** The nature of any ancillary or additional relief requested (see p.16 of Instructions) is:

\_\_\_\_\_

- Additional page describing ancillary relief requested is attached;
- Marital property to be distributed pursuant to separation agreement/stipulation;
- I waive distribution of Marital property;

**For divorces commenced on or after 1/25/16 only:**  *I am not seeking maintenance as payee as described in the Notice of Guideline Maintenance (the "Notice") other than what was already agreed to in a written agreement/stipulation ;* OR  *I seek maintenance as payee, as described in the Notice.*

**NONE** - I am not requesting any ancillary relief;  
**AND** any other relief the court deems fit and proper

**15** Dated: \_\_\_\_\_

**16**  *Plaintiff*  
 *Attorney(s) for Plaintiff*  
Address:

**17** STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ ss:

I \_\_\_\_\_ (Print Name), am the Plaintiff in the within action for a divorce. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

\*Subscribed and Sworn to  
before me on

\_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
NOTARY PUBLIC

\*Despite amendment of CPLR 2106 to permit civil litigants to file affirmations instead of affidavits, this form should still be signed before a notary public to comply with DRL 211 (matrimonial pleadings must be verified); CPLR 3020 ( verifications must be sworn); the no-fault ground must be sworn (DRL 170(7)); and DRL 253 (Sworn Statement of Removal of Barriers to Remarriage), all of which statutes remain in effect.

