

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF _____

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Plaintiff,

Index No.:

-against-

**AFFIDAVIT OF DEFENDANT
IN ACTION FOR DIVORCE**

Defendant.

-----X

STATE OF _____ }

ss:

COUNTY OF _____ }

_____ being duly sworn, says:

I am the Defendant in the within action for divorce, and I am over the age of 18. I reside at _____.

1. I admit timely service of the *Summons with Notice* OR *Summons and Complaint* for divorce on _____ based upon the following grounds

*: _____.

2. 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.

3. I am not a member of the military service of this state, any other state or this nation

OR

If in the military: I am aware of my rights under the New York State Soldiers' and Sailors' Civil Relief Act; however, I consent that this matter be placed on the Uncontested Matrimonial calendar and waive any rights I may have under the Act.

4a. I waive the service of all further papers in this action except for a copy of the final Judgment of Divorce.

OR

b. I request service of the following documents: *Note of Issue, Request for Judicial Intervention, Barriers to Remarriage Affidavit, Proposed Judgment of Divorce, Proposed Findings of Facts and Conclusions of Law, Notice of Settlement, Qualified Medical Child Support Order, and any other proposed orders.*

5. I am not seeking equitable distribution *other than what was already agreed to in a written stipulation.* I understand that I may be prevented from further asserting my right to equitable distribution.

6a. *I will take or have taken all steps solely within my power to remove any barriers to the Plaintiff's remarriage.*

b. *I waive the requirements of DRL § 253 subdivisions (2),(3) and (4).*

14 7a. I am not the custodial parent of the child(ren) of the marriage.

OR

b. I am the custodial parent of the unemancipated child(ren) entitled to receive child support pursuant to DRL §236(B)(7)(b),

AND

(1) I request child support services through the Support Collection Unit which would authorize collection of the support obligation by the immediate issuance of an income execution for support enforcement.

OR

(2) I am in receipt of such services through the Support Collection Unit.

OR

(3) I have applied for such services through the Support Collection Unit.

OR

(4) I am aware of but decline such services through the Support Collection Unit at this time. I am aware that an income deduction order may be issued pursuant to CPLR §5242(c) without other child support enforcement services and that payment of an administrative fee may be required.

If (1) or (4) is selected the following information must be included on a separate information sheet (Form UD-8a):

Name, date of birth, address and social security number of each party; date and place of marriage; names and dates of birth of the children; and name and address of employer of the payor (non-custodial parent).

Pursuant to DRL § 240 1 (a-1):

I have been a party in an Order of Protection

List all FC Docket #'s, _____
SC Index #'s and Counties _____

I have never been a party in an Order of Protection

I have been a party in a Child Abuse/Neglect Proceeding (FCA Art.10)

List all FC Docket #'s _____
and Counties _____

I have never been a party in a Child Abuse/Neglect Proceeding (FCA Art.10)

I am registered under New York State's Sex Offender Registration Act

List all names and any _____
related information _____

I am not registered under New York State's Sex Offender Registration Act

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Defendant's Signature

Subscribed and Sworn to
before me on

NOTARY PUBLIC

*Insert the grounds alleged in the complaint:

DRL §170(1) cruel and inhuman treatment

DRL §170(2) abandonment

DRL §170(3) confinement in prison

DRL §170(4) adultery

DRL §170(5) living apart one year after separation decree or judgment of separation

DRL §170(6) living apart one year after execution of a separation agreement