

NEW YORK STATE

UNIFIED COURT SYSTEM

UNIFORM UNCONTESTED DIVORCE PACKET

GLOSSARY

Abandonment: A ground for divorce. Abandonment occurs when the Defendant has left the Plaintiff continuously, for a period of one year or more, without the plaintiff's consent.

Addendum: An attachment.

Adultery: A ground for divorce. Adultery is any sexual act or deviate sexual act with a partner other than the spouse.

Affidavit of Service: This document is completed by the person who has served either: (a) the *Summons (Form UD-1a)* and Verified Complaint (**Form UD-2**); or (b) the *Summons with Notice (Form UD-1)* for divorce on your spouse. It contains an oath that the papers were properly served. Once completed, the document is submitted with these papers.

Ancillary Relief: Additional or supplemental relief such as custody, child support, etc.

Calendar Number: This number is assigned by the court to an action upon the filing of the final papers for divorce with the court.

Cohabit: To live together as husband and wife.

Constructive Abandonment: A ground for divorce. Constructive Abandonment occurs when the Defendant has refused to engage in sexual relations with the plaintiff, continuously, for a period of one year or more, without the plaintiff's consent.

Contested Divorce: A divorce action which is defended.

Corroborate: To support a statement, argument, etc. with confirming facts or evidence.

Counterclaim: The Defendant's response to the Verified Complaint, contained in the Verified Answer, which asserts as well the Defendant's allegations of his or her own grounds for divorce against the Plaintiff.

County Clerk's Office: The place where the index number is purchased or obtained and also where the

papers in the divorce actions are filed. In many areas, this office is located in the Supreme Court.

Cruel and Inhuman Treatment: A ground for divorce. Cruel and Inhuman Treatment consists of cruelty, whether physical, verbal, sexual or emotional, committed by the Defendant, against the plaintiff, that endangers the Plaintiff's well-being and makes living together either unsafe or improper.

Default Judgment: A divorce judgment which is obtained against the Defendant when the Defendant fails to respond to the (a) the *Summons (Form UD-1a)* and *Verified Complaint (Form UD-2)*; or (b) the *Summons With Notice (Form UD-1)* for the divorce within the time allowed by law.

Defendant: The person whom the divorce is initiated against.

Domestic Relations Law: The "DRL" is the body of New York State law that states the law to be followed for divorce and other matrimonial actions.

Emancipation: Under New York law, child support must be paid to the age 21. If a child marries, enters the military or become self supporting, the court may consider the child emancipated and child support may be terminated.

Equitable Distribution: The manner in which marital property is required to be divided by law in a divorce action in New York State.

Family Court: The Family Court in New York has the jurisdiction to decide cases involving child support, custody, visitation, spousal support and family offenses (Orders of Protection). A divorce action cannot be commenced in this court.

Index Number: The number assigned to every action or proceeding commenced within the New York State Supreme Court. The number is used to identify a case throughout the court system in that particular county. The number is either: (a) purchased; or (b) obtained after a Poor Person Application is filed and approved by the court.

Judgment of Divorce: A document signed by the court granting the divorce. (Form UD- 11).

Maintenance: Spousal support.

Marital Assets: Any property, regardless of which person is named as owner, that is acquired by the Plaintiff or Defendant from the date of marriage to the commencement of the divorce action. A house, car, IRA, joint bank account, pension or annuity are all examples of marital property.

Notice of Entry: Provides proof to the court that a true copy of the divorce judgment was served on the Defendant. (Form UD-12)

Order of Protection: An order issued by a court that directs one individual to stop certain conduct, such as harassment, against another individual and that may order the individual to be excluded from the residence and to stay away from the other individual, his or her home, school, place of employment and his or her children.

Plaintiff: The person who starts the divorce action.

Poor Person Application: An application made to the court, by either the Plaintiff or Defendant, stating that because of insufficient income he or she is unable to pay the court fees normally required for divorce

actions. If the application is granted by the court, the usual court costs for the divorce action are waived.

Removal of Barriers to Remarriage: This form is necessary when the marriage was solemnized in a religious ceremony by a clergyman, minister of any religion, or a leader of The Society for Ethical Culture in the City of New York. It refers to the removal of religious barriers to remarriage.

Summons With Notice: This document (**Form UD-1**) provides notice to the Defendant that the Plaintiff commenced a divorce action. It also states the relief the Plaintiff has requested. Some of the different types of relief are child support, custody, visitation, spousal maintenance and equitable distribution.

Supreme Court: Divorce actions are started in this court in New York State.

Supreme Court Clerk's Office: An office, separate from the County Clerk's Office, which provides clerical support to the Supreme Court.

Third Party: A party to a court action who is not the Plaintiff or Defendant.

Unemancipated Children:

(See "Emancipation") Children under the age of 21 who are supported by a parent or guardian.

Uncontested Divorce: A divorce action in which the Defendant does not respond to the Summons or otherwise agrees not to oppose the divorce.

Venue: The proper or a possible place for the trial of a lawsuit.

Verified Answer: The Defendant's response to the Verified Complaint. The principal difference between a Verified Answer and a counterclaim in a divorce action is that a Verified Answer responds only to the allegations of the Verified Complaint, whereby a counterclaim is added to the Verified Answer to additionally allege that the Defendant seeks a divorce from the Plaintiff.

Verified Complaint: The document containing the Plaintiff's allegations of his or her grounds for divorce. (**Form UD-2**).