

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

1

23

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Index No.:

Plaintiff,
-against-

VERIFIED COMPLAINT

ACTION FOR DIVORCE

4

Defendant.

-----X

5

FIRST:

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

6

SECOND:

' The Plaintiff has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

OR

' The Defendant has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

OR

' The Plaintiff has resided in New York State for a continuous period in excess of one year immediately preceding the commencement of this action, and:

- a. ' the parties were married in New York State.
- b. ' the Plaintiff has lived as husband or wife in New York State with the Defendant.
- c. ' the cause of action occurred in New York State.

OR

' The Defendant has resided in New York State for a continuous period in excess of one year immediately preceding the commencement of this action, and:

- a. ' the parties were married in New York State.
- b. ' the Defendant has lived as husband or wife in New York State with the Plaintiff.
- c. ' the cause of action occurred in New York State.

OR

' The cause of action occurred in New York State and both parties were residents thereof at the time of the commencement of this 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. **OR**
' There *is (are)* _____ child(ren) of the marriage, 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:

<u>Plaintiff</u>	<u>Defendant</u>
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, none of which are earlier than (5) years prior to commencement of this action, the Defendant engaged in conduct that so endangered the mental and physical well-being of the Plaintiff, so as to render it unsafe and improper for the parties to cohabit (live together) as husband and wife.

(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 *husband / wife*, 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.

Confinement to Prison (DRL §170(3)):

- ' (a) 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 was confined in _____ prison on _____, and has remained confined to this date; and
- (b) not more that five (5) years has elapsed between the end of the third year of imprisonment and the date of commencement of this action.

Adultery (DRL §170(4)):

- ' (a) That on _____, at the premises located at _____, the Defendant engaged in sexual intercourse with _____, without the procurement nor the connivance of the Plaintiff, and the Plaintiff ceased to cohabit (live) with the Defendant upon the discovery of the adultery; and
- (b) not more than five (5) years elapsed between the date of said adultery and the date of commencement of this action.

(Attach a corroborating affidavit of a third party witness or other additional proof).

(Form UD-2 - Rev. 5/99)

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.

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

14 WHEREFORE, Plaintiff demands judgment against the Defendant as follows: A judgment dissolving the marriage between the parties and

AND

' equitable distribution of marital property;

OR

' marital property to be distributed pursuant to the annexed separation agreement / stipulation;

OR

' I waive equitable distribution of marital property;

and any other relief the court deems fitting and proper.

15 Dated: _____

16 ' Plaintiff

' *Attorney(s) for Plaintiff*
Address:

Phone No.:

(Form UD-2 - Rev. 5/99)

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

(Form UD-2 - Rev. 5/99)