

**NOTICE TO ATTORNEYS
ERIE COUNTY**

GROUND _____ NAME _____

Please be advised that effective immediately the following papers are needed for an uncontested Divorce on Affidavit and must be submitted to the CALENDAR OFFICE, 25 DELAWARE AVENUE, BUFFALO, NY 14202. **FOR VENUE PURPOSES, AT LEAST ONE OF THE PARTIES MUST BE A RESIDENT OF ERIE COUNTY.**

1. Index Number.
2. Request for Judicial Intervention with proof of filing in the Erie County Clerk's Office.
3. Default Calendar Note of Issue with proof of filing in the ECCO .
4. Summons - with proof of filing in the ECCO (prior to serving it) (DRL 211,232, CPLR 306).
5. Affidavit of Service or Admission of Service (aff. Of def't) with proof of filing in the ECCO .
6. Affidavit In Lieu of Oral Testimony (CPLR 3212 (b), DRL 211)(need atty cert)
7. Verified Complaint (DRL 253).
8. Affidavit of Regularity (CPLR 3215).
9. Verified Statement pursuant to DRL 253 (removal of barriers).
10. Affidavit pursuant to DRL 76-H (in all cases where the children are under 18 years of age).
11. Affidavit of Non-Military Service (Military Law 303, 50 USCA App 520).
12. Written Withdrawal of Appearance, if applicable.
13. In all cases where child support is involved: either "Itemization Sheet for Computation of Income in Matrimonial Proceedings Involving Child Support" devised by Julius Bloomberg, Inc. or another form that is substantially equivalent to these and is deemed acceptable by the Court (Judiciary Law 215).
14. Original Separation and/or Property Agreement or copy with date of filing in ECCO (if applicable).
15. Prior Court Orders, **including any Family Court Orders of Support, Custody or Visitation.**
16. Copy of 5 day notice sent to defendant pursuant to CPLR 3215;
Where (1) defendant has appeared but not answered the complaint and there is no written withdrawal; or
(2) defendant has not appeared but more than 1 year has elapsed since the default
(add additional 5 days if mailed (CPLR 2103)
Note: the controlling date is the date papers are submitted to Calendar Office.
17. * Referee's Report - Findings of Fact and Conclusions of Law. (Note **Must include language required by new DRL 177** - see new DRL 177 Info Sheet available in ECCO)
18. * Matrimonial Judgment Entered Upon Referee's Report. (**CHECK FOR SOCIAL SECURITY NUMBERS.**) (Note **Must include language required by new DRL 177** - see new DRL 177 Info Sheet available in ECCO)
19. USC-111
20. A blank OCA Combined Child and Spousal Support Orders form to be given to plaintiff at time of filing.
21. Regardless of the grounds for divorce, in **any** case where there is a Property Settlement Agreement, Separation Agreement, Memorandum of Understanding or similar agreement between the parties, the agreement **MUST** contain either (a) provision for health insurance coverage for ex-spouse OR (b) a statement signed by the parties as set forth in new DRL 177 (See Information Sheet available in ECCO).

*— Effective October 30, 2007 - See Information sheet for Applicability to agreements executed prior to 10/30/07