

STATE OF NEW YORK

9920

IN ASSEMBLY

February 23, 2018

Introduced by M. of A. DINOWITZ -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to venue in matrimonial actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil practice law and rules is amended by adding a new
2 rule 514 to read as follows:

3 Rule 514. Venue in matrimonial actions. (a) This rule applies to all
4 actions wherein all or part of the relief granted is divorce, all
5 actions brought in supreme court for custody or visitation, all applica-
6 tions to modify a supreme court order of custody or visitation, all
7 actions wherein all or part of the relief granted is the dissolution,
8 annulment or declaration of the nullity of a marriage, all proceedings
9 to obtain a distribution of marital property following a foreign judg-
10 ment of divorce, and all post-judgment proceedings following a judgement
11 of divorce.

12 (b) Notwithstanding anything to the contrary in this article, the
13 place of trial in an action subject to subdivision (a) of this rule
14 shall be in a county in which either party resides or, if there are
15 minor children of the marriage, in the county where one of the parties
16 or a child or children of the marriage resides; except that where the
17 address of either party and any child or children are not a matter of
18 public record, or where any such address is subject to an existing
19 confidentiality order pursuant to section two hundred fifty-four of the
20 domestic relations law or section one hundred fifty-four-b of the family
21 court act, the place of trial designated by the plaintiff in any action
22 specified in subdivision (a) of this rule may be as specified in section
23 five hundred nine of this article, except for good cause shown.

24 (c) Notwithstanding anything to the contrary in section five hundred
25 nine or elsewhere in this article, the place of trial designated by the
26 plaintiff in an action specified in subdivision (a) of this rule shall
27 be as specified in subdivision (b) of this rule.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) In any action specified in subdivision (a) of this rule, the court
2 may, for good cause shown, allow the trial to proceed before it,
3 notwithstanding that venue would not lie pursuant to subdivision (b) of
4 this rule. Good cause applications shall be made by motion or order to
5 show cause.

6 § 2. This act shall take effect on the sixtieth day after it shall
7 have become a law and shall apply to matrimonial actions commenced on or
8 after such effective date.