

STATE OF NEW YORK

9733

IN SENATE

May 23, 2024

Introduced by Sen. HOYLMAN-SIGAL -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed 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. Section 509 of the civil practice law and rules, as amended
2 by chapter 773 of the laws of 1965, is amended to read as follows:

3 § 509. Venue in county designated. Notwithstanding any provision of
4 this article except for rule 515, the place of trial of an action shall
5 be in the county designated by the plaintiff, unless the place of trial
6 is changed to another county by order upon motion, or by consent as
7 provided in subdivision (b) of rule 511 of this article.

8 § 2. The civil practice law and rules is amended by adding a new rule
9 515 to read as follows:

10 Rule 515. Venue in matrimonial actions. (a) This rule applies to all
11 actions wherein all or part of the relief granted is divorce, all
12 actions brought in supreme court for custody or visitation, all applica-
13 tions to modify a supreme court order of custody or visitation, all
14 actions wherein all or part of the relief granted is the dissolution,
15 annulment or declaration of the nullity of a marriage, all proceedings
16 to obtain a distribution of marital property following a foreign judg-
17 ment of divorce, and all post-judgment proceedings following a judgment
18 of divorce.

19 (b) Notwithstanding anything to the contrary in this article, the
20 place of trial in an action subject to subdivision (a) of this rule
21 shall be in a county in which either party resides or, if there are
22 minor children of the marriage, the place of trial may also be in the
23 county where one of such children resides; except that where any of the
24 addresses of these residences is not a matter of public record, or where
25 any of these addresses is subject to an existing confidentiality order
26 pursuant to section 254 of the domestic relations law or section 154-b
27 of the family court act, the place of trial designated by the plaintiff

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

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1 in any action specified in subdivision (a) of this rule may be as speci-
2 fied in section 509 of this article.

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

8 § 3. This act shall take effect on the sixtieth day after it shall
9 have become a law and shall apply to matrimonial actions commenced on or
10 after such date.