STATE OF NEW YORK

8305

2025-2026 Regular Sessions

IN ASSEMBLY

May 12, 2025

Introduced by M. of A. BERGER -- (at request of the Unified Court System) -- read once and referred to the Committee on Judiciary

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

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

Section 1. The civil practice law and rules is amended by adding a new rule 4533-c to read as follows:

Rule 4533-c. Rebuttable presumption of expenses in matrimonial actions. 1. This rule applies to all actions wherein all or part of the relief sought is divorce, all actions brought in supreme court for custody or visitation, all applications to modify a supreme court order of custody or visitation, all actions wherein all or part of the relief sought is the dissolution, annulment or declaration of the nullity of a marriage, all proceedings to obtain a distribution of marital property following a foreign judgment of divorce, and all post-judgment proceedings following a judgment of divorce.

2. Notwithstanding anything to the contrary in rule four thousand five hundred thirty-three-a of this article, there shall be a rebuttable presumption that an itemized bill or invoice, receipted or marked paid, for court-ordered obligations, child related expenses, household expenses, goods, services or repairs in an amount not in excess of ten thousand dollars shall be admissible in evidence and establishes the necessity of and represents the reasonable value of such expenses, goods, services or repairs itemized therein in any action or proceeding set forth in subdivision one of this rule, provided that it is accompanied by an affirmation by the person, firm or corporation, or an authorized agent or employee thereof, providing such goods or services or making such repairs and charging for the same, stating that (a) it provided the goods or services or made the repairs for which the expenses were incurred in the amount indicated, (b) no part of the

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

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payment received therefor will be refunded to the debtor, and (c) the amounts itemized therein are the usual and customary rates charged for such expenses, goods, services or repairs by the affiant or the affiant's employer; and provided further that a true copy of such itemized bill or invoice together with a notice of intention to introduce such bill or invoice into evidence pursuant to this rule, indicating on its face that any objections must be in writing and set forth the basis for such objection or objections, is served upon the adverse party no later than thirty days prior to trial. Such presumption may be rebutted at trial only if the adverse party has served on the party submitting the bill or invoice and filed with the court a written notice of intention to rebut such bill or invoice setting forth the basis for such objection or objections no later than fifteen days prior to trial.

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