STATE OF NEW YORK

9746

IN SENATE

May 28, 2024

Introduced by Sen. WEBB -- (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 domestic relations law, in relation to automatic orders in matrimonial actions

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

Section 1. The opening paragraph of paragraph b of subdivision 2 of part B of section 236 of the domestic relations law, as added by chapter 72 of the laws of 2009, is amended and a new subparagraph 6 is added to read as follows:

With respect to matrimonial actions which commence on or after the effective date of this paragraph, the plaintiff shall cause to be served upon the defendant, simultaneous with the service of the summons, a copy of the automatic orders set forth in this paragraph. The automatic orders shall be binding upon the plaintiff in a matrimonial action immediately upon the filing of the summons, or summons and complaint, and upon the defendant immediately upon the service of the automatic orders with the summons. [~~The~~] **In the event that the governor declares an emergency which results in issuance by the judiciary of an administrative order which prohibits the filing of the summons or the summons and verified complaint during the emergency, then the automatic orders shall be binding upon the plaintiff and the defendant immediately upon service of the summons upon defendant, but shall have no force and effect unless: the plaintiff purchases an index number for the action within twenty-one days of the date of service upon the defendant of the summons with notice or the summons and verified complaint; or plaintiff applies for poor person status pursuant to subdivision (d) of section eleven hundred one of the civil practice law and rules within twenty-one days of the date of service on the defendant of the summons with notice or the summons and verified complaint, and, in the event that the application for poor person status is denied, the plaintiff pays an index number fee within one hundred twenty days after the date of a court order denying the plaintiff's application for waiver of the fee pursuant to subdivi-**

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

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sion (d) of section eleven hundred one of the civil practice law and rules. Except as provided above, the automatic orders shall take effect and remain in full force and effect [~~during the pendency of the action,~~] until entry of the judgment of divorce unless terminated, modified or amended by further order of the court upon motion of either of the parties or upon written agreement between the parties duly executed and acknowledged, or unless the action is dismissed or discontinued, or stayed. The automatic orders are as follows:

(6) Each party, having received notice of same, shall within ten days thereafter send written notice to the other party of a tax lien, foreclosure, bankruptcy, or litigation, or the filing of same, which could adversely affect the marital estate.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.