

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:

1 Section 1. The opening paragraph of paragraph b of subdivision 2 of
2 part B of section 236 of the domestic relations law, as added by chapter
3 72 of the laws of 2009, is amended and a new subparagraph 6 is added to
4 read as follows:

5 With respect to matrimonial actions which commence on or after the
6 effective date of this paragraph, the plaintiff shall cause to be served
7 upon the defendant, simultaneous with the service of the summons, a copy
8 of the automatic orders set forth in this paragraph. The automatic
9 orders shall be binding upon the plaintiff in a matrimonial action im-
10 mediately upon the filing of the summons, or summons and complaint, and
11 upon the defendant immediately upon the service of the automatic orders
12 with the summons. [~~The~~] In the event that the governor declares an emer-
13 gency which results in issuance by the judiciary of an administrative
14 order which prohibits the filing of the summons or the summons and veri-
15 fied complaint during the emergency, then the automatic orders shall be
16 binding upon the plaintiff and the defendant immediately upon service of
17 the summons upon defendant, but shall have no force and effect unless:
18 the plaintiff purchases an index number for the action within twenty-one
19 days of the date of service upon the defendant of the summons with
20 notice or the summons and verified complaint; or plaintiff applies for
21 poor person status pursuant to subdivision (d) of section eleven hundred
22 one of the civil practice law and rules within twenty-one days of the
23 date of service on the defendant of the summons with notice or the
24 summons and verified complaint, and, in the event that the application
25 for poor person status is denied, the plaintiff pays an index number fee
26 within one hundred twenty days after the date of a court order denying
27 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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1 sion (d) of section eleven hundred one of the civil practice law and
2 rules. Except as provided above, the automatic orders shall take effect
3 and remain in full force and effect [~~during the pendency of the action,~~
4 until entry of the judgment of divorce unless terminated, modified or
5 amended by further order of the court upon motion of either of the
6 parties or upon written agreement between the parties duly executed and
7 acknowledged, or unless the action is dismissed or discontinued, or
8 stayed. The automatic orders are as follows:

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

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