

1) SUMMONS WITH NOTICE (Form UD-1):

This form is used when commencing an action for divorce without a Verified Complaint.

Field 1: Put the index number in the space provided.

Field 2: Print the county in which you are bringing this action.

Field 3: Print the date the summons was filed.

Field 4: The same as field 2.

Field 5: Print the Plaintiff's name.

Field 6: You must state the basis of venue, that is, why this case may be heard in the county you select. You have several options: Plaintiff's residence (Plaintiff lives in the county), Defendant's residence (Defendant lives in the county), or CPLR §509 (any other county so long as the Defendant does not object and the court accepts the case). If you choose a county where neither party resides, you must write in CPLR §509. The court must accept the case if it is brought in the county where either the Plaintiff or the Defendant resides. If you choose CPLR §509 and the other side does not challenge the basis for venue, then the action may go forward in that county, but you should be aware that the court may reject your case based on specific venue rules in the county where you are filing.

Field 7: Provide where either the Plaintiff or the Defendant resides depending on which party's residence was chosen as the basis of venue. For example, if the Plaintiff's residence is listed as the basis for venue, place the Plaintiff's address in this space. If Defendant's residence is chosen, list the Defendant's address in this space. If CPLR §509 is chosen, list the Plaintiff's address in this space.

Field 8: Print Defendant's name.

Field 9: Check the appropriate box.

Field 10: Print the date you prepared the summons.

Field 11: Check the appropriate box.

Field 12: List your attorney's address and telephone number. If you do not have an attorney, list your name, address and telephone number.

Field 13: Fill in the appropriate subdivision number and the grounds for divorce as indicated at the bottom of the form (see pages 3-5 in this booklet). Check with your local clerk's office if you need additional information on where to learn about the grounds for divorce.

Field 14: If you are asking for other relief in addition to your request for a divorce, this relief must be listed in this section. Examples include but are not limited to custody, visitation, child support, equitable distribution, maintenance and exclusive occupancy of the home. If there are minor children of the

marriage, child support must be listed in this section. You should also list any presently existing Family Court orders (with the docket number) that you wish to be continued. (Note: when children reside in New York, custody **must** be determined).