

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

X

Index No.: _____

-against-

Plaintiff

Defendant

X

VERIFIED COMPLAINT
ACTION FOR DIVORCE

Plaintiff herein

Plaintiff by attorney _____, complaining of the Defendant, alleges;

FIRST: That the parties were over the age of 18 years when this action was commenced.

The Plaintiff resides at _____.

The Defendant resides at _____.

A) **SECOND:** The Plaintiff
 Defendant has resided in New York State for a continuous period in excess of two years immediately preceding the commencement of this action.

~~OR~~

B) The Plaintiff
 Defendant has resided in New York State for a continuous period in excess of one year immediately preceding the commencement of this action, **AND:**

a. the parties were married in New York State.

or

b. the Defendant has lived as husband or wife in New York State with the Plaintiff.

or

c. the cause of action occurred in New York State.

~~OR~~

C) The cause of action occurred in New York State and both parties were residents thereof at the time of the commencement of this action.

THIRD: I married the Defendant on the ___ day of _____, _____, in the City, Town or Village of _____, County of _____, State or Country of _____.
The marriage was performed by a clergyman, minister or by a leader of the Society for Ethical Culture.
 was not

- A) To the best of my knowledge I have taken all steps solely within my power to remove any barrier to the Defendant's remarriage.
- =====OR=====
- B) Prior to the entry of final judgment I will/or have taken all steps solely within my power to remove any barrier to the Defendant's remarriage.
- =====OR=====
- C) The Defendant has waived in writing the requirements of DRL § 253 (Barriers to Remarriage).
- =====OR=====
- D) I am waiving the requirements of DRL § 253.4 (Barriers to Remarriage) by the Defendant.

FOURTH: There are no children of the marriage under the age of 21 years of age and none are expected.

- FIFTH:** Plaintiff seeks a divorce on the following grounds:
- Cruel and Inhuman Treatment [DRL § 170(1)]
 - Abandonment [DRL § 170(2)]
 - Imprisonment [DRL § 170(3)]
 - Adultery [DRL § 170(4)]
 - Conversion of Judgment of Separation [DRL § 170(5)]
 - Conversion of a Written Agreement of Separation [DRL §170(6)]

The specific allegations are set forth as follows:

Cruel and Inhuman Treatment (DRL §170(1)):

At the following times Defendant committed the following act(s) which endangered the Plaintiff's physical or mental well being and rendered it unsafe or improper for Plaintiff to continue to reside with Defendant.

(Detail in lettered subparagraphs, the acts, behavior, conduct of the Defendant.)

A) On or about _____ at or near _____ the Defendant _____
Date address / place of occurrence

B) On or about _____ at or near _____ the Defendant _____
Date address / place of occurrence

C) On or about _____ at or near _____ the Defendant _____
Date address / place of occurrence

(Attach an additional sheet, if necessary.)

Abandonment (DRL 170(2)):

- That commencing on or about the ____ day of _____, _____, and continuing for
Month *Year*
a period of more than one (1) year immediately prior to commencement of this action, the Defendant left the marital residence of the parties located at _____
_____, and did not return. Such absence was without cause or justification, and was without Plaintiff's consent.

- That commencing on or about the ____ day of _____, _____, and
Month *Year*
continuing for a period of more than one (1) year immediately prior to commencement of this action, the Defendant refused to have sexual relations with the Plaintiff despite Plaintiff's repeated requests to resume such relations. Defendant does not suffer from any disability which would prevent *her* *him* from engaging in such sexual relations with Plaintiff. The refusal to engage in sexual relations was without good cause or justification and occurred at the marital residence located at _____
_____.

- That commencing on or about the ____ day of _____, _____, and
Month *Year*
continuing for a period of more than one (1) year immediately prior to commencement of this action, the Defendant willfully and without cause or justification abandoned the Plaintiff, who had been a faithful and dutiful *husband* *wife*, by depriving Plaintiff of access to the marital residence located at _____
_____. This deprivation of access was without the consent of the Plaintiff and continued for a period of greater than one year.

Imprisonment (DRL §170(3)):

That after the marriage of Plaintiff and Defendant, Defendant was confined in prison for a period of three or more consecutive years, to wit: that Defendant is/was confined in

_____ prison on the
Name of correctional facility
_____ day of _____, _____, and remained confined until the
Month *Year*
_____ day of _____, _____; **OR** remains confined to this date.
Month *Year*

Adultery (DRL §170(4)):

That on the ___ day of _____, _____, at _____
Month Year Location

the Defendant voluntarily committed of an act of sexual or deviate sexual intercourse with a person other than the Plaintiff after the marriage of Plaintiff and Defendant; **and** not more than five years elapsed between the date of the discovery of said adultery and the date of commencement of this action.

Conversion of a Judgment of Separation (DRL §170(5)):

That the _____ Court, _____ County, _____ (State or Country) granted a decree or judgment of separation on the ___ day of _____, _____ under Index No. _____; **and** that the parties have lived
Month Year

separate and apart for a period of one year or longer after the granting of such decree; **and** that the Plaintiff has substantially complied with all the terms and conditions of such decree or judgment.

Conversion of a Written Agreement of Separation (DRL §170(6)):

That the Plaintiff and Defendant entered into a written agreement of separation, which they subscribed and acknowledged on the ___ day of _____, _____, in the form required
Month Year

to entitle a deed to be recorded; **and** that the *agreement* *memorandum of said agreement* was filed on the ___ day of _____, _____ in the Office of the Clerk
Month Year

of the County of _____, wherein *Plaintiff* *Defendant* resided; **and** that the parties have lived separate and apart for a period of one year or longer after the execution of said agreement; **and** that the Plaintiff has substantially complied with all terms and conditions of such agreement.

EIGHTH: No decree, judgment or order of divorce, annulment or dissolution of marriage has been granted to either party against the other in any Court of competent jurisdiction of this state or any other state, territory or country, and that there is no other action pending for divorce by either party against the other in any Court.

NINTH: *Plaintiff's* *Defendant's* former surname(s) (*maiden name(s)*); _____.

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:
A judgment dissolving the marriage between the parties and

(See instruction page for Form A-3)

and any other relief the court deems fit and proper.

Dated _____

Signature
 Plaintiff Attorney(s) for Plaintiff
Name: _____
Address: _____

Phone No. _____

STATE OF NEW YORK, COUNTY OF _____ ss:

I _____ (*Print Name*), am the Plaintiff in this action; I have read the this complaint, and know the contents therein. The contents are true to my own knowledge except as to matters alleged upon information and belief, and as to those matters I believe them to be true.

Plaintiff's Signature

(*Print Name*)

Subscribed and Sworn to
before me on

NOTARY PUBLIC