

## CHECKLIST FOR SUBMITTING POOR-PERSON DIVORCE PAPERS

- ❑ Pick up a FREE packet of forms and instructions from the Supreme Court Clerk's Office located on the first floor of the Courthouse (320 N Tioga St, Ithaca, NY.)
- ❑ Carefully read the instructions and fill out the forms.
- ❑ Bring the following completed forms to the Tompkins County Clerk's Office:
  - Summons
  - Verified Complaint
  - Affidavit in Support of Application to Proceed as a Poor Person
  - Poor Person's Order
  - Request for Judicial Intervention
  - Index Number Application
  - Certificate of Dissolution

*At this time your case will be assigned a no-fee index number and your original **Summons** and **Verified Complaint** will be filed.*

- ❑ Serve a copy of your **Affidavit in Support of Application to Proceed as a Poor Person** on the Tompkins County Attorney (125 E Court St, Ithaca, NY.) This can be done immediately after filing all the papers with the Tompkins County Clerk's Office. We will make the copy for you.
- ❑ After the **Affidavit in Support of Application to Proceed as a Poor Person** has been served, you need to fill out an **Affidavit of Service** that shows you served the County Attorney. You can sign and have it notarized in the County Attorney's Office.
- ❑ Bring the **Affidavit of Service** back to the County Clerk's Office. This must be filed in order for your case to proceed.
- ❑ We will also give you copies of the **Summons** and **Verified Complaint**. The copies must be served on your husband/wife by someone over the age of 18 other than yourself. The sheriff does provide this service at a fee, if you need to use them.
- ❑ After the papers are served.. *if your husband/wife is willing to sign* the **Defendant's Affidavit** (this must be signed and notarized.) You should bring that back to the County Clerk's Office with the rest of the papers after you have filled them out to the best of your ability.
- ❑ *If they don't want to sign* the **Defendant's Affidavit** you need to *wait until they are in default* (read the Summons to find out about this) and then bring the rest of the forms back to file (the forms you need to bring back all depend on *your* situation.) If there are Family Court Orders you should include them. If there is a Separation Agreement you should include that. Let us know if there is an IDV case.
- ❑ If the judge doesn't approve your poor person's application, you will have to pay the fees by the designated date set by the judge or start another action at a later date unless the judge orders otherwise.
- ❑ ***Remember that the Clerks are not attorneys and cannot give legal advice or provide help filling out these papers. If you have questions you should either contact an attorney or an agency that offers free legal assistance.***