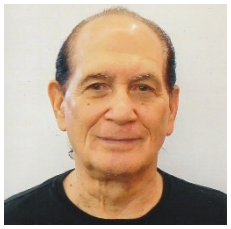
Bits and Bytes™

May 30, 2024 **Volume 21, No. 12**

Welcome to Bits and Bytes, ™ an electronic newsletter written by Joel R. Brandes of The Law Firm of Joel R. Brandes, P.C., 43 West 43rd Street, Suite 34, New York, New York 10036. Telephone: (212) 859-5079, email to: joel@nysdivorce.com. Website:www.nysdivorce.com



Joel R. Brandes is the author of the treatise Law and the Family New York, 2023 Edition (12 volumes) as well as Law and the Family New York Forms 2023 Edition (5 volumes) (both Thomson Reuters) and the New York Matrimonial Trial Handbook (Bookbaby). His "Law and the Family" column is a regular feature in the New York Law Journal.

The Law Firm of Joel R. Brandes, P.C concentrates its law practice on appeals in divorce, equitable distribution, custody, and family law cases as well as post-judgment enforcement and modification proceedings. Mr. Brandes also serves as counsel to attorneys with all levels of experience assisting them with their difficult appeals and litigated matters. Mr. Brandes has been recognized by the New York Appellate Division as a "noted authority and expert on New York family law and divorce."

Second Department

Supreme Court improvidently exercised its discretion in declining to award the defendant postjudgment maintenance where defendant had no work experience, as she and the plaintiff jointly decided that she would be a stay-at-home mother and homemaker. Counsel Fees denied where defendant had not demonstrated compliance with 22 NYCRR 1400.3.

In Rigas v Rigas, --- N.Y.S.3d ----, 2024 WL 2307453, 2024 N.Y. Slip Op. 02829 (2d Dept.,2024) the parties married in 1999 and had three children together. The plaintiff commenced the action for a divorce in 2011. Following a nonjury trial, the Supreme Court, inter alia, awarded the defendant 20% of the appreciation in value of the plaintiff's business, ARC Electrical & Mechanical Contractors Corp. (ARC), from the date of marriage to the date of commencement of the action. The court directed the plaintiff to pay basic child support of $8,307.31 per month and 100% of the children's add-on expenses, and awarded the defendant no maintenance or attorneys' fees. The Appellate Division held that the Supreme Court providently exercised its discretion in crediting the court-appointed business appraiser's valuation of ARC and awarding the defendant 20% of the appreciation

in ARC's value from the date of marriage to the date of commencement of the action. The court's valuation of ARC rested primarily on its determination to credit the court-appointed business appraiser rather than the appraiser retained by the defendant. This determination is entitled to deference on appeal.

The Appellate Division found that the Supreme Court improvidently exercised its discretion in declining to award the defendant postjudgment maintenance (see Kaufman v. Kaufman, 189 A.D.3d at 69, 133 N.Y.S.3d 54). The defendant had no work experience, as she and the plaintiff jointly decided that she would not work but would instead be a stay-at-home mother and homemaker. The defendant had a college degree. It held that the court should have awarded the defendant maintenance for a period of 24 months from the date of the judgment of divorce to allow her to become self-supporting. It modified the judgment awarding the defendant maintenance of $8,000 per month for a period of 24 months from the date of the judgment of divorce, or, if earlier, until her remarriage or the death of either party.

The Appellate Division held that the Supreme Court did not improvidently exercise its discretion in declining to award the defendant attorneys' fees. The court correctly, in effect, found that the defendant had not demonstrated compliance with 22 NYCRR 1400.3. The papers submitted in support of the defendant's request for an award of attorneys' fees revealed that her trial counsel charged rates that exceeded those set forth in the retainer agreement, with no evidence that the defendant had signed a written amendment to the retainer agreement setting forth those higher rates (see 22 NYCRR 1400.3[7]). Trial counsel also billed the defendant for appellate work, which the retainer agreement expressly excluded from the "[n]ature of the services" to be provided (id. § 1400.3[2]; . Moreover, because the invoices were heavily redacted and provided only vague descriptions of the work performed, there was no way to determine from the defendant's submissions whether other line items were for appellate work. Finally, trial counsel did not provide itemized bills "at least every 60 days" on numerous occasions (22 NYCRR 1400.3[9]). Accordingly, the defendant did not demonstrate, prima facie, "substantial compliance" with 22 NYCRR 1400.3, and as such, the court correctly declined to award her attorneys' fees.

The Supreme Court improvidently exercised its discretion in directing the sale of the marital residence without providing the plaintiff with an option to purchase the defendant's interest and in failing to award the plaintiff a separate property credit with respect to the purchase of the marital residence.

In Jones v Jones, --- N.Y.S.3d ----, 2024 WL 2307392, 2024 N.Y. Slip Op. 02805 (2d Dept.,2024) the parties were married on August 7, 1987. Prior to the marriage, the plaintiff acquired real property that became the parties' marital residence. On June 25, 1987, less than two months before the parties were married, the plaintiff encumbered that property with a mortgage in the amount of $90,000. On April 23, 2007, after the mortgage on the marital residence was satisfied, the plaintiff added the defendant's name to the deed to the marital residence. The plaintiff commenced this action for a divorce and ancillary relief in June 2015. The Appellate Division held that placing the marital residence in both parties' names changed the character of the previously separate property to marital property. However, where a party contributes his or her separate property towards the purchase of a marital asset, such as a marital residence, the party should be awarded a credit for the amount so contributed prior to the equitable division of the asset. The Appellate Division

held that the Supreme Court improvidently exercised its discretion in failing to award the plaintiff a separate property credit with respect to the purchase of the marital residence. However, it rejected the plaintiff's argued that he was entitled to a separate property credit for the entire value of the marital residence as of the date he added the defendant's name to the deed to the marital residence. Under the equitable distribution statute, separate property is defined to include an increase in value of separate property, except to the extent that such appreciation is due in part to the contributions or efforts of the other spouse. Thus, any appreciation in the value of separate property due to the contributions or efforts of the nontitled spouse will be considered marital property. This includes any direct contributions to the appreciation, as well as when the nontitled spouse makes direct nonfinancial contributions, such as by personally maintaining, making improvements to, or renovating a marital residence" In addition, under certain circumstances, appreciation, to the extent it was produced by the efforts of the titled spouse, should be considered a product of the marital partnership and, hence, marital property. Given the defendant's contribution to the marital residence, financial and otherwise, during the period between the parties' marriage in 1987 and 2007, when title to the martial residence was transferred to both parties, the appreciation of the value of the marital residence during that period constituted marital property. Supreme Court should have utilized the appraised value of the marital residence as of the time of the marriage, which was $140,000, and subtracted the amount of the mortgage on the marital residence as of the time of the marriage, which the parties do not dispute was $90,000, to arrive at the amount of the plaintiff's separate property credit with respect to the purchase of the marital residence, which was $50,000.

The Appellate Division held Supreme Court erred in not equitably distributing the marital residence. Where, as here, both spouses have made significant contributions to a marriage of long duration, the division of marital property should be as equal as possible. Given the 28–year duration of the marriage, the age and health of the parties, and the court's determination that the marriage was a "joint enterprise" where the parties "pooled their interests for their mutual benefit," an award to each party of 50% of the appraised value of the marital residence as of the time of trial of $350,000, after the plaintiff's separate property credit is subtracted from that amount, was warranted.

The Appellate Division held that the Supreme Court improvidently exercised its discretion in directing the sale of the marital residence without providing the plaintiff with an option to purchase the defendant's interest therein. It modified the judgment to provide plaintiff the option to purchase the defendant's interest in the marital residence.

The Appellate Division held that considering the overall financial circumstances of the parties and the circumstances of the case as a whole, the Supreme Court providently exercised its discretion in declining to award the plaintiff attorneys' fees

Where the parties so-ordered stipulation provided that "[e]ach party shall be responsible for their own counsel fees" sanctions were properly granted on the ground that the defendant unnecessarily delayed the action by bringing her motion for interim counsel fees .

In Neckles v Neckles, --- N.Y.S.3d ----, 2024 WL 2307371 (Mem), 2024 N.Y. Slip Op. 02824 (2d Dept.,2024) an action for a divorce the parties settled all issues except the equitable distribution of the plaintiff's retirement accounts. The defendant then moved for an award of interim counsel fees for trial purposes. The plaintiff cross-moved, pursuant to 22 NYCRR 130–1.1 for sanctions on the ground that the defendant unnecessarily delayed

the action. The Supreme Court, denied the defendant's motion and granted the plaintiff's cross-motion to the extent of awarding the plaintiff attorneys' fees of $2,500. The Appellate Division affirmed. It noted that in a December 2020 so-ordered stipulation, the parties agreed that "[e]ach party shall be responsible for their own counsel fees." Thus, Supreme Court providently exercised its discretion in awarding the plaintiff attorneys' fees on the ground that the defendant unnecessarily delayed the action by disregarding the December 2020 so-ordered stipulation in bringing her motion for interim counsel fees.

Where custody hearing, which commenced in May 2014, did not conclude until March 2021, the Appellate Division pointed out that the courts may not deny the natural parent's persistent demands for custody simply because it took so long.

In Matter of Teofilo R.F. v. Tanairi R.F. --- N.Y.S.3d ----, 2024 WL 2307444, 2024 N.Y. Slip Op. 02814(2d Dept.,2024) in October 2012, the mother, who resided in Georgia, was arrested for driving with a suspended driver license and incarcerated. As a result, the mother requested that the maternal grandmother and the maternal uncle, who resided in Brooklyn, be given temporary custody of the child Blessin F., as well as two of her other children, Keith F. and Keleill F., respectively, until her release from jail so that they would not be placed in foster care. In an order dated October 8, 2012, the Juvenile Court in Georgia placed Keith F., Keleill F., and Blessin F. in the maternal grandmother's temporary custody pending further orders in New York. The Georgia order was to remain in effect until an order was entered in New York. Thereafter, the father of the child Frank T., Jr., requested that the maternal grandmother and the maternal uncle also take Frank T., Jr., to Brooklyn to care for him while the mother was incarcerated. On October 16, 2012, the maternal grandmother filed a petition in the Family Court, for guardianship of Blessin F. In November 2012, after her release from jail, the mother contacted the maternal grandmother with regard to returning the children to her care and custody. The maternal grandmother told the mother that she would have to go to court for the return of the children. The mother traveled to New York to pick up Frank T., Jr., who was not a subject of the Georgia order. The next day, the maternal grandmother filed a petition for custody of Frank T., Jr., in the Family Court and denied the mother's request to return Frank T., Jr., to the mother's care and custody. In February 2013, the maternal uncle filed a petition for guardianship of Blessin F. The court, inter alia, issued temporary orders appointing the maternal grandmother as the guardian of Blessin F. and awarding custody of Frank T., Jr., to the maternal grandmother. The mother's motion to vacate the temporary orders was denied. The mother filed a petition,, for custody of Blessin F. and Frank T., Jr. A hearing on the parties' respective petitions commenced in 2014 and did not conclude until 2021. After the conclusion of the hearing the court, inter alia, determined that extraordinary circumstances existed to confer standing on the maternal grandmother and the maternal uncle to seek guardianship and custody of Blessin F. and Frank T., Jr., appointed the maternal grandmother and the maternal uncle as guardians of Blessin F., awarded the maternal grandmother and the maternal uncle joint physical and legal custody of Frank T., Jr., and directed that the mother's parental access with Blessin F. and Frank T., Jr., take place in Brooklyn on the first two Saturdays of each month. The Appellate Division reversed and awarded custody to the mother. It held that the Family Court's determination was not supported by a sound and substantial basis in the record (see Domestic Relations Law § 72). The evidence failed to establish that the mother voluntarily relinquished care and control of Blessin F. and Frank

T., Jr., for an extended period of time. The record evidences that the mother's intention was for Blessin F. and Frank T., Jr., to reside with the maternal grandmother and the maternal uncle only temporarily during her brief period of incarceration so as to prevent them from being placed in foster care, and that the children would be returned to the mother's care and custody as soon as she was released. The hearing testimony demonstrated that from the time the mother was released from her brief period of incarceration in November 2012, she has continued to attempt to regain custody of Blessin F. and Frank T., Jr., she immediately went to Brooklyn when she was released, she made a motion to vacate the temporary orders of guardianship and custody, and she filed a petition, inter alia, for custody of Blessin F. and Frank T., Jr. Moreover, during the proceedings, the mother continued to have supervised and unsupervised parental access with Blessin F. and Frank T., Jr., as permitted by the court, in Brooklyn, although she was still residing in Georgia with her other young children. Additionally, the prolonged separation between the mother and Blessin F. and Frank T., Jr., occurred during the mother's attempts to regain custody during these protracted proceedings, and, thus, the extended disruption of custody did not amount to an extraordinary circumstance. When the maternal grandmother and the maternal uncle first filed petitions for guardianship and custody between October 2012 and February 2013, Blessin F. and Frank T., Jr., had only been residing with them for, at most, a few months; however, the hearing, which commenced in May 2014, did not conclude until March 2021, almost seven years later. It pointed out that the courts may not deny the natural parent's persistent demands for custody simply because it took so long. (Matter of Male Infant L., 61 N.Y.2d 420, 429, 474 N.Y.S.2d 447, 462 N.E.2d 1165).

When a pendente lite award of maintenance is found at trial to be excessive or inequitable, the Court may make an appropriate adjustment in the equitable distribution award.

In Habib v Habib, 2024 WL 2165670 (2d Dept.,2024) the parties were married in 1973 and had two adult children. The plaintiff commenced this action for a divorce in May 2011. After a nonjury trial Supreme Court, among other things, awarded the plaintiff maintenance of $1,500 per month retroactive to the date the parties executed a stipulation dividing six parcels of real property, awarded the plaintiff counsel fees of $25,000. The Appellate Division held that Supreme Court providently exercised its discretion in awarding the plaintiff maintenance in the sum of $1,500 per month. However, since the permanent maintenance award is not in excess of the Supreme Court's temporary maintenance award, the court erred in directing that the maintenance award be made retroactive to the date the parties executed the stipulation dividing the six parcels of real property. It noted that the Domestic Relations Law provides that, "[i]n determining an equitable disposition of property ..., the court shall consider: ... any award of maintenance" (Domestic Relations Law § 236[B][5][d][6]). When a pendente lite award of maintenance is found at trial to be excessive or inequitable, the Court may make an appropriate adjustment in the equitable distribution award. Here, in a pendente lite order, the Supreme Court awarded the plaintiff temporary maintenance of $2,919 per month, and the court's permanent award of maintenance was $1,500 per month. It held that given the disparity in the maintenance amounts, the defendant should be given a credit for the monthly pendente lite payments he made in excess of $1,500 from the date the parties executed the stipulation dividing the six parcels of real property to the date of the entry of the judgment of divorce (see Johnson v. Chapin, 12 N.Y.3d at 466, 881 N.Y.S.2d 373, 909 N.E.2d 66). The Appellate Division further

held that the Supreme Court providently exercised its discretion in awarding the plaintiff counsel fees of $25,000.

May be appropriate in custody case to give each party decision-making authority in separate areas where antagonistic relationship exists .

In Matter of Mahoney v Hughes, --- N.Y.S.3d ----, 2024 WL 2165754, 2024 N.Y. Slip Op. 02707 (2d Dept.,2024) the Appellate Division held, inter alia, that when an antagonistic relationship exists between the parties, it may be appropriate, depending upon the particular circumstances of the case, to give each party decision-making authority in separate areas .

Foster parents were persons legally responsible for the care of the child where evidence demonstrated that the child, eight years old at the time of the foster parents' application for a hearing pursuant to Family Court Act § 1028, had been under the foster parents' care for most of his life.

In Matter of Samson R., --- N.Y.S.3d ----, 2024 WL 2165827, 2024 N.Y. Slip Op. 02710 (2d Dept.,2024) in November 2015, the subject child was found to be neglected by his parents and placed in the custody of his maternal aunt, nonparty Laurie H. In November 2017, the child was returned to the father's custody under the supervision of the Department of Social Services (DSS). In July 2018, the child was again placed in the custody of Laurie H. Thereafter, in May 2021, the child was placed in DSS's legal custody while he remained placed in the care of his foster care parents, Laurie H. and her paramour, nonparty Steven J.. In February 2023, DSS removed the child from the care of the foster parents and sought to place him in a qualified residential treatment program. The foster parents filed an application, inter alia, for a hearing pursuant to Family Court Act § 1028 to determine whether the child should be returned to their care. Family Court granted DSS's motion to dismiss the application on the ground that the foster parents lacked standing to seek a hearing pursuant to Family Court Act § 1028. The Appellate Division reversed. It observed that Family Court Act § 1028(a) provides that "[u]pon the application of the parent or other person legally responsible for the care of a child temporarily removed under this part ..., the court shall hold a hearing to determine whether the child should be returned," with two exceptions not relevant here. Family Court Act § 1028(a) further provides that "[e]xcept for good cause shown, such hearing shall be held within three court days of the application and shall not be adjourned." The phrase "person legally responsible" "includes the child's custodian, guardian, [or] any other person responsible for the child's care at the relevant time (Family Ct Act § 1012[g]). The Court of Appeals, in interpreting Family Court Act § 1012(g), has held that 'the common thread running through the various categories of persons legally responsible for a child's care is that these persons serve as the functional equivalent of parents. Further, a person may act as the functional equivalent of a parent even though that person assumes temporary care or custody of a child, as long as the care given the child is analogous to parenting and occurs in a household or 'family' setting" (Matter of Yolanda D., 88 N.Y.2d at 796,). Factors to be considered in determining whether an applicant is a person legally responsible for the care of a child include '(1) the frequency and nature of the contact, (2) the nature and extent of the control exercised by the

[applicant] over the child's environment, (3) the duration of the [applicant's] contact with the child, and (4) the [applicant's] relationship to the child's parent(s). Matter of Trenasia J. [Frank J.], 25 N.Y.3d 1001, 1004).The evidence in the record was sufficient to support a determination that the foster parents were persons legally responsible for the care of the child. The evidence demonstrated that the child, eight years old at the time of the foster parents' application, had been under the foster parents' care for most of his life. As the foster parents acted as the functional equivalent of the child's parents for an extended period of time, they qualified as persons legally responsible for the care of the child (see Matter of Kavon A., Jr. [Kavon A.], 192 A.D.3d at 1098–1099, 145 N.Y.S.3d 115). Thus, the foster parents were entitled to a hearing pursuant to Family Court Act § 1028.

Proof of a parent's repeated misuse of a drug will not constitute prima facie evidence of neglect where he or she was voluntarily and regularly participating in a drug rehabilitative program before the neglect petition was filed. In those circumstances, evidence establishing that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired is required to establish neglect, even where the parent "has repeatedly misused a drug

In Matter of Kaira K., 2024 WL 1645157 (2d Dept.,2024) a neglect proceeding the Appellate Division held that a parent or caretaker may be found to have neglected a child by failing to supply the child with adequate shelter based on the unsanitary, deplorable, or otherwise unsafe conditions of the home" since "such conditions necessarily imply an imminent danger of impairment to the child's health. However, evidence showing that a child's home was in a state of disarray and was generally messy is generally insufficient to warrant a finding of neglect, absent "evidence of unsanitary or unsafe conditions. Moreover, evidence of unsanitary or unsafe conditions may not be sufficient to warrant a finding of neglect where, for example, the record demonstrates that the conditions were temporary in nature and improved over time.]Here, contrary to the mother's contention, the evidence adduced at the fact-finding hearing established that the mother maintained the childrens home in a deplorable and unsanitary condition. The evidence demonstrated, among other things, that the conditions of the children's home over an extended period of time included garbage and soiled diapers strewn about, old food and fast-food containers left in the kitchenette area, spilled liquids in the refrigerator that went unremedied, and soiled bed sheets. Further, the evidence established that, at times, the children appeared malodorous and unbathed, and that the mother declined a suggestion to obtain a storage unit at no cost to her. Family Court properly concluded that the mother neglected the children by failing to provide them with adequate shelter.

The Appellate Division observed that pursuant to Family Court Act § 1046(a)(iii), proof that a person repeatedly misuses a drug, under certain circumstances, constitutes prima facie evidence that a child of ... such person is a neglected child" Specifically, "proof that a person repeatedly misuses a drug or drugs or alcoholic beverages, to the extent that it has or would ordinarily have the effect of producing in the user thereof a substantial state of stupor, unconsciousness, intoxication, hallucination, disorientation, or incompetence," among other things, "shall be prima facie evidence that a child of ... such person is a neglected child". In cases where this presumption of neglect is triggered, the petitioner is not required to establish that the child suffered actual harm or was at imminent risk of

harm. However, proof of a parent's repeated misuse of a drug will not constitute prima facie evidence of neglect in circumstances where he or she "as voluntarily and regularly participating in a drug rehabilitative program before the neglect petition was filed. In those circumstances, evidence establishing that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired is required to establish neglect, even where the parent "has repeatedly misused a drug (Matter of Keira O., 44 A.D.3d 668, 670]). In any event, when the presumption is triggered, it is not rebutted by a showing that the children were never in danger and were always well kept, clean, well fed, and not at risk . Moreover, the sole fact that an individual consumes cannabis, without a separate finding that the child's physical mental or emotional condition was impaired or is in imminent danger of becoming impaired established by a fair preponderance of the evidence. shall not be sufficient to establish prima facie evidence of neglect" (Family Court Act § 1046[a][iii]). ACS presented a prima facie case of neglect based on evidence that the mother repeatedly tested positive for cocaine. Since the evidence at the fact-finding hearing did not show that the mother was voluntarily and regularly participating in a drug rehabilitation program before the petitions were filed, and instead indicated that she had declined ACS's referral to a substance abuse counselor shortly after the petitions were filed, the mother failed to rebut ACS's prima facie showing of neglect. Therefore, the Family Court correctly determined that the mother neglected the children by repeatedly misusing a drug.

Where the docket number on the e-filed deposition transcript was not provided in the motion papers, the deposition testimony was not part of the record.

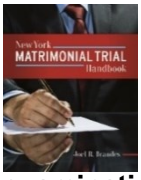
In Matter of Wydra v Brach, 2024 NY Slip Op 02327 (2d Dept.,2024) the Appellate Divison observed that pursuant to CPLR 2214(c), a party in an e-filed action may rely on e-filed papers and need not include those papers in its motion papers, but may make reference to them, giving the docket numbers on the e-filing system. However, the docket numbers on the e-filing system must be provided. (Reardon v Macy's, Inc., 191 AD3d 712, 714; see Eastern Funding LLC v San Jose 63 Corp., 172 AD3d 818, 819). In this case, it held that since the docket number on the e-filed deposition transcript was not provided in the motion papers, the deposition testimony was not part of the record.

Family Court

The Family Court Act requires the qualifying relationship to exist at the time of the family offense and at the time of filing.

In Matter of Y.M., v. D.S., 2024 WL 2282958 Unreported Disposition (Fam Ct., 2024) on July 10, 2022, the petitioner Y. M. filed a family offense petition against the respondent D. S. The petition alleged that the respondent was the petitioner's son-in-law, and that the respondent committed family offenses against the petitioner on three occasions: August 4, 2018; November 9, 2020, and April 13, 2022. The respondent married the petitioner's daughter N.B. on October 31, 2018, which was after he allegedly committed family offenses on August 4, 2018, but before he allegedly committed family offenses on November 9, 2020, and April 13, 2022. The respondent moved for an order, inter alia, pursuant to CPLR

3211(a)(2) dismissing for lack of subject matter jurisdiction the portion of the petition alleging that he committed family offense on August 4, 2018. The Court found that Family Court Act requires the qualifying relationship to exist at the time of the family offense and that by requiring the petitioner to set forth the qualifying relationship in the petition at the time of filing, Family Court Act § 821(1)(b) implies that the qualifying relationship must exist at the time of filing.



The New York Matrimonial Trial Handbook (Bookbaby) is a "how to" book that focuses on the procedural and substantive law, and law of evidence you need to know for trying a matrimonial action and custody case. It has extensive coverage of the testimonial and documentary evidence necessary to meet the burdens of proof. There are *thousands of suggested questions* for the examination and cross-examination of the parties and expert witnesses. It is available in hardcover, as well as Kindle and electronic editions. See Table of Contents. New purchasers of the New York Matrimonial Trial Handbook in hardcover from Bookbaby, or in Kindle and ebook editions from the Consulting Services Bookstore can obtain a free copy of the New York Matrimonial Trial Handbook 2023 Update pdf Edition by submitting proof of purchase to divorce@ix.netcom.com

The New York Matrimonial Trial Handbook 2023 Cumulative Update is available on Amazon in hardcover, paperback, Kindle, and electronic editions. This update includes changes in the law and important cases decided by the New York Courts since the original volume was published. It brings the text and case law up to date through and including December 31, 2022, and contains additional questions for witnesses. See Table of Contents.

Bari Brandes Corbin is counsel to The Law Firm of Joel R. Brandes, P.C. She is the co-author of Law and the Family New York, Second Edition, Revised, Volumes 5 & 6 (Thomson-Reuters). She concentrates her practice on post-judgment enforcement and modification of orders and judgments and serves as counsel to attorneys on all aspects of matrimonial litigation.

Bari Brandes Corbin, of the New York Bar, and co-author of Law and the Family New York, 2d, Volumes 5 & 6 (Thomson-West), and Evan B. Brandes, of the New York and Massachusetts Bars, and a Solicitor in New South Wales, Australia are contributors to this publication.

Notice: This publication was created to provide authoritative information concerning the subject matter covered. However, it was not necessarily written by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal advice and this publication is not intended to give legal advice about a specific legal problem, nor is it a substitute for the advice of an attorney. If legal advice is required the services of a competent attorney should be sought.

Bits and Bytes, **™ is published twice a month by Joel R. Brandes Consulting Services, Inc., 2881 NE 33rd Court, Fort Lauderdale, Florida, 33306, 954-564-9883. Send mail to divorce@ix.netcom.com.**