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NEW YORK STATE FAMILY LAW LEGAL RESEARCH

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PURPOSE:

This pathfinder is a guide to the Family Law resources available at the Barclay Law Library. This guide focuses on New York resources. Included in this guide are basic primary resources, secondary sources and finding aids for researching all aspects of Family Law.

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I. PRIMARY SOURCES FOR FAMILY LAW – NEW YORK CODE

The New York code is a subject arrangement (titles) of laws currently in effect for New York State. The two unofficial codes discussed herein, “*McKinney’s*” and the “*CLS*”, include references and notes to aid the researcher in understanding the specific law consulted.

- *McKinney's Consolidated Laws of New York, Annotated (McKinney's)* **KFN 5030 .A43**; Stack 1 & Floor 3
 - Arranged by Title & Section number Ex. *Domestic Relations Law*, Sec. 240 et seq.
 - Subject index to entire set. Ex. “Custody of Children”.
 - Family Law related forms are available in a separate set: *McKinney's Forms* **KFN 5068 .W4** Stack 1

- *New York Consolidated Laws Service: Annotated Statutes With Forms (CLS)*, **KFN 5030 .A45** Stack 1
 - Text of laws identical to McKinney's.
 - Forms are included following statutes

- *McKinney's Law and the Family New York*, West Group, 2000 **KFN 5115.M27**

This publication is a collection of Family Law and related titles found in the New York code. It contains the *Domestic Relations Law*, the *Family Court Act*, and *Social Services Law*, plus selected sections from the *Civil Practice Law and Rules*, *Civil Rights Law*, *Code of Professional Responsibility*, and *New York Rules of Court*, as they relate to families.

2. PRIMARY SOURCES FOR FAMILY LAW -NEW YORK CASE RESEARCH

Case Law Reporters:

Court cases pertaining to New York Family Law matters are found in different case law reporters. These reporters are compilations of court decisions, arranged in chronological order by jurisdiction and court. Citations to the different New York case reporters are provided below:

- *New York Reports (NY)* and *New York Reports, 2nd (NY2d)* **KFN 5045 .A33** Stack 1
 - Official reporter of cases from the NY Court of Appeals.
 - Coverage 1847 – present.
 - Ex. *Eschbach v Eschbach*, 56 N.Y. 2d 167

- *Appellate Division (AD) and Appellate Division 2nd (AD2d)* **KFN 5048 .A22**
Stack 1
 - Official reporter of cases from the Appellate Division of the Supreme Court of New York.
 - Coverage 1896 – present.
 - Ex. Robert GG v Kathleen HH, 278 A.D. 2d 713, 710 N.Y.S. 2d 176 (2000)
- *New York Miscellaneous (Misc) and New York Miscellaneous 2nd (Misc2d)*
KFN 5051 .A5 Stack 1
 - Official reporter of select cases from New York courts other than the Court of Appeals and the Appellate Division of the Supreme Court, including some trial cases (not comprehensive).
 - Coverage 1892 – present.
 - E.R. v G.S.R. 170 Misc 2d 659, 648 N.Y.S. 2d 257
- *New York Supplement (NYS) and New York Supplement 2nd (NYS2d)* **Stack 1**
 - Unofficial reporter that includes all cases from the three official reporters.
 - Coverage 1888 – present.
 - Published by West (uses the key number system).
 - Ex. Vasile v. Vasile, 116 A.D. 2d 1021, 498 N.Y.S. 2d 635 (1986)

New York Digest, 2d, 3d, 4th **KFN 5057 .A32** Stack 1

The *New York Digest* is a case law finding tool. It contains abstracts of court decisions, arranged by subject. The *New York Digest* is used to locate specific cases in the New York case reporters. For further information on the use of this digest for Family Law research see the law library pathfinder entitled: "West Case Reporters and Digests."

SECONDARY SOURCES FOR FAMILY LAW RESEARCH

Secondary sources provide the researcher with a general overview of a topic and identify, with citations, the relevant primary law that relate to a topic. These sources should be used to find citations or references to primary sources (the law) and to gain an overview of a particular subject such as divorce, custody or adoption, etc.

Secondary Family Law sources include:

- Encyclopedias
- Practice materials
- Treatises & texts
- Form books
- Journal literature

1. NATIONAL ENCYCLOPEDIAS

There are two national legal encyclopedias that broadly cover the topic of Family Law. The various aspects of Family Law are reviewed with footnote references to case law, statutes, regulations and other primary sources. Both encyclopedias, *American Jurisprudence 2d* (*Am Jur 2d*) and *Corpus Juris Secundum* (*CJS*) offer an overview of Family Law topics from a multi-jurisdictional perspective.

***American Jurisprudence 2d*, West Pub., Location: Floor 3 (Encyclopedia Wall).**

Sample citation: 24A *Am Jur 2d*, “Divorce & Separation”

***Corpus Juris Secundum* (CJS), West Pub., Location: Floor 3 (Encyclopedia Wall)**

Sample citation: 28 CJS “*Domestic Abuse & Violence*”

2. ENCYCLOPEDIAS: NEW YORK

- *New York Jurisprudence 2nd*, West Publishing KFN5065. N48 Floor 3
(Reference Wall)

This encyclopedia covers a broad range of legal issues pertaining to New York Family Law. Family Law matters are discussed under the subject of “*Domestic Relations*” in volumes 45 through 48A of *New York Jurisprudence 2nd*. These volumes offer a topical treatment of such matters as: marriage, divorce, parent-child, adoption, neglect, etc. All topics discuss principles of law and provide citations to supporting cases, New York state and federal statutes, New York regulations, and cross references to other law sources.

NEW YORK FAMILY LAW PRACTICE MATERIALS

New York practice materials offer practical advice on various aspects of New York Family Law and provide interpretation of relevant cases, statutes or rules. These resources are housed in Stack 1 of the law library. The following titles are representative of the New York Family Law practice collection available in the law library. Consult the library’s Online Catalog for other titles or ask a Reference Librarian for assistance.

Family & Matrimonial Law - Stack 1

Joel R. Brandes and Carole I. Weidman, *Law and the Family in New York*, 2d, West Group, 1987-96 KFN5126 .F678

Callaghan's Family Court Law and Practice in New York, Revised Edition, West Group, 1984 KFN 5116.K47

DeSilva, Willard H., *New York Matrimonial Practice, (LCP 1980-) Looseleaf, 1 vol.* KFN 5120.D38

Elkins, Hon. Lee H, & Fosbinder, Jane , *New York Law of Domestic Violence*, West Group 1998 KFN 6121.4.E44

Lanser, David J. & Reichler, Judith M., *New York Civil Practice: Matrimonial Actions*, M. Bender, 1996- 4 vol., KFN 5126 .L28

Scheinkman, Alan D., et al., *Domestic Relations*, West Group, 1996 KFN 5120.S3
Volumes 11.12, West's New York Practice Series. .

Sovie, Merrill, et al., *New York Family Court Practice*, West Group, 1997 KFN 5115.N3
Volume 10, West's New York Practice Series.

Tuppins, Timothy M, *New York Matrimonial Law and Practice*, LCP, 2 vols. KFN 5126.T57

New York Practice Guide: Domestic Relations, M. Bender KFN 5115.N48

Child Support Related Materials: Stack 1

Gallet, Jeffrey H. & Finn, Maureen M, *Spouse and Child Support in New York*, (LCP 1996) KFN 5130.G3

Reichler, Judith M., *New York Child Support Handbook*, (National Center on Women and Family Law, 1992) Looseleaf, 2 vols. KFN 5130.A9 R34

Sobie, Merrill, *Creation of Juvenile Justice: A History of New York's Children's Laws*, (NYSBA, 1987) KFN 6195.S62

Guardianship Related Materials: Stack 1

Law Guardian Reporter (Appellate Division of the Supreme Court)
KFN 5084.5.J88 A1355

Morrissey, James, *Rights and Responsibilities of Young People in New York; A Legal Guide for Human Service Providers*, (NYSBA, 1990) KFN 5603.Z9 R54

Law Guardian Representation Standards, (NYSBA, 1988) KFN 5134.L38

Law Guardian Representation Standards, (NYSBA, 1988) Vol. 2: Custody Cases
KFN 5111.M5 N39

Kasoff, Edwin, and Charles, Robert, *Elder Law and Guardianship in New York*, (LCP, 1996-) KFN 5111.A33 K27

Form Books and Drafting Manuals: Stack 1

These resources are procedural nature and provide “how to” information for handling cases, conducting litigation and court actions.

Brandes, Joel R. and Weidman, Carole L., *Law and the Family New York Forms* (LCP) 4 vols. KFN 5126.F678

Biskind, Elliot L., *Boardman's New York Family Law with Forms*, rev. ed.(Boardman) 2 vols. KFN 5115.A6 B57

Dick, Jonathan S., *Practice Manual for Law Guardians in the Family Court of the State of New York*, 2d ed. (NY Juvenile Rights Division, Legal Aid Society), 1 vol. KFN 6198.D5

New York Forms--Legal and Business, (LCP), 6 vols. KFN 5068.N4

West's McKinney's Forms KFN 5068.W4.

Consolidated Law Service--New York Statutes (Forms appear after relevant sections of the Code) KFN 5030.A45

Title 22 Judiciary (C & D) Chapter IV Family Court Forms , *New York Code, Rules and Regulations Official Compilation of Codes Rules and Regulations* (NY Dept. of State), Looseleaf Service, KFN 5035.A22

FAMILY LAW FINDING TOOLS

New York Law Finder KFN 5061 .N482 Stack 1

- One volume index to West legal publications for New York State.
- Index lists descriptive topic headings in alphabetical order.
- Topic headings supply references to New York and federal law sources.
- References to sources include: treatises, statutes, court rules.

Sample topical entries include:

Children & Minors - Custody of Children

Dissolution of Marriage -Domestic Relations

Equitable Distribution – Family – Family Courts, etc.

Online Catalog:

SUMMIT is Syracuse University's online catalog. It should be searched when you want to find books and treatises, looseleaf services, and journal titles and their locations.

It can be searched in a variety of ways: by keyword, author, title, journal title, or subject.

Sample Keyword Searches for locating Family Law sources in the library:

- Child Cases & Expert Witnesses
- Child Custody & Practice & Procedure
- Child Custody & Cases
- Guide & Child Custody
- Best Interests & Child

Researchers can use the online catalog (Summit/Voyager) to find specific practice titles by using keyword search queries: For example:

family + law (for a broad search) or,

“New York” +family +law (for a narrow search)

Legal Periodical Indexes: (Print & Electronic)

Legal periodical indexes are used to find citations to articles in law related periodicals such as law reviews, bar journals, and legal newspapers. The library offers access to a number of print and online periodical indexes.

1. Index To Legal Periodicals & Books, Wilson & Co., Floor 3

- Allows researchers to locate Family Law articles by keyword, author, title or subject searching
- Coverage in the print version is much greater than in the electronic version.
- Online version (1980-) is available via Law Library’s Electronic Resources Web Page. Check with reference librarian for assistance in accessing this resource.

Sample keyword search methods in the electronic version of the Index include:

- custody & “best interest” & “New York”
- custody & “Connecticut”
- best interest standard’ & custody
- Divorce & “Community property”
- California & “Community property”

Typical “Family Law” journals and periodicals cited in the ILP and available in the Law Library include: (Floor 2 Unclassified)

- *American Journal of Family Law* - 1987 (*practice issues.*)
- *Family Advocate* 1987 - (advocacy, ethics, experts)
- *Family Law Quarterly* 1967 - (family law issues)
- *Journal of Divorce & Remarriage* 1977 - (*clinical studies*)
- *Journal of Family Law* 1961 - (*foreign law issues*)
- *University of Louisville Journal of Family Law* 1992 -

INTERNET RESOURCES:

1. ABA Section of Family Law

<http://www.abanet.org/family/home.html>

This web site provides subscribers, among other things, summaries of articles from recent issues of the ABA’s *Family Advocate* and *Family Law Quarterly*. Informational resources are also provided for law students and the general public. They include:

- Family Law in 50 States Tables
- Fact Books
- ABA Guide to Family Law

2. Cornell University ‘s Legal Information Institute

<http://www.law.cornell.edu/topics/topic2.html#family law>

This web site is very useful for access to primary law resources sources for researching such matters as adoption, child custody, children’s rights, divorce, estate planning, insurance and marriage. Overview of these topics also includes links to source materials such as statutes, regulations and cases.

3. Family Law and Social Policy Links

<http://www.law.syr.edu/academics/academics.asp?what=family law social links>

This web site is a gateway to resources and organizations related to children's rights, family law, health law, reproductive rights, elder law, and other social policy issues compiled by the Syracuse University College of Law Family Law & Social Policy Center.

SOUND RECORDINGS: On Reserve – Room 330A.

Ask at the Circulation Desk for assistance.

- *Administering and Managing an Equitable Distribution Case*, (NYSBA, 1982), 4 cassettes, 2 course outline manuals, 5 exhibits (LCP 1996) 4 vols. KFN 5126.Z9 A34
- *Child Custody and Visitation*, (NYSBA, 1983) 6 cassettes, 1 course book. KFN 5130.N58
- *Family Court Practice*, (NYSBA, 1984), 5 cassettes, 1 course book. KFN 5115.N58
- *New York Matrimonial Practice; New Laws, New Court Procedures, and the Lawyer's Self Preservation*, (NYSBA, 1986) 5 cassettes KFN 5120.N4
- *Successful Motion Practice in Matrimonial Cases*, (NYSBA, 1983), 5 cassettes KFN 5115.S82
- *Trial of Equitable Distribution Case*, (NYSBA, 1983), 5 cassettes, 1 course outline. 7 exhibits KFN 6126.Z9 T75

GENERAL REFERENCE SOURCES

- Ellen Gibson , *New York Legal Research Guide* Reference KFN 5074 .G53; KFN 5074 .G53
- *New York Red Book* Reference KFN 5074 .A14 N48; KFN 5074 .A14 N48
- *New York State Directory* Reference JK 3430 .N52

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