

NEW YORK SUPREME COURT, CIVIL BRANCH, BRONX COUNTYHELP CENTER

851 Grand Concourse – Room 121

Instructions for Commencing a Special Proceeding

This packet is for informational purposes only. As an office of the Court, the Help Center does not give legal advice or serve as an advocate. All persons involved in a legal action should consult an attorney. You can obtain a list of referrals from the Help Center. The Public Access Law Library, located in Room 214 (2<sup>nd</sup> Floor) of this courthouse, is open to the public Monday – Friday from 9:30 a.m. to 1:00 p.m. You can use the forms provided in this packet or generate your own. **ALL PAPERS SUBMITTED TO THE COURT MUST BE PRINTED OR WRITTEN LEGIBLY IN BLACK INK ON 8.5 X 11, DOUBLE SPACED, SINGLE SIDED PAPER ONLY.**

Special Proceedings are a particular type of lawsuit that are only available in certain circumstances provided by statute. Types of Special Proceedings include issues arising under the Election Law, Child-Parent Security Act, Mental Hygiene Law, Arbitration (see CPLR 7500), and certain proceedings against a Body or Officer (CPLR 7800). In addition to the relevant statute, review CPLR Articles 4-5 for General Information regarding Special Proceedings.

Generally, Special Proceedings

- May be brought by Notice of Petition or as an Order to Show Cause. If an action needs to be stayed (stopped) during this proceeding, you may seek a Temporary Restraining Order (TRO) via the Order to Show Cause (OSC) method.
- Must be brought in the county within the judicial district in which the respondent made the determination complained about or refused to perform certain duties, or where the principal office of the respondent is located. (CPLR Article 5)
- A special note about Article 78 Actions against an agency or body:
  - May only be brought after “exhausting all administrative remedies” – meaning you must appeal through the agency process before starting a Special Proceeding (examples: fair hearings, agency appeals), unless doing so would be futile. Your petition should outline all steps taken to address the issue directly within the agency or explain why you were unable to.
  - Courts can only overturn an agency action if the determination or action of the agency was (i) in contravention of the law, (ii) was arbitrary, capricious, or an abuse of discretion, or (iii) was not supported by substantial evidence in the record if there was a hearing.
  - Must be brought within 4 months of the final determination being contested. It is important to check the time limitations involved in your particular circumstances by reviewing the relevant statute(s).
  - Service of the Notice of Petition, Petition, and RJI must be made within 15 days of purchasing the Index #. Service must provide at least 20 days’ notice of the return date.

Fees: Initiating a Special Proceeding requires payment of the Index and RJI fees for a total initial cost of \$305. Other fees may come up during the course of the proceeding, such as subsequent motion practice and appeals fees. If you are unable to pay these fees, you can apply for a fee waiver, called a “Poor Person’s Order”. The Help Center has Fee Waiver Packets available upon request.

- Index Number \$210
- RJI \$95
- Other possible fees :

Motion fees \$45	Notice of Appeal \$65
Notice of Issue \$30	Various others

You may keep track of the case progress and papers through the New York State Courts Electronic Filing System (NYSCEF). NYSCEF is not mandatory for unrepresented litigants. To register for NYSCEF, see

<https://iapps.courts.state.ny.us/nyscef/UnRepresentedHome>

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ON 8.5 X 11, DOUBLE SPACED, SINGLE SIDED PAPER.**

**STARTING YOUR CASE:**

Submit the following documents to Room 118 with the relevant fees. The County Clerk accepts cash, credit card, money order, or certified bank check. Personal checks are not accepted.

PRINT LEGIBLY in BLACK INK

- 1- Notice of Petition -or- Order to Show Cause  
\*If moving by Order to Show Cause and seeking a Temporary Protective Order (TRO) (asking the Court to stop something while the case is pending), you must also submit an Affirmation of Notification. If you are not seeking a TRO, but want to move by OSC, cross out any reference to the TRO on the form and you do not need to submit the affirmation of notification.
- 2- Verified Petition
- 3- Affirmation or Affidavit in Support
- 4- Exhibits  
Proof of Agency’s Final Determination (Required where applicable)  
Others – as appropriate to establish your case
- 5- Verification (Sworn to in front of a Notary – free notarial services are available at Windows 1-2 in Room 118)
- 6- Fee Waiver (“Poor Person’s Order”), if applicable
- 7- Request for Judicial Intervention (RJI)

**Number of copies needed:**

Documents 1-5: Original set (for court) plus one copy per party to the case (do not forget to count yourself), plus one extra set for Court to obtain your index number.

Document 6: (If applicable) Original (for the Court) and a copy for your records.

Document 7: If you are commencing the action by:

Notice of Petition: the Original (for the Court), one copy for each adversary, and one for yourself

Order to show Cause: the Original (for the Court) and one copy for your records

<b>By Order to Show Cause</b>	<b>By Notice</b>
Submit papers and payment in Room 118 to get an Index # (\$210) and RJI (\$95)	Submit papers and payment in Room 118 to get an Index # (\$210) and RJI (\$95)
Papers are then sent to the Judge for consideration and signature. Judge sets the return date and deadline for service. Check back with the court to conform your papers (fill in the blanks that the Judge completed on your other copies). This can take 1-3 days.	You choose the return date. Make sure you provide sufficient time for service and make sure the date you choose is not a holiday or weekend.
Have papers served as provided in the OSC (generally personal service) by a third party (not a party to the action and at least 18 years of age) and get them to complete an affidavit or affirmation of service.	Have the Notice of Petition, Petition, and RJI served by a third party (not a party to the action and at least 18 years of age) as required by the statute (see special requirement for Art. 78 proceedings) and get them to complete an affidavit or affirmation of service.
File your affirmation/ affidavit of service with the Clerk in Room 118.	File the Notice of Petition, Petition, RJI, and affirmation/ affidavit of service with the Clerk in Room 118.

Note: The petition can demand the answer be made at least 7 days before the return date IF the petition is served at least 12 days before the return date. This demand must be included in the petition. If so, the reply is to be served at least 1 day prior to the return date. [CPLR 403(b)] The minimum time for service of the petition is 8 days prior to the return date, which would require the opposing party to serve the answer at least 2 days prior to the return date and the reply due on or before the return date. [CPLR 403(b)] Check the statutes relating to your cause of action for any variation to service and time requirements, such as with Article 78 proceedings noted above. If brought by Order to Show Cause, you must strictly follow the service and time requirements as indicated by the judge.

At I.A.S. Part \_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Bronx, at the Courthouse located at 851 Grand Concourse, Bronx, New York 10451 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
Justice of the Supreme Court  
Bronx County

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**Index Number**

Plaintiff(s),

- against-

Defendant(s).

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**ORDER TO SHOW CAUSE**  
 WITH TRO [*check if seeking TRO*]  
**IN A SPECIAL PROCEEDING**

Upon reading and filing the Petition of \_\_\_\_\_, sworn to  
on, \_\_\_\_\_, [date of verification] and affidavit(s) or affirmation(s), exhibits,  
and other supporting papers attached thereto, LET the Respondent(s) SHOW CAUSE at I.A.S.  
Part \_\_\_\_\_, Room \_\_\_\_\_ of this Court, to be held at the Courthouse, 851 Grand Concourse  
, Bronx, New York, 10451, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
o'clock  
in the \_\_\_\_\_ or as soon as the parties to this proceeding may be heard why an order should  
not be issued providing the following relief [describe what you are asking the Court to do]:

for the reasons that [brief description of why what you are requesting should be granted:

PENDING the hearing of this Motion, it is ORDERED that: [describe what you want stayed during the proceeding]

Sufficient cause appearing therefor, LET personal service of a copy of this order, the Petition and all other papers upon which this order is granted, upon all parties to this proceeding, on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ be deemed good and sufficient. A copy of an affidavit or acknowledgment of service shall be filed with the County Clerk (Room 118) immediately after service and the original of such proof of service shall be presented to this court on the return date of this motion.

Dated: \_\_\_\_\_, 20\_\_\_\_

ENTER

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J. S. C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX, PART \_\_\_\_\_

-----X

\_\_\_\_\_,  
Plaintiff(s)/Petitioner(s)

Index No.

\_\_\_\_\_ / 20\_\_

- against -

\_\_\_\_\_,  
Defendant(s)/Respondent(s)

-----X

AFFIRMATION OF NOTIFICATION  
OF SEEKING A TEMPORARY  
RESTRAINING ORDER (TRO)

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ [your name], affirm the following:

1. I reside at \_\_\_\_\_ [Your Address] in the County of \_\_\_\_\_ [County of Residence] and State of New York.

2. I am about to commence a Special Proceeding or submit an Order to Show Cause requesting a stay and / or restraining order for [briefly explain what you are asking for]

3. Notification [Fill Section A or B]:

A- [ ] I have notified my opposition to appear in Room 118 of the courthouse located at 851 Grand Concourse, Bronx, New York 10451 at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to contest the application. I contacted my opposition by:

[ ] phone at \_\_\_\_\_ and spoke to \_\_\_\_\_ [name] who said \_\_\_\_\_.

[ ] phone at \_\_\_\_\_ and left a message but received no response.

[ ] email/fax at \_\_\_\_\_ and received the following response [explain, if no response, write "None"] \_\_\_\_\_.

B-  I have not notified my opponent believe that there will be significant prejudice if I were to give notice because

4. Previous Applications [check one]:

I have made no prior applications for the relief sought herein.

I have made \_\_\_\_\_ [enter number] prior applications for the same relief in this or any other Court [explain the results of those applications and why this application is different]

WHEREFORE, I respectfully request that this motion be granted and that I receive such other and further relief as may be just and proper.

Affirmed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

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[Affirmant's signature]



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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**Index Number**

Plaintiff(s)/Petitioner(s),

- against-

VERIFIED PETITION

Defendant(s)/Respondent(s).

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TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX:

The petition of \_\_\_\_\_ respectfully shows to this court as follows:

1. Petitioner resides at

2. The respondent(s) is / are

3. The relief being sought is

4. Attached as exhibits to this petition are the following documents:

Exhibit A:

Exhibit B:

Exhibit C:

Exhibit D:

List others as needed:

5. A prior application                      been made for the relief now requested.

WHEREFORE, I respectfully request that this Court

Dated                      , 20

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Petitioner [sign your name]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX, Part \_\_\_\_\_

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**Index Number**

Plaintiff(s)/Petitioner(s),

- against-

AFFIRMATION IN SUPPORT

Defendant(s)/Respondent(s).

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STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ [your name], affirm the following:

1. I am the \_\_\_\_\_ in this matter. order
2. I make this affirmation in support of this motion for an order:

3. I believe the Court should grant this motion because \_\_\_\_\_

4. For Proceedings brought by Order to Show Cause only - Previous Applications [choose one]:  
A prior application \_\_\_\_\_ been made for the relief now requested.

WHEREFORE, I respectfully request that this Court

and grant such other relief as may be deemed just and proper.

**Affirmed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.**

\_\_\_\_\_  
**(Signature)**

VERIFICATION

STATE OF NEW YORK

COUNTY OF BRONX

ss:

, being duly sworn,

deposes and says that: I am the petitioner in this proceeding; I have read the foregoing petition and know the contents thereof; the same are true to my own knowledge, except as to matters therein stated to be alleged on information and belief; and as to those matters I believe them to be true.

\_\_\_\_\_  
Petitioner (sign your name before a  
Notary)

\_\_\_\_\_  
Print your name

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_



# REQUEST FOR JUDICIAL INTERVENTION

UCS-840  
(rev. 12/16/2024)

\_\_\_\_\_ COURT, COUNTY OF \_\_\_\_\_

Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

<b>CAPTION</b> Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.	IAS Entry Date
	Judge Assigned
Plaintiff(s)/Petitioner(s)	RJI Filed Date
-against-	
Defendant(s)/Respondent(s)	

**NATURE OF ACTION OR PROCEEDING** Check only one box and specify where indicated.

**COMMERCIAL**

Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)  
 Contract  
 Insurance (where insurance company is a party, except arbitration)  
 UCC (includes sales and negotiable instruments)  
 Other Commercial (specify): \_\_\_\_\_  
**NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C).**

**MATRIMONIAL**

Contested  
**NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M).**  
 For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).

**TORTS**

Asbestos  
 Environmental (specify): \_\_\_\_\_  
 Medical, Dental or Podiatric Malpractice  
 Motor Vehicle  
 Products Liability (specify): \_\_\_\_\_  
 Other Negligence (specify): \_\_\_\_\_  
 Other Professional Malpractice (specify): \_\_\_\_\_  
 Other Tort (specify): \_\_\_\_\_

**REAL PROPERTY** Specify how many properties the application includes: \_\_\_\_\_

Condemnation  
 Mortgage Foreclosure (specify): Residential Commercial  
 Property Address: \_\_\_\_\_  
**NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F).**  
 Partition  
**NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P).**  
 Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Tax Foreclosure  
 Other Real Property (specify): \_\_\_\_\_

**SPECIAL PROCEEDINGS**

Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement  
 CPLR Article 75 – Arbitration [see **NOTE** in **COMMERCIAL** section]  
 CPLR Article 78 – Proceeding against a Body or Officer  
 Election Law  
 Extreme Risk Protection Order  
 MHL Article 9.60 – Kendra’s Law  
 MHL Article 10 – Sex Offender Confinement (specify): Initial Review  
 MHL Article 81 (Guardianship)  
 Other Mental Hygiene (specify): \_\_\_\_\_  
 Other Special Proceeding (specify): \_\_\_\_\_

**OTHER MATTERS**

Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]  
 Emergency Medical Treatment  
 Habeas Corpus  
 Local Court Appeal  
 Mechanic’s Lien  
 Name Change/Sex Designation Change  
 Pistol Permit Revocation Hearing  
 Sale or Finance of Religious/Not-for-Profit Property  
 Other (specify): \_\_\_\_\_

**STATUS OF ACTION OR PROCEEDING** Answer YES or NO for every question and enter additional information where indicated.

	YES	NO
Has a summons and complaint or summons with notice been filed?		
Has a summons and complaint or summons with notice been served?		
Is this action/proceeding being filed post-judgment?		

**NATURE OF JUDICIAL INTERVENTION** Check one box only and enter additional information where indicated.

Infant’s Compromise  
 Extreme Risk Protection Order Application  
 Note of Issue/Certificate of Readiness  
 Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_  
 Notice of Motion Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
 Notice of Petition Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
 Order to Show Cause Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
 Other Ex Parte Application Relief Requested: \_\_\_\_\_  
 Partition Settlement Conference  
 Request for Preliminary Conference  
 Residential Mortgage Foreclosure Settlement Conference  
 Waiver of Court Costs, Fees, and Expenses  
 Writ of Habeas Corpus  
 Other (specify): \_\_\_\_\_

