

New York Family Law Bar Practice Exam (Sample)

Study Guide



Everything you need from our exam experts!

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 - 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. Under New York law, what is needed for a separation agreement to be valid?**
 - A. Only written documentation**
 - B. Must be filed with the court after signing**
 - C. Consent from both spouses**
 - D. Must include financial disclosures**
- 2. What may happen if the receiving spouse of spousal support cohabits with someone who is not a family member?**
 - A. Support payments are automatically increased**
 - B. Support payments may be terminated**
 - C. Support payments may be modified based on new needs**
 - D. Support remains unchanged**
- 3. What is a common reason for courts to deny a relocation request by a custodial parent?**
 - A. A parent's desire for a job transfer**
 - B. Potential negative impact on the child's relationship with the non-custodial parent**
 - C. A preference for a warmer climate**
 - D. The custodial parent's financial instability**
- 4. How does New York law define the "best interests of the child"?**
 - A. Based on the child's financial needs**
 - B. Considering various factors including emotional and intellectual development**
 - C. Determined solely by the child's wishes**
 - D. Concerned only with the parents' abilities**
- 5. What is the effect of relocation on custody agreements in New York?**
 - A. A custodial parent can relocate without notifying the court**
 - B. A custodial parent must obtain permission from the court to relocate**
 - C. Relocation is always approved if the parent wishes to move**
 - D. Relocation decisions are made based on the child's age**

6. What is the primary obligation of a parent with physical custody?

- A. Make major life decisions**
- B. Provide for the child's daily care**
- C. Ensure the child's education**
- D. Facilitate contact with the other parent**

7. Which of the following must be true for a person to be considered a perpetrator of domestic violence?

- A. They must have been charged with a crime**
- B. They must share a relationship or household with the victim**
- C. They must be known to the victim**
- D. They must have previously been married to the victim**

8. Who can petition the court to modify a child support order in New York?

- A. Only the custodial parent**
- B. Both parents and, in some cases, the child**
- C. Only the non-custodial parent**
- D. Only a family member of the child**

9. What must a nonresident defendant show to attack an ex parte divorce for lack of jurisdiction?

- A. They were living abroad at the time of divorce**
- B. They were not domiciled in the divorcing state at the time**
- C. They have lived in the divorcing state for more than six months**
- D. They have a legal establishment in the divorcing state**

10. What action constitutes abandonment in a marriage under New York law?

- A. Not communicating for six months**
- B. One spouse leaving without consent for at least one year**
- C. Being away for extended work commitments**
- D. Expressing intent to separate without action**

Answers

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1. C
2. C
3. B
4. B
5. B
6. B
7. B
8. B
9. B
10. B

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Explanations

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1. Under New York law, what is needed for a separation agreement to be valid?

- A. Only written documentation**
- B. Must be filed with the court after signing**
- C. Consent from both spouses**
- D. Must include financial disclosures**

A separation agreement in New York must include consent from both spouses to be valid. This mutual agreement signifies that both parties are voluntarily entering into the terms outlined in the document, which governs issues such as property division, support obligations, and custody arrangements. The requirement for mutual consent is central to the enforceability of the agreement, as it reflects the willingness of both spouses to contractually agree on the terms of their separation. While written documentation is necessary, simply having it in writing is not sufficient if both parties do not consent. Filing the agreement with the court is not a requirement for the validity of the separation agreement, although doing so may provide certain legal benefits, such as making the agreement enforceable in court. Financial disclosures, while advisable to facilitate transparency and fair negotiations, are not a legal prerequisite for the agreement's validity. Thus, consent remains the key element that underpins the validity of a separation agreement in New York.

2. What may happen if the receiving spouse of spousal support cohabits with someone who is not a family member?

- A. Support payments are automatically increased**
- B. Support payments may be terminated**
- C. Support payments may be modified based on new needs**
- D. Support remains unchanged**

The correct answer is that support payments may be modified based on new needs. In New York, spousal support (also known as maintenance) is meant to be a form of financial assistance provided by one spouse to the other following a divorce or separation. When the receiving spouse begins to cohabit with a new partner, this change in living circumstances can potentially impact their financial needs. Cohabitation typically suggests that the receiving spouse's financial situation might improve due to shared living expenses and contributions from the new partner. As a result, the court may reassess the necessity and amount of spousal support provided. This does not mean that support payments are automatically terminated; rather, they may be subject to modification reflecting the current circumstances of both parties. If the receiving spouse's needs have changed significantly due to cohabitation—such as a decrease in the necessity for full support—the court may adjust the support obligations accordingly. The overall goal is to ensure that spousal support is fair and reflects the financial realities of both parties post-divorce. Options that suggest an automatic increase in support payments or that support remains unchanged do not take into account the implications of cohabitation on the receiving spouse's financial needs. Terminating support outright can be a possibility under certain circumstances.

3. What is a common reason for courts to deny a relocation request by a custodial parent?

- A. A parent's desire for a job transfer**
- B. Potential negative impact on the child's relationship with the non-custodial parent**
- C. A preference for a warmer climate**
- D. The custodial parent's financial instability**

Courts often prioritize the best interests of the child when considering relocation requests by a custodial parent. One compelling reason they might deny such a request is the potential negative impact on the child's relationship with the non-custodial parent. Courts recognize that maintaining strong ties with both parents is crucial for a child's emotional and psychological well-being. The non-custodial parent usually has the right to foster an ongoing relationship with the child, which can be significantly hampered if the custodial parent moves far away. To address this concern, courts thoroughly assess how the proposed relocation would affect visitation and communication between the child and the non-custodial parent. If the court believes that the move would severely disrupt this relationship or diminish the child's access to the non-custodial parent, it is inclined to deny the relocation. While other factors, such as a parent's job transfer desire, preference for climate, or financial instability, may also be considered during relocation hearings, they do not carry the same weight as the potential impact on the child's relationship with both parents. Ultimately, ensuring the child's ongoing ties with both parents is a primary concern for the court, making this reason a strong basis for denying relocation requests.

4. How does New York law define the "best interests of the child"?

- A. Based on the child's financial needs**
- B. Considering various factors including emotional and intellectual development**
- C. Determined solely by the child's wishes**
- D. Concerned only with the parents' abilities**

New York law recognizes that the "best interests of the child" is a multifaceted standard that encompasses a wide range of factors crucial for a child's well-being. This approach prioritizes not just the immediate physical needs of a child but also deeply considers their emotional stability, developmental needs, and overall welfare. When determining what constitutes the best interests of the child, the courts look at various elements, such as the child's emotional and intellectual development, the quality of the relationship between the child and each parent, the stability of the home environment, and any history of abuse or neglect. This comprehensive evaluation aims to promote the healthiest and most supportive setting for the child to thrive. Other answers are more narrow in focus. For example, defining the best interests based solely on financial needs does not reflect the holistic view necessary for ensuring a child's welfare, while considering only the child's wishes ignores crucial aspects of their development. Similarly, focusing solely on the abilities of the parents overlooks the child's specific needs and circumstances that should dictate the outcome. The correct option thus encapsulates the broader, more inclusive perspective that New York law aims to achieve in safeguarding the welfare of children.

5. What is the effect of relocation on custody agreements in New York?

- A. A custodial parent can relocate without notifying the court**
- B. A custodial parent must obtain permission from the court to relocate**
- C. Relocation is always approved if the parent wishes to move**
- D. Relocation decisions are made based on the child's age**

In New York, when a custodial parent wishes to relocate, they must obtain permission from the court to do so. This requirement stems from the legal recognition that a child's welfare is paramount in custody arrangements. Relocation can significantly impact the custodial agreement, especially if it affects the child's relationship with the non-custodial parent or other family members. The court's approval is needed to ensure that the move is in the best interests of the child, rather than simply at the discretion of the custodial parent. Typically, this involves a thorough examination of relevant factors, including, but not limited to, the reason for the move, the child's relationship with the non-custodial parent and any potential impact on visitation and parenting time. The other options suggest scenarios that do not align with the requirements set by New York law, where the court plays an essential role in assessing the implications of such a significant decision on the child's well-being. Thus, requiring court permission before relocating serves as a safeguard to uphold the child's best interests in the context of the established custody agreement.

6. What is the primary obligation of a parent with physical custody?

- A. Make major life decisions**
- B. Provide for the child's daily care**
- C. Ensure the child's education**
- D. Facilitate contact with the other parent**

The primary obligation of a parent with physical custody is to provide for the child's daily care. This encompasses a range of responsibilities including feeding, bathing, clothing, supervising, and generally ensuring the child's physical and emotional needs are met on a day-to-day basis. The parent with physical custody is often the one who handles the routine and logistics of the child's life, creating a safe and nurturing environment. While the other options mentioned may be important responsibilities, they do not directly pertain to the primary obligation associated with physical custody. Major life decisions, such as those regarding medical care or education, are typically determined by the parent who has legal custody. The parent's duty to ensure the child's education and facilitate contact with the other parent, while significant, fall under broader co-parenting responsibilities rather than the specific day-to-day care obligations that define physical custody. Thus, option B accurately represents the core duty of a custodial parent in a physical custody arrangement.

7. Which of the following must be true for a person to be considered a perpetrator of domestic violence?

- A. They must have been charged with a crime**
- B. They must share a relationship or household with the victim**
- C. They must be known to the victim**
- D. They must have previously been married to the victim**

For someone to be considered a perpetrator of domestic violence in New York, it is essential that they share a relationship or household with the victim. This criterion encompasses various forms of intimate partner relationships defined under New York's Domestic Relations Law, including current or former spouses, individuals with a child in common, or those who are or have been in an intimate relationship, regardless of whether they have lived together. The focus on the relationship is crucial, as domestic violence laws are designed specifically to address violence that occurs within defined personal connections, which distinguishes it from other types of violence. The other options do not universally apply to the definition of a perpetrator of domestic violence. For instance, being charged with a crime is not a prerequisite, as domestic violence can occur without any formal charges being filed initially. Moreover, while the perpetrator may be known to the victim, this knowledge alone does not establish the violent context necessary to classify the act as domestic violence. Finally, the requirement of having been previously married to the victim is too narrow; many domestic violence cases arise from relationships that do not involve marriage at all. Thus, B is the only choice that aligns directly with the legal framework governing domestic violence in the context of family law.

8. Who can petition the court to modify a child support order in New York?

- A. Only the custodial parent**
- B. Both parents and, in some cases, the child**
- C. Only the non-custodial parent**
- D. Only a family member of the child**

In New York, both parents have the right to petition the court for a modification of a child support order. This means that either the custodial parent or the non-custodial parent can seek a change based on various factors, such as changes in income, employment status, or financial circumstances. Additionally, in certain cases, the child may also have standing to request a modification, particularly if they are of sufficient age and maturity to understand the implications and responsibilities involved in child support. The law recognizes that circumstances can change for both parents and that modifications may be necessary to ensure that support amounts remain fair and reasonable. This principle underlines the view that both the custodial and non-custodial parents share responsibility in addressing the needs of their child, and thus, having both parents involved in the modification process reflects a balance of interests and responsibilities. This understanding contributes to promoting the best interests of the child, which is the overarching aim of child support guidelines.

9. What must a nonresident defendant show to attack an ex parte divorce for lack of jurisdiction?

- A. They were living abroad at the time of divorce**
- B. They were not domiciled in the divorcing state at the time**
- C. They have lived in the divorcing state for more than six months**
- D. They have a legal establishment in the divorcing state**

To successfully challenge an ex parte divorce on the grounds of lack of jurisdiction, a nonresident defendant must demonstrate that they were not domiciled in the state where the divorce was granted at the time the divorce action was initiated. In family law, a court typically needs personal jurisdiction over both parties to issue a divorce decree that is recognized in other jurisdictions. Domicile is a key concept here; it relates to where a person has their permanent home and where they intend to return. If the nonresident defendant can prove that they were not domiciled in that state when the divorce was filed, they can argue that the court lacked the necessary jurisdiction to grant an ex parte divorce. This reasoning emphasizes the importance of domicile over simply where one lives at a particular moment or the length of time one has spent in a state. While other factors, such as legal establishment or residency, might play a role in jurisdictional claims, the central focus is on domicile at the time of the divorce filing.

10. What action constitutes abandonment in a marriage under New York law?

- A. Not communicating for six months**
- B. One spouse leaving without consent for at least one year**
- C. Being away for extended work commitments**
- D. Expressing intent to separate without action**

Under New York law, abandonment in a marriage is specifically defined as one spouse leaving the marital home without the other spouse's consent and remaining away for a continuous period of at least one year. This legal definition emphasizes the importance of physical separation accompanied by the absence of consent from the remaining spouse, creating a basis for a claim of abandonment. In this context, simply not communicating for six months does not meet the threshold for abandonment, as the lack of communication does not indicate a physical departure or lack of consent. Similarly, being away for extended work commitments, while potentially disruptive to the marriage, does not constitute abandonment if the spouse is still fulfilling marital responsibilities or intentions to maintain the relationship. Additionally, merely expressing an intent to separate without taking definitive action does not satisfy the elements required to prove abandonment, since the key factor involves actual physical departure coupled with the absence of consensus. Therefore, the correct understanding of abandonment in the context of New York law directly aligns with the definition provided, which involves a spouse leaving the marital residence without permission for the required duration.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://nyfamilylawbar.examzify.com>

We wish you the very best on your exam journey. You've got this!

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