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This handout describes legal research materials available on-line and in print in New York Court Public Access Law Libraries.

The information provided should be considered a starting point in your research and should not be interpreted as a comprehensive review of the subject or issue in question

Apostilles and Authentication of Public Documents

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Authentication of Foreign Country Public Document to be used in New York State Courts or Authentication of New York State Document to be used in Foreign Country

Definitions – NYCOURTS.gov

1-800-COURT-NY

[Apostilles](#): [link to NY Dept of State; accessed 10/22/18] * Per OCA COounsel's office: when seeking the order, the Supreme Court is the court of unlimited general jurisdiction and therefore will always be a "court of competent jurisdiction" for such orders. However, other courts may be considered a "court of competent jurisdiction" depending on whether the legislature has empowered them with issuing such an order. For instance, the surrogates and family courts have jurisdiction over adoptions and thus likely have the power to issue an order for a birth certificate. A criminal court would be able to sign an order for the DA to secure a defendant's birth certificate where there is an issue whether defendant can be charged as an adult. Note that the court would only be able to issue such an order because it relates to matters appropriately before the court. Thus, beyond the supreme court, one would have to understand the circumstances underlying the reason a person is requesting the order and whether the court they are petitioning has jurisdiction to issue that order. [Information obtained from 1-800-Court NY topic page accessed 10/22/18]

Supreme Court Civil Branch, NYC

[Official Verification of Name](#), Supreme Court, Civil Branch, New York provides explanation of procedure to obtain an apostille. Frequently required for name, birth, marriage, etc. . [accessed 10/22/2018]

Federal Law

Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (1961) 33 UST 883, TIAS No. 10072 [1976].

28 USCA Fed. R. Civ. P. 44 Proving an official record. -- Treaty reprinted here with annotations.

[Text](#) of Hague Treaty with list of signatories on The Hague Conference on Private International Law website.

Federal Law – Secondary Sources

Dept of State. Legal Resources, International Judicial Assistance. [Authentications and Apostilles](#) [accessed 10/18/22] Provides information for countries that have signed the 1961 Hague Convention and countries that have not signed the 1961 Hague Convention.

John S. Child, Jr. Practical Guide to Document Authentication. Westlaw. Updated annually lists requirements and official offices for many countries.

Peter Roudik, Library of Congress Global Legal Monitor. [International: Electronic Apostille Program Developments](#) [March 16, 2017]

New York State Law and Court Procedures

CPLR 4542 Proof of foreign records and documents

RPL § 301 Acknowledgments and proofs in foreign countries

RPL § 301-a Acknowledgment to conform to law of New York or of foreign country; certificate of conformity

SCPA 1614 Authentication of foreign will or letters

[New York State Secondary Sources](#)

Admissibility of Foreign Documents for Use in New York State Court. Practical Law Litigation. Westlaw.

Robert A. Barker and Vincent C. Alexander, 5A NY Prac Evidence in New York State and Federal Courts § 9:24 Self-authentication – New York. A valuable book, check index.

Surrogate's Court Operations Manual also deals with apostilles. Available to court personnel only.

Weinstein, Korn & Miller, New York Civil Practice: CPLR § 4542.00 et seq. LexisAdvance. Extremely helpful.

1 Warren's Heaton on Surrogate's Court Practice § 4.04[5] Authentication of foreign documents by Apostille (2018). LexisAdvance

15 Warren's Heaton on Surrogate's Court Practice 082013-1 (2018) discusses on apostilles in "A Potpourri of Procedures and Proceedings in Surrogate's Court" by Hon. James D. Pagones. LexisAdvance

14 West's McKinney's Forms Estates and Surrogate Practice § 1:49 Model certificate of authentication of foreign nation public document under the convention abolishing the requirement of legalization for foreign public documents. (Westlaw).

[Authentication of official record of court or government office in the United States.](#)

[New York State Law and Court Procedures](#)

CPLR 4540 Authentication of official record of court or government office in the United States.

[New York State Secondary Sources](#)

Bender's Forms for the Civil Practice CPLR 4540 et seq. LexisAdvance

8 Carmody-Wait 2d § 56 104-112, Rules Authorizing Admission and Dispensing with the Need for Authentication.

Admissibility of Foreign Documents for Use in New York State Court. Westlaw Practical Law.

Important Disclosures:**Legal Advice**

NY State Court System staff are pleased to provide you with basic legal information of relevance to New York State courts, caselaw, statutory and regulatory materials from standard legal reference sources. Our court employees, however, may not provide legal advice, interpret the law or assist with the processing of specific motions or cases.

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