

RULES PART 205: FAMILY COURT.

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Cases are assigned to a judge upon the filing of the first document.

Cases are assigned insofar as practicable to the prior judge which handled that family's previous case; one family, one judge.

Family Court proceedings are open to the public; however if there's no less restrictive alternative, the Court may exclude individuals on case-by-case basis if they disrupt proceedings; if a party or Law Guardian objects; or to protect people's privacy.

Family Court records are open only to: Petitioner, ADULT Respondent, and attorneys; Presentment Agency; child's Parents/Person Legally Responsible; child's guardian, guardian ad litem, or law guardian; probation or agency involved with the child; judicial conduct commission with permission of the deputy chief administrator; Article 4 Support, 5 Paternity, 6 Custody, or 8 Family Offense records are available to a criminal prosecutor even before filing a case, but to defense only after.

Another court dealing with a case concerning the child may receive even without an order certified pleadings, orders, and status of proceedings under 4/5/6/8 and Article 10 Neglect/Abuse matters.

Each Family Court shall report to OCA dispositions in Article 10 cases, as well as 7 (PINS) for the previous month; report is due by the 20th day of each term. 5 days after the aforementioned report, another report must be made as to all new cases, assigned judges, attorney appearances, and judicial activity for the week ending that Sunday. A special report on pending cases must be made by the 20th day of the first term of the year.

These are the Family Court docket prefixes:

- A: Adoption.
- AS: Adoption Surrender.
- B: Commitment of guardianship and custody.
- C: Conciliation.
- D: Delinquency.
- E: Designated Felony.
- F: Support.
- G: Guardianship.
- K: Foster care review.
- L: Approval of voluntary foster care placement.
- M: Consent to marry.
- N: Neglect or abuse.
- O: Family offenses.

P: Paternity.
R: Referral from Supreme Court.
S: Person in need of supervision.
U: Uniform Interstate Family Support Act.
V: Custody.
W: Material witness.
Z: Miscellaneous.

Papers are submitted to the clerk at the designated office; or, if for a judge, to the clerk of the appropriate part. Such papers shall be addressed to the Judge, and also include the name of party/attorney submitting. If the Part Clerk be unavailable: papers MAY be submitted to the Judge, but must be filed with the Clerk as soon as possible.

All papers submitted to the court shall have the docket number, nature of papers, assigned judge (if any), and title of case.

Any proceeding not specified by FCA, DRL, or SSL shall be brought by petition, and conclude with a written order.

Custody or visitation trials shall be concluded within 90 days of commencement.

Proposed orders shall be submitted within 30 days of the signing and filing of decision. Orders under Article 10/A must be immediately, but in no event more than 14 from earlier of oral/written order. 1022 removal orders must be no later than next day after removal. Termination of Parental Rights order shall be settled within 14 days.

Facilities for police questioning of minors shall be recommended by local Administrative Judge to the Chief Administrator. Room #, facility name, hours, and which entity originally proposed it shall each be specified in the recommendation. Facilities must be separate from adults; NOT routinely used for child education/case; have separate or at least private entrances and toilets; must be personally attended to while child is present (must be policewoman for girl). Recommendation reports must be signed and dated. Administrative Judge keeps a public list of all local facilities; Chief Administrator keeps statewide registry.

Adjustment of juvenile delinquencies shall consider: age of child; conduct; whether death or injury resulted, if a dangerous instrument or weapon was used or threatened; if violence was utilized to obtain sex or property; whether youth poses a safety risk; if fire or explosion damaged a building.

Allowable terms and conditions for release of delinquents during pendency of proceeding: curfew, attend school, not commit offense, Alternative to Detention program. Written release order is given to Resp @ issuance, also to parent/PLR if then present.

Terms for delinquency or PINS ACD: school; obey parents; avoid injurious acts; abstain from certain places, people, alcohol, or drugs; comply with mental health

treatment; pay restoration up to \$1,500 (PINS also!, except suspended judgment same \$1k limit as Article 7). Probation may monitor compliance.

Any child absconding from placement/care: CLERK shall be notified within 48 hours of name, docket, date of AWOL, and efforts to find child. Clerk shall calendar case by next day, and notice Petr & LG.

Support cases where adjustment is requested shall be conferenced within 15 days; adjustment can continue for up to 2 months, may be extended by court for 60 days.

HEARING EXAMINERS [obsolete title replaced by Support Magistrates] must be admitted to law practice for at least 5 years in order to be eligible for job. There shall be quarterly reports on all support cases before hearing examiners where decision is pending over 30 days from final submission.

Clerk shall copy all support orders and findings of fact to the parties. If party is pro-se, Clerk shall explain objection process, how to obtain transcripts, and time limits.

There shall be a report of all unexecuted warrants every six months: each January and July 1st.

Proposed Adjusted Support Orders for Cost of Living increase must be submitted to Clerk with Support Collection Unit affidavit of findings and notice to parties, within 10 days of having mailed the papers to parties. If no objection is made within 35 day period after mailing, court shall either sign or dismiss the proposed adjusted order within 10 business days after expiration of such period.

Violations of support shall have a first appearance within 30 days of filing; as well as a hearing commenced within 30 days of first appearance, and concluded within 60 days from commencement. Except for good cause, only one adjournment shall be granted a party in order to obtain an attorney. Willfulness hearing cannot be adjourned except on engagement of counsel, party's illness, or other good cause; and not more than 14 days. If willfulness hearing already commenced, can be adjourned no more than 7 court days. After hearing, written fact-finding must be done within 5 court days.

Requests for electronic testimony must be made at least 3 days before hearing.

Allowable terms of Suspended Judgment on proceeding to commit care, custody, and guardianship: communicate with child and maintain contact; plan for return; contribute support; secure housing.

Adoption petitions may be filed while termination of parental rights case is still pending, but papers shall not be given to judge prior to fact-finding.

Necessary adoption papers: certified birth certificate; attorney affidavit identifying parties; marriage certificate (if any); divorce decree (if any); death certificate

for parent, spouse (if any); order freeing child; financial disclosure.

Report of Probation investigation - including in custody cases - must be done within 30 days; court can extend another 30.

All adoption applications shall be in writing, and with affidavit.

If temporary guardianship order is granted for pre-adoptive resource, adoption petition must be filed within 45 days of signing of adoption consent; order expires if adoption case is terminated, or after 9 month, unless extended.

Agency adoptions shall be reviewed within 60 days of filing; and be calendared for disposition within 30 days of review approval.

Designated entities to provide information to domestic violence victims: local police agency (NYC = precinct) commander or designated officer; D.A.; Probation; Family and Criminal Court Clerks; also Criminal Court judges only if outside NYC.

Requested adjustment of Family Offense cases shall be conferenced within 7 days; adjustment can continue for 2 months; court may twice extend for up to 60 days each on signed and written application of petitioner.

Videotapes of sex abuse interviews: requesting party/attorney has preparer certify original for deposit with court, as well as duplicate to be retained. Proposed order must be presented to court allowing for retention. Tapes shall be labeled with case name, docket, child, interviewer, date, elapsed time, also name and address of technician. Original tape is secured by court, with access only to authorized persons. Duplicate can be borrowed by opposing party/atty for discovery, can NOT be re-lent, NOT copied, and NOT viewed by anyone except party, atty, or expert witness without court order. Violations are punishable as contempt.