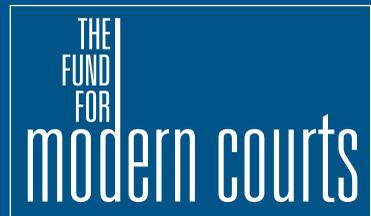


A Guide to  
*The New York State*  
*Family Court*



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# Section 1

## ***The New York State Unified Court System***

### **The Courts and Judiciary of New York State**

The Unified Court System (UCS) consists of all of the courts in New York State. The Office of Court Administration (OCA), the administrative arm of the UCS, is responsible for the financing and management of these courts, including the Family Court.

The Chief Judge of the Court of Appeals, as the state's highest judicial officer, oversees the operations of the UCS, and appoints a Chief Administrative Judge of the Courts who supervises the standards, administrative policies, and the operation of the New York State trial courts.

The UCS is divided into the following courts:

#### **Appellate Courts**

***Court of Appeals:*** The Court of Appeals is the highest court in the state. As the state's court of last resort, the Court of Appeals hears appeals from the Appellate Division of the Supreme Court. The court has seven judges, six associate judges and the chief judge. Court of Appeals judges are appointed by the governor and approved by the New York State Senate for 14-year terms.

***Appellate Division of the Supreme Court:*** The Appellate Division hears Civil, Criminal, and Family Court appeals. There are four Appellate Divisions of the Supreme Court, one in each of the state's four judicial departments. The governor appoints the judges for the Appellate Division from among sitting Supreme Court judges.

***Appellate Term of the Supreme Court:*** Appellate Terms of the Supreme Court exist in the First and Second Departments to hear appeals from civil and criminal cases originally heard in the Civil and Criminal Courts of the City of New York. In the Second Department, the Appellate Term also has jurisdiction over appeals from civil and criminal cases originating in District, City, Town and Village Courts. The chief administrative judge appoints the judges of the Appellate Term from among sitting Supreme Court judges.

## **Trial Courts**

**Supreme Court:** The Supreme Court is a statewide trial court that has the broadest jurisdiction of any court. The Supreme Court hears civil and criminal cases, but not claims against the state (see Court of Claims). It is the only court that handles divorces, annulments, and separations. Supreme Court justices are elected for 14-year terms.

**Family Court:** The Family Court, present in every county in New York State, hears cases involving children and families including child custody and support, neglect and abuse, juvenile delinquency, family offenses (i.e. domestic violence), and paternity. The Family Court does not decide divorce, annulment, or separation proceedings (see Supreme Court above). In New York City, the mayor appoints Family Court judges. In all other counties, Family Court judges are elected. All Family Court judges serve 10-year terms.

**Surrogate's Court:** The Surrogate's Court handles all cases involving wills, estates, and property of deceased persons, and guardianships. The court shares authority with the Family Court in adoption cases. Surrogate Court judges are elected for 10-year terms in most of the state (14-year terms in New York City).

**County Court:** The County Court hears felony cases and civil cases involving claims of \$25,000 or less. Each county, excluding the five counties of New York City, has a County Court. The County Courts in the Third and Fourth Departments hear appeals from cases originating in the City, Town and Village Courts, although they primarily function as trial courts. County Court judges are elected for 10-year terms. In some rural upstate counties, County Court judges serve simultaneously as the local Family Court judge and/or the local surrogate.

**Court of Claims:** The Court of Claims is the exclusive forum for civil claims brought against the State of New York or its state agencies. The governor appoints the judges of the Court of Claims with approval from the state senate for 9-year terms.

## **Local Courts**

**City Courts:** The City Court exists in every city in the state excluding New York City, and hears both civil and criminal cases. Its criminal caseload includes misdemeanors, violations, traffic offenses, and the preliminary stages of felonies. The City Court hears civil cases involving amounts up to \$15,000, small and commercial claims, and disputed traffic tickets. City Court judges are elected to 10-year terms.

**New York City Courts:** The Criminal Court of the City of New York hears misdemeanors, other violations, and the preliminary stages of felony cases. The mayor appoints Criminal Court judges for 10-year terms.

The Civil Court of the City of New York hears all cases involving amounts less than \$25,000. It includes a Housing Part, which hears landlord and tenant matters, and a Small Claims Part that hears claims for amounts less than \$3,000. Civil Court judges are elected to 10-year terms.

**District Courts:** The District Court exists only in Nassau and Suffolk counties and hears misdemeanors, violations, the preliminary stages of felony cases, civil cases involving amounts up to \$15,000, landlord and tenant matters, commercial cases, and small claims cases. The District

Court also hears traffic misdemeanors. Judges are elected to 6-year terms.

***Town and Village Justice Courts:*** Town and Village Courts hear misdemeanors, violations, traffic offenses, and the preliminary stages of felony cases when the offense was committed within the town or village. The Town and Village Courts also hear civil cases involving amounts up to \$3,000, landlord and tenant matters, and small claims cases. Judges, who do not have to be attorneys, are elected to 4-year terms.

### **Selection of Family Court Judges and Support Magistrates**

In New York State, there are two primary methods of selecting judges: election and appointment.

#### **Election**

Currently, 75% of New York State judges are chosen through elections<sup>1</sup>, including all Family Court judges outside of New York City. Candidates run in partisan campaigns and voters choose judges in regular elections. The candidates, however, are not chosen through public primaries, but through nominating conventions run by the local party leadership.

#### **Appointment**

A chief executive, such as a governor, county executive, or mayor, has the power to appoint judges to the bench. In New York State, judges from the New York State Court of Appeals and the Criminal and Family Courts of New York City are chosen through an appointive process known as merit selection. A non-partisan nominating commission or committee that is comprised of lawyers and non-lawyers drawn from a variety of sources chooses the candidates. Its agreed-upon list of qualified candidates is then passed on to the chief executive who makes the final selection and the actual appointment. In the case of the Court of Appeals, the state senate must confirm the appointment.

#### **Selection of Support Magistrates**

Support magistrates are attorneys who are chosen by a screening commission and appointed by the chief administrative judge to hear child support and uncontested paternity matters. Members of the screening commission responsible for the selection of magistrates include the district administrative judge of the judicial district where the candidate hopes to serve, a Family Court judge, and a representative of the Chief Administrative Judge.

<sup>1</sup>American Judicature Society, Judicial Selection Reform: Examples from Six States, [www.ajs.org](http://www.ajs.org)

# NEW YORK STATE UNIFIED COURT SYSTEM

## Appellate Courts

### Court of Appeals

As the court of last resort in the New York State, hears appeals from other appellate courts, and in limited cases, trial courts on questions of law (rather than factual disputes).

### Appellate Division of the Supreme Court

Hears appeals from judgements or order of lower trial courts in civil and criminal cases. Also reviews appeals taken from the Appellate Terms and County Courts (when these courts act as appellate courts).

### Appellate Terms of the Supreme Court First and Second Judicial Departments

Hear appeals from civil and criminal cases originating in the Civil and Criminal Courts of the City of New York. In the Second Department, this court has jurisdiction over appeals from civil and criminal cases originating in District, City, Town and Village Justice Courts.

### County Courts

Hear appeals from cases originating in the City, Town and Village Justice Courts except in the Second Judicial Department where the Appellate Term hears appeals from civil and criminal cases originating in District, City, Town and Village Justice Courts.

## Trial Courts

### Supreme Court

Present in every county. Has broad authority over all categories of cases, including civil and criminal matters although outside of New York City. Also have exclusive authority to address matters related to terminating a marriage.

### County Courts

Handle the prosecution of all crimes committed within each County outside of New York City. Also have limited jurisdiction in civil cases involving amounts up to \$25,000. Also hears appeals from certain trial courts.

### Family Courts

Hear matters involving children and families, including custody and visitation, support, domestic violence, delinquency, child abuse and neglect, foster care approval and review, adoption, and guardianship in every county and in NYC.

### Surrogate's Courts

In every county in the State, these courts hear all cases involving the affairs of deceased persons, including the probate of wills and the administration of estates, and adoptions.

### Court of Claims

Located throughout the state, the Court of Claims hears all civil claims against the State.

### NYC Civil Court

Hears civil cases involving amounts up to \$25,000, and civil matters referred to it by the Supreme Court. Includes a small claims part for matters not exceeding \$3,000 and a housing part for landlord-tenant disputes and housing code violations.

### NYC Criminal Court

Hears misdemeanors and lesser offenses committed within New York City. Also handles preliminary proceedings in felony cases.

### City Courts

Present in 61 cities excluding New York City. Hear misdemeanors and lesser offenses, and civil claims up to \$15,000. The City Courts handle arraignments and preliminary hearings in felony cases. Some have separate parts to handle small claims or housing matters.

### District Courts

Located in Nassau County, and parts of Suffolk County. The District Courts hear misdemeanors and lesser offenses and civil jurisdiction over landlord-tenant matters, claims up to \$15,000, and small claims cases up to \$3,000.

### Town and Village Justice Courts

Located throughout the State, excluding New York City. These courts hear misdemeanors and lesser offenses, and civil claims up to \$15,000. Also hear contested traffic infractions and preliminary proceedings for those charged with felonies.

# Section 2

## ***An Introduction to the Family Court***

The Family Court Act of 1962 established the Family Court of New York State, and gave the court jurisdiction over most cases involving families and children. The Family Court hears cases involving such issues as the abuse and neglect of children, violence and abuse among family members, paternity, custody and visitation, support, guardianship, persons in need of supervision (PINS), foster care review and placement, and juvenile delinquency (all described in greater detail in Section 4 of this guide). In addition, it shares jurisdiction in adoption cases with the Surrogate's Court. However, the Family Court does not handle divorce, separation or annulment proceedings, which are reserved for the Supreme Court.

### **General Information**

There is a Family Court in each county of New York State including the five boroughs of New York City. These courts are open statewide Monday to Friday, from 9AM to 5PM. In addition, some courts have a night or evening session several times a week. The courtrooms and hearing rooms are closed at midday for a lunch recess, but areas of each building remain open to the public during this time. A list of the locations of every Family Court in New York State can be found at the back of this guide.

### **Public Access and Recording in Family Court**

The Family Court is open to the public. This means that the public, including the news media, have access to courtrooms, public waiting areas, and other common areas of the courthouse. However, judges in Family Court may exclude the public from proceedings in which privacy is in the best interest of the parties involved.

All proceedings in Family Court are recorded, most often by tape recording. Either party, with the requesting party bearing the costs, can request a transcript of the recording or a duplicate copy.

## Family Court Terminology

The terms used in New York’s Family Court differ from that used in other courts, as illustrated below:

Term	Family Court Term	Definition
Plaintiff	Petitioner	The person or agency who files a petition and initiates a case
Defendant	Respondent	The person or agency against whom the petition is filed, and who responds to the petition
Trial	Fact-finding Hearing	A hearing to determine if the allegations of the petition have been proven
Sentence	Dispositional Order	The final order entered by the court following the dispositional hearing

In support and paternity cases, the adjudicator is known as a “support magistrate” rather than a judge. Support magistrates were formerly referred to as “hearing examiners.”

### Children’s Centers in Family Court

Children’s Centers have been established in Family Courts across the state in recognition of the fact that many young children are brought to court everyday. In addition to providing children with a safe, child-friendly place in the courthouse, these Children’s Centers link up families and children with social services for which they may be eligible, such as Head Start, the Special Supplemental Nutrition Program for Women Infants and Children (WIC), and food stamps. There are currently 30 Children’s Centers in New York State, which have reportedly served 51,000 children since 2001.<sup>2</sup>

<sup>2</sup>New York State Unified Court System, Children’s Centers, [www.courts.state.ny.us/ip/justiceforchildren/childrenscenters.shtml](http://www.courts.state.ny.us/ip/justiceforchildren/childrenscenters.shtml)

# Section 3

## *Who's Who in Family Court*

### **Judges, Support Magistrates, Court Referees and Judicial Hearing Officers**

*Judge:* In Family Court, the judge is in charge of the courtroom. Judges listen to witnesses, examine evidence, and decide any legal questions that arise during the proceedings. After this information is presented, they determine the outcome of cases and issue any necessary orders.

*Support Magistrate* (formerly known as a “hearing examiner”): In child and spousal support and paternity cases, a support magistrate rather than a judge conducts the hearings. Support magistrates listen to witnesses, examine evidence, and determine the outcome of cases based on the information presented, issuing both orders of support and filiation. However, the decisions made by support magistrates can be appealed to a Family Court judge.

*Court Referee:* A court referee is an attorney who is assigned to hear, decide and issue orders in certain types of cases. In New York City, court referees can participate in permanency hearings, termination hearings, and cases involving such issues as custody, visitation and the extension of foster care placement. Generally, court referees hear cases and report their recommendations to a Family Court judge unless the parties agree to have the referee hear and determine the outcome of the cases.

*Judicial Hearing Officer (JHO):* A former or retired judge, appointed by the Chief Administrative Judge for a one year term, assigned to hear contested paternity proceedings, custody and visitation proceedings and family offenses matters in the Family Court. In New York City, JHOs may also be assigned adoptions, permanency hearings, and foster care review cases. Generally, judicial hearing officers hear cases and report their recommendations to a Family Court judge who determines the outcome of the cases.

## Court Staff

Court Attorney: A lawyer who assists the judge with legal research, drafting decisions, and reviewing orders is known as the court attorney.

Court Clerk: The court clerk sits near the judge, support magistrate, or court referee and supervises non-judicial personnel, prepares court orders, schedules cases, and ensures the availability of interpreters (among other responsibilities).

Court Officer: A court officer is a uniformed security guard who maintains order in the courtroom and public areas of the courthouse. Court officers are assigned to every courtroom and may call parties into the hearing, administer oaths, and bring respondents to the courtroom from detention facilities in the building.

Interpreter: The court provides interpreters for people who have difficulty with English or are hearing impaired. In New York City, as well as in other counties with large Spanish-speaking populations, Spanish language interpreters are usually available in the courthouse. If an interpreter is not available, the judge may adjourn the case until one is found.

Petition Clerk: The court clerk who docket and files petitions is known as the petition clerk. In Family Court, petition clerks may prepare petitions in custody, visitation, family offense, paternity, guardianship, and support cases.

## Legal Personnel

Assigned Counsel: An attorney assigned by a judge to represent an adult party, who cannot afford one, in a Family Court proceeding is known as assigned counsel. Also referred to as 18 (b) or panel attorneys, they are generally chosen from a list of lawyers previously approved by the Appellate Division of the Supreme Court.

Law Guardian: A lawyer assigned by a judge to represent the child involved in a Family Court proceeding is known as the law guardian. Law guardians are advocates for children and represent their interests and wishes. They participate in all aspects of a case, presenting and examining witnesses and evidence, and arguing and negotiating on behalf of the child.

Assistant County Attorney: A lawyer who represents the county, city, or, in some cases, the Department of Social Services is known as the assistant county attorney. These lawyers prosecute juvenile delinquency cases and file petitions in child abuse and neglect, foster care, termination of parental rights, and persons in need of supervision (PINS) cases. They also may represent petitioners in child support and paternity cases, as well as the Department of Social Services in cases where children are receiving public assistance.

Assistant Corporation Counsel: Assistant corporation counsel is a lawyer from the New York City Law Department who represents the city in many of the same types of cases as assistant county attorneys.

Assistant District Attorney (ADA): An assistant district attorney is a lawyer from the county's district attorney's office who prosecutes certain child abuse and neglect cases and juvenile delinquency cases involving serious crimes in Family Court.

### **Representatives of Social Services Agencies and Others**

Caseworker: A caseworker is a staff member of a county or city child protective or social services agency. Caseworkers investigate charges of abuse and neglect, file petitions, bring case records to court, testify at hearings, and make recommendations about what should be done for the child involved. In addition, caseworkers work with children in foster care and with parents trying to regain custody of them.

Court Appointed Special Advocate (CASA): A court appointed special advocate is a person who is appointed by a judge to investigate, monitor, and report to the Family Court on foster care placement cases.

Guardian Ad Litem: A person, usually an attorney, appointed by the court to represent an infant or an adult who is mentally or physically unable to speak, or to stand in place of a parent who is unable to appear in court, is known as a guardian ad litem. Guardians ad litem act only in the specific litigation for which they are appointed.

Probation Officer: A probation officer works for the Department of Probation and is responsible for investigating and preparing reports for the judge or support magistrate about the individuals involved in a particular case. In addition, probation officers monitor compliance with court-ordered programs, and, in some counties, help with the actual writing and filing of petitions.

# Section 4

## *Legal Representation and Assistance in Family Court*

### **Litigants' Right to an Attorney**

The New York State Constitution guarantees individuals living within the state the right to counsel in criminal proceedings and Family Court matters involving juvenile delinquency, PINS, family offense, child abuse and neglect, and termination of parental rights.

In the Family Court, if a respondent or other party cannot afford an attorney and is entitled to representation under state law, the court can appoint one through the Assigned Counsel Plan. The attorneys appointed through this plan are frequently referred to as 18(b) attorneys (the law authorizing their assignment is found in Article 18(b) of New York State's County Law). These attorneys are reimbursed for their services by the state through their local counties.

The initial determination that a respondent or petitioner is eligible for assigned counsel is based on income level, and the respondent or petitioner must make an application to obtain such counsel at the first court appearance. Similarly, many other organizations throughout the state provide legal representation to individuals with incomes below a certain level if the respondent or petitioner fails to qualify for assigned counsel.

### **Children's Right to Representation**

Children appearing in Family Court have the right to counsel in neglect and abuse, termination of parental rights, persons in need of supervision, and juvenile delinquency proceedings. The lawyers assigned to represent the children in these cases are known as law guardians. They may also be assigned to help in custody, visitation, foster care review, and adoption proceedings, but their assignment in these matters is not mandatory.

Law guardians are assigned to represent the rights and interests of the child involved in a proceeding, and may be provided at no cost to the parents in a particular proceeding. In New York City, Lawyers for Children, the Legal Aid Society, members of the Assigned Counsel Panel, and other organizations contracted by the state are responsible for representing children in the

Family Court. Outside of the city, law guardians are generally provided by the Legal Aid Society or selected from a list of private attorneys who have offered their services and met the approval of the Appellate Division of the Supreme Court. In some custody, visitation, and juvenile delinquency proceedings, a guardian ad litem may also be appointed by the court to stand in place of the child's parents.

### **Client Rights and Attorney Responsibilities**

Privately retained attorneys should provide clients with a written retainer agreement, which includes a statement of the client's rights and responsibilities upon retaining counsel. Some of these rights and responsibilities include the following:

- The client determines what the objectives of the case will be and makes any final settlement decisions.
- The attorney must represent the client zealously and diligently.
- The attorney must keep the confidences and secrets of the client.
- The attorney is not obligated to accept a case where there is a conflict of interest or if the attorney determines that the client or the case is without merit, or where establishing an effective working relationship with the client would be impossible.
- The client is responsible for maintaining contact with the attorney, including informing the attorney of any changes in personal contact information, and responding promptly to any requests made by the attorney for information.
- If the attorney is privately retained, the client may be charged a reasonable fee and is entitled to have all charges, fees, and bills explained from the beginning of the case.
- The client is entitled to updates about the case and to have any questions and concerns addressed by the attorney in a prompt manner.

# Section 5

## ***How the Family Court Works***

### **The Petition: How a Case Begins**

In Family Court, an individual or agency that wants to initiate a case - the petitioner - must first file a petition. A petition is a written description of the circumstances of the case. The petitioner's attorney, petition clerk, or probation officer interviews the petitioner and prepares the petition based on the information provided. The petition is then filed with the court. The petitioner is subsequently given a date to appear in court. Once the petition is filed, the judge directs it to be "served" upon or delivered to the opposing party or the respondent.

The petitions filed in Family Court are classified by type, with a different letter designating each type as illustrated at right:

<b>Type of Petition</b>	<b>Letter</b>
Adoption	A
Termination of Parental Rights	B
Juvenile Delinquency	D
Designated Felony Act	E
Support	F
Guardianship	G
Foster Care Review	K
Voluntary Foster Care Placement	L
Consent to Marry	M
Neglect and Abuse	N
Family Offense	O
Paternity	P
Person in Need of Supervision	S
Uniform Interstate Family Support Act	U
Custody and Visitation	V
Material Witness	W

### **The First Court Appearance**

Before it is ever heard in court or presented to a judge, a case may be referred for mediation with the consent of the parties. However, in emergency cases where a temporary order of protection is needed to prevent family violence, petitioners have the right to request a hearing for the same day the petition is filed or the next available day that court is in session.

On the first court date after the petition is filed, several things can happen. The judge may read the petition, explain the charges and demands for relief, and explain the rights of the parties. If the parties do not have legal representation, the judge may appoint attorneys. The judge may also issue a summons for other individuals involved in the case to appear, or order an arrest warrant if the circumstances so require.

### **The Fact-Finding Hearing**

A trial in Family Court is known as a fact-finding hearing. There are no jury trials in the Family Court. Instead, the judge decides if the evidence provided by the petitioner in the form of witnesses, testimony or written documentation is enough to prove the charges described in the petition. The respondent also has the opportunity to refute the charges and challenge any of this evidence. If, after considering all of the evidence provided at the fact-finding hearing, the judge determines that the petitioner has not sufficiently proven the charges, the case must be dismissed.

For example, after a juvenile delinquency petition is filed, a fact-finding hearing is held to determine whether the respondent committed the alleged act and if this act constitutes a crime. In addition, fact-finding hearings take place in abuse and neglect, family offense, PINS and termination of parental rights proceedings.

### **The Dispositional Hearing**

If the judge decides that the case has been sufficiently proven at the fact-finding hearing and the charges described in the petition are true, a dispositional hearing is held to determine the appropriate legal remedy. The dispositional hearing can be held immediately after the fact-finding hearing, or scheduled for another day. At this hearing, the judge determines what should happen to the parties and to any children who may be involved in the case, by issuing what is called a dispositional order. Possible dispositional orders in juvenile delinquency, PINS, neglect and abuse, and family offense cases include probation, adjournment in contemplation of dismissal (ACD), detention in a secure facility, placement of children in foster care, placement of respondent under supervision, community service, and/or restitution.

# Section **6** *Family Court Cases*

## Adoption A PETITION

<p><b>CIRCUMSTANCES OF THE CASE</b></p>	<p>Adoption proceedings can be handled in the Family Court or in the Surrogate’s Court. An adoption petition asks the court to grant permanent legal rights and responsibilities for a child to an individual other than the child’s natural parents.</p> <p>Children over the age of 14 must consent to the adoption.</p>
<p><b>PRELIMINARY PROCEEDINGS</b></p>	<p><b>Private Placement Adoptions:</b> In a private placement adoption, the child’s natural parents and the individual seeking to adopt the child reach an agreement without the aid of a social services or adoption agency. To be eligible for a private placement adoption, individuals must first be “pre-certified” or approved for temporary custody of the child while the court decides whether they are suitable adoptive parents for the child.</p> <p>Before approving a private placement adoption, the court requires proof that the biological parents consented to the adoption of the child.</p> <p>Once the adoption is approved, the adoptive parents become the legal parents of the child.</p> <p><b>Agency Adoptions:</b> These adoptions take place when the child is already in the custody of a social services agency and the parental rights of the natural parents have been terminated. The agency, such as a foster care agency, investigates the potential adoptive parents and their home. If it finds that they are suitable, a petition will be submitted to the court along with other necessary documents. Generally, if the court determines that the adoptive parents can properly care for and support the child, the adoption is approved.</p> <p>Once the adoption is approved, the adoptive parents become the legal parents of the child.</p>
<p><b>OTHER INFORMATION</b></p>	<p><b>Surrender:</b> In some cases, parents may “surrender” the child or sign a voluntary agreement allowing for the termination of their parental rights. Surrender has the same legal effect as a termination of parental rights, and must similarly be approved by a judge.</p> <p>A law guardian is sometimes assigned in adoption proceedings to represent and protect the interests of the child.</p>

## Termination of Parental Rights B PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>A termination of parental rights petition is brought to permanently end the legal rights of the natural parents of a child, thereby “freeing” the child for adoption.</p> <p>A foster parent or an authorized foster care or social services agency that is responsible for the child can bring a B petition.</p> <p>The Adoption and Safe Families Act (ASFA) requires the filing of a termination petition if a child has been in foster care for 15 of the last 22 months, unless there is a compelling reason why adoption would not be in the best interests of the child, such as the following:</p> <ul style="list-style-type: none"> <li>• If the child is being cared for by relatives and it is determined that termination is not in the child’s best interest</li> <li>• If the parent is assessed and is making progress and there is a strong likelihood that the child could return home in another 6 months</li> <li>• If the social services agency has failed to provide the parent with the necessary services to allow for the child’s safe return to the home</li> </ul>
<b>PRELIMINARY PROCEEDINGS</b>	<p>Once the petition is filed, both the summons and petition must be served upon the respondent parent. In most cases, both parents must be served.</p> <p>If the parents have been served properly, parental rights can be terminated even if the respondent parent does not attend the hearings.</p> <p>If the respondent parent cannot afford an attorney, the court must appoint one.</p>
<b>FACT-FINDING HEARING</b>	<p>The following people are usually present at the fact-finding hearing:</p> <ul style="list-style-type: none"> <li>• The petitioner’s attorney</li> <li>• A social services caseworker</li> <li>• The child’s law guardian</li> <li>• The respondent parent</li> <li>• The respondent parent’s attorney.</li> </ul> <p>The judge must determine at this stage if the respondent parent:</p> <ul style="list-style-type: none"> <li>• Permanently neglected the child for at least 12 months by failing to maintain contact with the child and plan for the future of the child</li> <li>• Legally abandoned the child for at least 6 months</li> <li>• Severely or repeatedly abused the child</li> <li>• Has a mental illness that prevents the parent from caring for the child</li> </ul>

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## Termination of Parental Rights *(continued)*

### B PETITION

<b>FACT-FINDING HEARING</b> <i>(continued)</i>	<p>If the judge determines that none of these grounds for termination of parental rights exists the petition is dismissed, and the child may remain in foster care. If, however, the judge determines that one of them has been sufficiently proven, a dispositional hearing is scheduled.</p> <p>In addition, at the end of the fact-finding hearing, the judge may order an investigation into the surroundings, conditions, and capacities of the individuals involved in the case and request that a report be prepared on the findings. Such an investigation and report help clarify what is in the best interests of the child and prepare the judge for the dispositional hearing.</p>
<b>DISPOSITIONAL HEARING</b>	<p>At this stage of the proceedings, the judge issues a dispositional order based on the best interests of the child. In evaluating what is in the best interests of the child, the judge may consider the child's own wishes if the child is over 14 years of age.</p> <p>The judge may order:</p> <ul style="list-style-type: none"> <li>• Dismissal of the petition</li> <li>• Suspension of the judgment for up to 1 year</li> <li>• Permanent termination of parental rights, thereby freeing the child for adoption and committing guardianship and custody over the child to an authorized social services agency</li> </ul> <p>If parental rights are terminated, a permanency hearing must be held within 60 days to plan for the child's future.</p>

## Juvenile Delinquency

### D PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>A juvenile delinquency or D petition alleges that a juvenile, a child between the ages of 7 and 16, committed an act that would constitute a crime if committed by an adult.</p>
<b>PRELIMINARY PROCEEDINGS</b>	<p>A juvenile may be arrested and taken into custody by the police just as an adult, and is afforded the same constitutional rights and protections. However, every reasonable effort must be made to contact the juvenile's parent or guardian if such action is taken.</p>

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## Juvenile Delinquency *(continued)*

### D PETITION

#### PRELIMINARY PROCEEDINGS *(continued)*

Following the arrest of a juvenile, any of the following may occur:

- A Family Court appearance ticket is issued and the juvenile is released to a parent or guardian pending his or her appearance in Family Court
- The juvenile is taken directly to Family Court provided it is in session
- If the arresting officer believes it is necessary, the juvenile is questioned either at a judicially approved location, or the juvenile's residence with the consent of a parent or guardian
- The juvenile is taken to a detention facility if the circumstances of the case so warrant

If the juvenile is detained, the initial appearance should be held no later than 72 hours after the petition is filed or the next day court is in session, whichever is sooner. If the juvenile is not detained, the initial appearance should be held as soon as possible within 10 days after a petition is filed.

***Probation Intake and Adjustment:*** Prior to appearing in Family Court, a probation officer interviews the parties involved, including the individual seeking to have the petition filed, the juvenile accompanied by a parent or legal guardian, and any other interested persons, to determine whether the matter can be settled without filing a petition. Resolving the case in this manner is known as adjustment.

- If adjustment is not possible, a petition is filed by a presentment agency, which is the office that in Family Court will act on behalf of the county to prosecute juvenile delinquency cases. In New York City, the presentment agency is the Corporation Counsel's Office. Outside of the city, it is generally the County Attorney's Office.
- Adjustment cannot be used in cases being referred from the Criminal, County, or Supreme Courts, or in cases concerning designated felony acts.

***Initial Court Appearance:*** If the case is referred to Family Court by the probation department, there is an initial court appearance where the juvenile, now officially the respondent, is informed of the allegations set forth in the petition, and advised of his or her rights. If the respondent does not have counsel, the court appoints a law guardian for the respondent. In addition, a copy of the petition is provided to the respondent and his or her counsel. The case may also be referred to probation for additional attempt at adjustment.

If the respondent admits the allegations, the judge must ensure that the respondent and the parent are aware of the respondent's rights and the consequences of such an admission. In addition, the judge must order the probation department or another agency to do an investigation and report ("I & R") and set a dispositional hearing date.

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## Juvenile Delinquency *(continued)*

### D PETITION

<p><b>PRELIMINARY PROCEEDINGS</b> <i>(continued)</i></p>	<p>If the respondent denies the allegations, a fact-finding hearing is scheduled. If it is determined that the respondent should be remanded to a detention facility pending the hearing and detained for more than 3 days, a probable cause hearing must also be held. However, the judge may instead decide to release the respondent to a parent or guardian, which is also known as "parole," pending the fact-finding hearing.</p> <p>At any time prior to finding that the respondent is a juvenile delinquent, the court may with the consent of the parties order an adjournment in contemplation of dismissal (ACD). This means that if certain conditions are met within a period of 6 months, the case may be dismissed.</p>
<p><b>FACT-FINDING HEARING</b></p>	<p>At the fact-finding hearing, the judge must determine if the allegations have been proven based on the evidence presented.</p> <ul style="list-style-type: none"> <li>• If the respondent is in detention, the fact-finding hearing should begin no more than 3 days after the initial appearance unless a probable cause hearing is held.</li> <li>• If the respondent is not in detention, the fact-finding hearing should start no more than 60 days after the initial appearance.</li> </ul> <p>If the judge determines that the allegations have been proven, the judge must decide whether to remand or parole the respondent pending a dispositional hearing.</p> <ul style="list-style-type: none"> <li>• The judge must also order the probation department and/or another agency to do an investigation and report, and set the date for a dispositional hearing.</li> <li>• The dispositional hearing should be held within 10 days in cases where the respondent is detained. In most other cases, it should be held within 50 days of the fact-finding hearing.</li> </ul> <p>If the judge determines that the allegations have not been proven, the case is dismissed, and if in detention, the respondent must be immediately released.</p>
<p><b>DISPOSITIONAL HEARING</b></p>	<p>At the dispositional hearing, the judge must determine whether the respondent requires any supervision, treatment or confinement.</p> <ul style="list-style-type: none"> <li>• The report prepared by the probation department or another agency at the judge's request is presented along with any other relevant information.</li> <li>• In addition, if the probation department or presentment agency wants to, it may deliver an advisory statement to the judge.</li> <li>• The respondent may also deliver a statement prior to the judge entering a dispositional order.</li> </ul>

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## Juvenile Delinquency *(continued)* D PETITION

<p><b>DISPOSITIONAL HEARING</b> <i>(continued)</i></p>	<p>Once the dispositional hearing has concluded, the judge may:</p> <ul style="list-style-type: none"> <li>• Dismiss the case if the judge determines that the respondent does not need supervision, treatment or confinement</li> <li>• Grant an adjournment in contemplation of dismissal (ACD) for up to 6 months</li> <li>• Grant a conditional discharge for up to 1 year</li> <li>• Order treatment or confinement</li> <li>• Order probation for up to 2 years</li> <li>• Place the respondent in a foster home, group home, or other institution, or in the custody of a relative or other suitable guardian, for up to 18 months</li> <li>• Order the respondent to make restitution or perform community service</li> <li>• In cases of mental illness, mental retardation, or developmental disability, place the respondent with the Commissioner of Social Services or the Commissioner of Mental Health</li> </ul> <p>The judge may also issue an order of protection requiring that the respondent stay away from the petitioner or victim.</p>
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## Designated Felony Act E PETITION

<p><b>CIRCUMSTANCES OF THE CASE</b></p>	<p>If a juvenile between the ages of 13 and 15 has allegedly committed a felony such as murder, manslaughter, assault, sexual assault, attempted murder, or burglary, the juvenile may be treated as an adult in Criminal Court. However, these cases may be transferred by the Criminal Court to Family Court where they are known as designated felony act petitions.</p>
<p><b>PRELIMINARY PROCEEDINGS</b></p>	<p><b><i>Arrest and Custody:</i></b> The police may arrest juveniles alleged to have committed a felony act and may fingerprint them while in custody. Following the arrest and related procedures, the juvenile may be:</p> <ul style="list-style-type: none"> <li>• Taken to Family Court provided it is in session</li> <li>• Given an “appearance ticket” directing the juvenile to appear in court on a certain date</li> <li>• Taken to a detention facility (In this case, the juvenile must be brought before a judge within 72 hours or on the next day court is in session when detained.)</li> </ul> <p>As in cases of juvenile delinquency, a reasonable effort must be made to contact the juvenile’s parent or guardian if such action is taken.</p>

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## Designated Felony Act *(continued)*

### E PETITION

<p><b>PRELIMINARY PROCEEDINGS</b> <i>(continued)</i></p>	<p><b>Initial Court Appearance:</b> Adjustment is not an option for designated felony acts. In the Family Court, an initial court appearance takes place where the juvenile or respondent, is informed of the allegations in the petition and advised of his or her rights. As in juvenile delinquency cases, the respondent is also appointed a law guardian and given a copy of the petition.</p> <p>If the respondent admits the allegations are true, the judge must ensure that the respondent is aware of his or her rights and the consequences of such an admission.</p> <p>If the respondent denies the allegations, a fact-finding hearing is scheduled. For cases involving designated felony acts, the fact-finding hearing must begin within 14 days of the initial appearance.</p> <p>The judge also must decide whether to release or “parole” the respondent to a parent or guardian, or remand the respondent to a detention facility pending the dispositional hearing.</p>
<p><b>FACT-FINDING HEARING</b></p>	<p>At the fact-finding hearing, the judge must determine if the evidence presented is sufficient to prove the allegations are true.</p> <p>Following a determination that the respondent has committed a designated felony act, the judge will order a probation investigation and a diagnostic assessment.</p> <p>The judge must also decide whether to remand or parole the respondent pending the dispositional hearing. If the respondent is remanded for a designated felony act, the dispositional hearing must be held within 50 days.</p> <p>If the judge determines that the allegations have not been proven, the case is dismissed, and the respondent, if held in detention, must be immediately released.</p>
<p><b>DISPOSITIONAL HEARING</b></p>	<p>At the dispositional hearing, the judge may order restrictive placement, or placement in a secure facility for a specified length of time. In determining whether to order restrictive placement, the judge must consider:</p> <ul style="list-style-type: none"> <li>• The needs, interests, record and background of the respondent</li> <li>• The nature of the offense</li> <li>• The age and physical condition of the victim</li> <li>• The need to protect the community</li> </ul> <p>An order of restrictive placement for a Class A felony act, including murder in the first and second degree, arson, and kidnapping, requires that the</p>

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## Designated Felony Act *(continued)* E PETITION

<b>DISPOSITIONAL HEARING</b> <i>(continued)</i>	<p>respondent be placed for an initial period of 5 years, which may be extended for 1 year periods up to age 21. For the first 12 to 18 months, the respondent must be placed in a secure facility. Thereafter, the respondent may be placed in a residential facility, secure or otherwise, for up to 12 months. The Division for Youth must report to the court in writing on the respondent's progress at least once every 6 months.</p> <p>When restrictive placement for designated felony acts other than a Class A felony is ordered, the respondent is placed for an initial period of 3 years. For 6 to 12 months, the respondent must be placed in a secure facility and may afterwards be moved to a residential facility. The Division for Youth must report to the court in writing on the respondent's progress at least once every 6 months.</p> <p>There is no option for an adjournment in contemplation of dismissal (ACD) in cases involving designated felony acts.</p>
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## Support F PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>New York law requires a child's parents to support that child until the child reaches the age of 21. However, if a child under that age is married, self-supporting, in the military, or otherwise emancipated, there is no such obligation to support.</p> <p>A support or F petition is filed when a parent, guardian, spouse, or other relative wants child support from a non-custodial parent. In addition, a child who is not yet emancipated but living away from both parents can file a petition for child support.</p> <p>The Department of Social Services or, in New York City, the Administration for Children's Services (ACS) can also file a petition for support in cases where a child is receiving public assistance or is in foster care. In such cases, support is paid to the social services agency that provides the benefits.</p>
<b>INITIAL HEARING</b>	<p>In most counties in the state, the parties initially appear before a support magistrate and have the right to obtain their own legal counsel for child support hearings. The court cannot appoint legal counsel for either party except in very limited cases.</p>

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## Support *(continued)* F PETITION

<p><b>INITIAL HEARING</b> <i>(continued)</i></p>	<p>If the non-custodial parent from whom support is sought fails to appear at the hearing, the support magistrate may nevertheless proceed with the case. In some instances, the support magistrate may issue an arrest warrant to compel the respondent's presence in court. However, if the petitioner fails to appear at the hearing, the petition will be dismissed.</p> <p>At the hearing, the support magistrate listens to testimony and examines other evidence such as pay stubs, tax returns, rent receipts, and medical bills provided by both parties to establish the income and expenses of the parties.</p> <p>After examining this evidence, the support magistrate will enter an order of support and calculate the amount of support that must be paid to the petitioner.</p> <p>The support magistrate will also set a schedule for regular payments. Child support can be paid directly to the petitioner or the Support Collection Unit. Payments are made directly from the payer's paycheck.</p> <p>If the parties were not married at the time of the child's birth, paternity must be established before the support magistrate can issue an order of support.</p> <p>Both parties can appeal the support magistrate's decision to a judge within 30 days.</p>
<p><b>FURTHER PROCEEDINGS</b></p>	<p>A petitioner may also file a petition when a support order has been violated. If a violation is proven, the support magistrate or a judge may order one or more of the following:</p> <ul style="list-style-type: none"> <li>• Enter a money judgment for arrears or unpaid late support</li> <li>• Enter an income deduction order</li> <li>• Require the respondent to post an undertaking or deposit with the court clerk</li> <li>• Enter an order of sequestration allowing the seizure of the respondent's property</li> <li>• Suspend the respondent's driving privileges</li> <li>• Suspend the respondent's business or professional license</li> <li>• Sentence the respondent for up to 6 months in jail</li> <li>• Place the respondent on probation</li> <li>• Require the respondent to attend a rehabilitation program</li> <li>• Require the respondent to pay the petitioner's counsel fees.</li> </ul>

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## Support *(continued)* F PETITION

<b>FURTHER PROCEEDINGS (continued)</b>	<p>In addition, an individual who pays or receives child support in accordance with a Family Court order has the right to petition the court to increase or decrease the amount of support paid.</p> <ul style="list-style-type: none"> <li>• Orders paid through SCU are reviewed in all cases where the child is receiving public assistance, and if a party requests such reviews.</li> </ul>
<b>OTHER INFORMATION</b>	<p>According to the New York Child Support Standards Act (CSSA), the support magistrate or judge charged with making a child support determination may consider the following factors, among others, in applying the formula for deciding child support:</p> <ul style="list-style-type: none"> <li>• The number of dependents in the relationship</li> <li>• The number of hours that both parties work per week, their hourly wages, gross annual incomes and the tax amounts withheld from their respective incomes</li> <li>• Whether or not the child receives public assistance</li> <li>• The physical and emotional health of the child, as well as special needs and aptitudes</li> <li>• Other dependents of the respondent who are not part of the proceeding</li> </ul> <p>The support magistrate or judge compares these factors with the total amount due under the formula, which includes medical and school costs, to establish the amount of child support due.</p>

## Guardianship G PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>A petition for guardianship can be filed by any of the following:</p> <ul style="list-style-type: none"> <li>• An adult relative of the child</li> <li>• A close family friend</li> <li>• A child protective agency that wants to assume legal responsibility for the child</li> </ul> <p>In cases where the parent of the child is suffering from a chronic or potentially fatal illness, another individual may ask to be made a stand-by guardian in the event that the parent becomes unable to care for the child.</p>
<b>PROCEEDINGS</b>	<p>The petitioner, as the individual seeking to be appointed guardian of the child, must provide testimony and other evidence demonstrating that such an appointment is in the best interests of the child.</p>

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## Guardianship *(continued)*

### G PETITION

<b>PROCEEDINGS</b> <i>(continued)</i>	<p>In addition, the probation department or a social services agency will investigate the petitioner to determine whether it would be in the best interests of the child for the petitioner to be made the child's guardian</p> <p>A child over the age of 14 has the right to testify in court and express a preference for a legal guardian.</p> <p>Guardianship responsibility expires when the child reaches the age of 18.</p>
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## Foster Care Review

### K PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>When a child is placed in foster care for a period of more than 12 months, a petition to review the foster care status of the child, including the permanency plan, must be filed in the Family Court by the social services agency responsible for supervising the foster care.</p> <p>There are five possible permanency plans:</p> <ul style="list-style-type: none"> <li>• Return of the child to the parent</li> <li>• Adoption, if parental rights are terminated or voluntarily surrendered</li> <li>• Referral for legal guardianship</li> <li>• Permanent placement with a fit and willing relative</li> <li>• Placement in another planned permanent living arrangement, such as independent living</li> </ul>
<b>PROCEEDINGS</b>	<p>At the review proceeding, which is known as a "permanency hearing," an attorney for the social services agency and a social worker are present along with the natural parents, the foster parents, the child's law guardian and any other interested parties.</p> <p>In reviewing the permanency plan, the Family Court judge will consider the following:</p> <ul style="list-style-type: none"> <li>• The appropriateness of the permanency plan</li> <li>• The services offered to strengthen and reunite the natural family</li> <li>• The reasonableness of the efforts made by the social services agency to comply with the plan</li> </ul>

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## Foster Care Review *(continued)* K PETITION

<b>DISPOSITIONAL ORDER</b>	<p>In accordance with the best interests of the child, the judge may do any of the following:</p> <ul style="list-style-type: none"> <li>• Order that foster care continue for up to 1 year, and direct that the child be placed in a specific foster home</li> <li>• Order that the child be returned to the natural parents or other suitable relative</li> <li>• Order the social services agency to begin legal proceedings to terminate parental rights so that the child can be put up for adoption</li> <li>• Direct the provision of special services as well as investigations to effectuate a plan for adoption in cases where the child is free for adoption and has not been placed in an adoptive home for over 6 months</li> <li>• Enter an order of protection where necessary</li> <li>• Direct the social services agency to work with the family to strengthen the relationship between the natural parents and the child in preparation for their reunion</li> </ul> <p>The judge may assign a court appointed special advocate (CASA) to monitor the case.</p>
<b>OTHER INFORMATION</b>	<p>An attorney may be assigned to any party who cannot afford legal representation.</p> <p>A law guardian is usually assigned to represent the interests of the child.</p>

## Voluntary Foster Care Placement L PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>If unable to care for a child, a parent or guardian may sign what is known as a voluntary placement agreement. This agreement allows the child to be placed in temporary foster care through a social services agency.</p> <p>The foster parents with whom a child is placed may be relatives of the child. The child may also be placed in a group home.</p> <p>If the child is to remain in foster care for longer than 30 days, the social services agency responsible for supervising the child's foster care must file an L petition in Family Court.</p>
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## Voluntary Foster Care Placement *(continued)* L PETITION

<b>PRELIMINARY PROCEEDINGS</b>	<p><b>358(a) Hearing:</b> A judge reviews the voluntary placement agreement signed by the parent or guardian to determine whether the placement of the child in foster care was both voluntary and necessary.</p> <p>The judge will approve the placement as long as the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>• The placement was voluntary and made knowingly by the parent or guardian</li> <li>• The placement is in the best interests of the child</li> <li>• Reasonable efforts were made by the social services agency to prevent the removal of the child from the home</li> <li>• Reasonable efforts were made by the social services agency to return the child to the home before the 358(a) hearing</li> </ul> <p>The judge may also make a determination as to whether the child has been properly placed and the length of the voluntary placement.</p> <p>After the child has been in foster care for 1 year, the placement will be reviewed in a permanency hearing as required by the Adoption and Safe Families Act (ASFA).</p>
<b>OTHER INFORMATION</b>	<p>In most New York counties, a law guardian is appointed by the court to represent the child in these proceedings.</p> <p>A parent or guardian who cannot afford a lawyer in such cases also has the right to have one appointed by the court.</p>

## Consent to Marry M PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>The Family Court has the authority to approve applications for permission to marry where either party to the marriage is over the age of 14 but not yet 16 years old.</p>
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## Neglect and Abuse N PETITION

<p><b>CIRCUMSTANCES OF THE CASE</b></p>	<p>Child neglect petitions charge that the parent or guardian of a child has harmed the child, failed to properly care for the child by providing inadequate education or medical care, or abandoned the child.</p> <p>Child abuse petitions charge that the parent or guardian of a child has physically, sexually, mentally or emotionally injured the child.</p> <p>In New York State, every alleged case of child abuse or neglect is investigated by the county's Department of Social Services or New York City's Administration for Children Services. If evidence of child neglect or abuse is found, the child protective agency will petition the court for help with protecting the child.</p> <p>In circumstances of imminent danger to a child, the Family Court Act authorizes the child protective agency or the police to remove the child from the home with or without a court order, even before a petition is filed.</p>
<p><b>PRELIMINARY PROCEEDINGS</b></p>	<p><b>1027 or Intake Hearing:</b> If the child is removed from the home without a court order, a hearing known as a "1027" must be held as soon as possible to determine if the child should be remanded to a place designated by the court, placed in the custody of a suitable person other than the parent or guardian, or released to the parent or guardian pending a final order. The court may also authorize medical treatment for the child if necessary. In all abuse cases, the court must order an examination of the child by a doctor and may order a similar examination in neglect cases.</p> <p>Often, a 1027 hearing is held without the parent or guardian of the child being present because of the emergency nature of the case.</p> <p>Upon the filing of a petition for neglect and/or abuse, a law guardian is assigned to the child, and a copy of the petition is served upon the parent or guardian who officially becomes the respondent.</p> <p><b>1028 Hearing:</b> In many cases, the respondent parent or guardian can move to have the child released to his or her care pending the final outcome of the case. The hearing which takes place to consider this motion is known as a "1028." It is usually held within 3 days of the removal of the child from the home or care of the parent or legal guardian. The child will be returned to the respondent as long as the court finds that doing so would not place the child in any imminent risk of harm.</p>

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## Neglect and Abuse *(continued)*

### N PETITION

<p><b>PRELIMINARY PROCEEDINGS</b> <i>(continued)</i></p>	<p>The respondent has the right to the following in such cases:</p> <ul style="list-style-type: none"> <li>• An attorney</li> <li>• A copy of the petition</li> <li>• The names of the caseworker and law guardian for the child</li> <li>• The name, location, and telephone number of the foster care agency in cases where the child has been removed</li> <li>• Reasonable and regularly scheduled visits with the child unless restricted by the court</li> <li>• To request that a relative be considered as a fit foster parent</li> </ul>
<p><b>FACT-FINDING HEARING</b></p>	<p>A fact-finding hearing is held to determine whether a child has been neglected or abused. At this hearing, the child protective agency presents its case and the respondent can challenge the evidence and present his or her own case. If the judge determines that the allegations have not been sufficiently proven, the child is released to the respondent. If the judge determines that the allegations have been sufficiently proven, a dispositional hearing is scheduled to determine what should happen to the child.</p> <p>A respondent may admit or consent to a finding of abuse or neglect. Prior to accepting such an admission, however, the judge must inform the respondent that a finding of abuse or neglect allows the court to place the child in foster care for up to 1 year, which may, if the respondent fails to maintain contact with or plan for the child's future, result in the termination of parental rights. Also, the respondent must be made aware of the fact that a report of abuse or neglect will remain on file in the state registry until the child is 28 years old.</p> <p>Before or during the fact-finding hearing, the court may adjourn the case in contemplation of dismissal (ACD) with the consent of the petitioner, the respondent, and child's law guardian. This resolution is possible when the parties agree to essential terms and conditions, including the supervision of the relationship of the child and respondent by a child protective agency. Unless the case is restored to the court calendar before the end of the ACD period, a case resolved in this manner will be dismissed.</p>

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## Neglect and Abuse *(continued)* N PETITION

<b>DISPOSITIONAL HEARING</b>	<p>At the dispositional hearing, the judge listens to testimony and reviews agency reports and recommendations prior to issuing a dispositional order which may include the following:</p> <ul style="list-style-type: none"> <li>• Suspending judgment on specified terms and conditions for up to 1 year</li> <li>• Releasing the child to the respondent under the supervision of a child protective agency and on certain conditions for up to 1 year</li> <li>• Releasing the child to the respondent on the condition that there is no further abuse or neglect</li> <li>• Placing the child with a relative or other suitable adult for up to 1 year</li> <li>• Placing the child in a foster home, group home, or under the care of another authorized agency</li> </ul> <p>The court may also issue an order of protection, mandatory alcohol or drug abuse treatment, or mental health services for the respondent. In addition, referrals for services needed by the child may be ordered.</p>
<b>OTHER INFORMATION</b>	<p>If the respondent requests an attorney but cannot afford one, the judge will assign one.</p>

## Family Offense O PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>A family offense petition is filed when a family member claims that another family member committed one of the following acts against another family member:</p> <ul style="list-style-type: none"> <li>• Disorderly conduct</li> <li>• Harassment</li> <li>• Aggravated harassment</li> <li>• Menacing</li> <li>• Reckless endangerment</li> <li>• Assault or attempted assault</li> <li>• Stalking</li> </ul> <p>For the purpose of filing a family offense petition, “family members” are defined as individuals related by blood or marriage, individuals who were formerly married, or individuals who are unrelated but have a child together.</p>
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## Family Offense *(continued)* O PETITION

<p><b>PRELIMINARY PROCEEDINGS</b></p>	<p>On the day a family offense petition is filed, the petitioner has the right to an immediate court appearance.</p> <p>If there is “good cause,” the judge may issue a temporary order of protection and/or a temporary order of child support. The temporary order of protection lasts until the date the respondent or alleged abuser is scheduled to appear in court.</p> <p>The judge will set this return date and issue a summons for the respondent to appear. If the petitioner is in imminent danger, the judge can issue a warrant for the respondent to be brought to court.</p> <p>The respondent may admit or deny the allegations described in the petition or simply consent to the entry of the order of protection.</p> <p>If Family Court is not in session, the petitioner may obtain an order of protection from Criminal Court if the circumstances so warrant.</p>
<p><b>FACT-FINDING HEARING</b></p>	<p>If the respondent denies the allegations, a fact-finding hearing is held to determine if the allegations in the petition are true.</p> <p>If the judge determines that the allegations have been proven, a dispositional hearing is held. Before this second hearing takes place, the court may adjourn in order to make inquiries into the surroundings, conditions, and capacities of the individuals involved.</p> <p>If the judge determines that the allegations have not been proven, the case is dismissed.</p>
<p><b>DISPOSITIONAL HEARING</b></p>	<p>If the allegations are proven and a dispositional hearing is held, the judge will issue a dispositional order which may include any of the following:</p> <ul style="list-style-type: none"> <li>• Suspending judgment for 6 months</li> <li>• Placing the respondent on probation for up to 1 year and requiring the respondent to participate in a batterer’s education program which may include alcohol and/or drug treatment, and require the respondent to pay the costs of the program</li> <li>• Requiring the respondent to pay restitution of up to \$10,000</li> <li>• Making a final order of protection that may be effective for up to 2 years</li> </ul> <p>A final order of protection may include the requirement that the respondent:</p> <ul style="list-style-type: none"> <li>• Stay away from the petitioner and any children involved</li> <li>• Pay reasonable counsel fees of the petitioner</li> <li>• Participate in a batterer’s education program</li> </ul>

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## Family Offense *(continued)*

### O PETITION

<p><b>DISPOSITIONAL HEARING</b> <i>(continued)</i></p>	<ul style="list-style-type: none"> <li>• Pay petitioner’s medical bills for injuries sustained as a result of the abuse</li> <li>• Stay away from the home, school, or place of employment of the petitioner and any children involved</li> <li>• Refrain from committing additional family offenses or acts that endanger the welfare of other family members</li> <li>• Be permitted to remove personal property from a shared residence at a time designated by the court</li> <li>• Be permitted to visit with any children at court designated times and places</li> </ul> <p><b>Violations of Protection Orders:</b> If the respondent violates the order of protection, the petitioner can file a violation petition.</p> <ul style="list-style-type: none"> <li>• If the violation is proven, the order of protection can be modified, and the respondent sentenced for up to 6 months in jail for each act committed in violation of the order.</li> <li>• Depending upon the severity of the violation, the case may be transferred to a criminal court where the respondent may face a substantially longer jail sentence.</li> <li>• In addition, the court can revoke or suspend the respondent’s license to carry a firearm. Moreover, the court can arrange for the surrender and disposal of any firearm the respondent possesses where there is a risk that it will be used to harm the petitioner or where the violation of the order involved violent behavior.</li> </ul>
<p><b>OTHER INFORMATION</b></p>	<p>A petitioner has the right to pursue a family offense case in either Criminal Court or Family Court, or both. In Family Court, the judge can issue an order of protection, among other remedies, as well as determine temporary custody and visitation of any children who may be involved. In Criminal Court, the judge can impose more severe sentences, including jail time. In addition, a family offense is considered a criminal act in Criminal Court, which means that the prosecutor can move ahead with a case without the consent or cooperation of the petitioner or abused individual.</p> <p>In both courts, respondents have the right to an attorney. Petitioners have the right to an attorney in Family Court. In Criminal Court, the assistant district attorney represents the petitioners.</p>

## Paternity P PETITION

<p><b>CIRCUMSTANCES OF THE CASE</b></p>	<p>A paternity petition is filed in order to determine whether a man is the legal father of a child born to parents who were not married to each other when the child was born.</p> <p>A petition to establish paternity may be filed by:</p> <ul style="list-style-type: none"> <li>• The mother or expectant mother of the child</li> <li>• An individual claiming to be the child's father</li> <li>• The child</li> <li>• The child's guardian or next of kin</li> <li>• A social services agency</li> </ul> <p>The petition can be filed either where the mother or child lives or where the alleged father does.</p>
<p><b>PROCEEDINGS</b></p>	<p>After the petition is filed, it must be served along with a summons upon the respondent. A support magistrate rather than a judge generally hears paternity cases. Typically, at an initial court appearance, the support magistrate advises the respondent of certain rights, including the right to counsel and the right to schedule a blood test in the event that the respondent denies paternity.</p> <p>If the respondent admits paternity or has previously acknowledged paternity in writing, the support magistrate will issue an order of filiation. This order establishes both the child's right to support and inheritance and the father's right to seek custody and visitation of the child.</p> <p>If paternity is not established, another appearance is scheduled at which the support magistrate will explain any test results.</p> <ul style="list-style-type: none"> <li>• If the results rule out the respondent as the father, the case is dismissed.</li> <li>• If the test indicates a 95% probability that the respondent is the father, the respondent is presumed to be the father provided there is no other evidence disproving paternity.</li> </ul> <p>If the respondent continues to deny paternity or the child's mother was married to someone else at the time of conception or birth, the case will be sent to a judge or support magistrate who must determine the paternity issue at a hearing where the test results and other evidence are presented.</p> <p>Once paternity is established and an order of filiation issued, a support hearing will be held by the support magistrate if the mother wants support from the father or is receiving public assistance for the child.</p>
<p><b>OTHER INFORMATION</b></p>	<p>In cases where actually appearing in court would be difficult for a party, the court may allow the party or individual to testify by telephone or other audiovisual means from a more convenient or easily accessible Family Court or location.</p>

## Persons in Need of Supervision (PINS) S PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>A person in need of supervision (PINS) is an individual under the age of 18 who:</p> <ul style="list-style-type: none"> <li>• Does not attend school</li> <li>• Behaves in a way that is incorrigible, ungovernable, or habitually disobedient</li> <li>• Is beyond the control of a parent, guardian or lawful authority</li> <li>• Is suspected of drug abuse</li> <li>• And requires supervision or treatment</li> </ul> <p>The petitioner in a PINS case is usually the parent, guardian, school, or the presentment agency acting on behalf of the county or city.</p>
<b>PRELIMINARY PROCEEDINGS</b>	<p><b>Probation Adjustment:</b> Before a PINS petition can be filed, the potential respondent and a parent or guardian must meet with a probation officer in an attempt to resolve the case without going to court. This process includes holding at least one conference with the juvenile and the individual or organization seeking to file the petition.</p> <ul style="list-style-type: none"> <li>• If this process reveals that the juvenile requires treatment or other services, a referral will be made and a plan developed to assist the juvenile with accessing and receiving the services needed to amend his or her behavior.</li> <li>• The adjustment process may last for 90 days and may be extended for an additional 90 days by a judge.</li> </ul> <p>If adjustment fails, a PINS petition may be filed in court. However, although a PINS petition is filed, the adjustment process may continue with the juvenile's consent. If adjustment is successful, the petition will be dismissed.</p> <p><b>Initial Court Appearance:</b> At the initial court appearance, the juvenile, now officially the respondent, accompanied by a parent or guardian, is informed of his or her rights, including the right to an attorney. If the parent or a guardian does not appear, the court can appoint a law guardian and if necessary a guardian ad litem to represent the respondent.</p> <p>In rare cases, the respondent is held or remanded to a detention facility pending a fact-finding hearing in PINS cases.</p>

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## Persons in Need of Supervision (PINS) *(continued)*

### S PETITION

<p><b>FACT-FINDING HEARING</b></p>	<p>At the fact-finding hearing, the judge must decide whether the respondent committed the alleged acts, behaved in a way that was “incorrigible, ungovernable, or habitually disobedient,” was out of the control of a parent or guardian, or is abusing drugs.</p> <ul style="list-style-type: none"> <li>• If the judge determines that none of the above conditions have been satisfied or the allegations have not been proven, the case will be dismissed.</li> <li>• If the judge determines otherwise, a dispositional hearing will be scheduled.</li> </ul> <p>During or following the fact-finding hearing, the judge may order with the consent of the parties that the proceedings be adjourned in contemplation of dismissal (ACD) for 6 months with the goal of ultimate dismissal of the petition.</p>
<p><b>DISPOSITIONAL HEARING</b></p>	<p>If the respondent is found to be a person in need of supervision, the judge may order any of the following:</p> <ul style="list-style-type: none"> <li>• Discharge or release of the respondent with a warning</li> <li>• Adjournment in contemplation of dismissal (ACD)</li> <li>• Suspension of judgment for up to 1 year</li> <li>• Placement of the respondent in his or her own home, in the custody of a suitable relative, or in a group or a foster home for up to 18 months</li> <li>• Probation for up to 1 year</li> <li>• The respondent, if over the age of 10, to make restitution through community service or other means</li> </ul> <p>If the respondent violates the terms of the court order, the supervising probation officer or agency may file a violation petition with the court.</p> <ul style="list-style-type: none"> <li>• A new dispositional hearing may be held and if the violation is proven, the court may change its original order.</li> </ul>

## Uniform Interstate Family Support Act U PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	A U petition is filed in support cases where the petitioner and the respondent live in different states. This petition enables a petitioner who needs spousal or child support to seek such support in circumstances where due to financial or other reasons the petitioner cannot travel to a respondent's jurisdiction.
<b>PROCEEDINGS</b>	<p>U proceedings involve two courts: the initiating court where the petitioner is located, and the responding court where the respondent is located.</p> <p>Once the initiating court sends the support petition to the responding court:</p> <ul style="list-style-type: none"> <li>• The responding court will order the respondent to appear in the respondent's home court, where the petitioner will be represented by a county attorney or corporation counsel from his or her own county.</li> <li>• If the respondent does not contest the petition, the support order will be entered.</li> <li>• If the respondent does contest the petition, statements given by the petitioner and other documentary evidence will be exchanged by mail between the two courts, a process that can prove cumbersome if additional evidence is required. However, most cases can be handled swiftly without any additional evidence.</li> </ul> <p>A party may not have to physically travel to New York for the hearing. He or she may take part in the hearing by telephone if they do not live in New York State. They may also participate by telephone if they live within New York State, but in a county, which is far from the courthouse where the hearing is being held.</p> <p>Under certain circumstances, the petitioner may file a petition forcing the respondent to travel to New York for the hearing.</p>

## Custody and Visitation V PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	<p>One or both of a child's parents or another individual may seek to attain legal responsibility for the care, control and support of a child by filing a petition for an order of custody.</p> <p>A non-custodial parent or other relative, such as a grandparent or sibling, who wants the right to visit with a child, may file a petition for an order of visitation. A petition can also be filed to change an existing visitation order.</p> <p>Custody and visitation matters are often heard together although the petitions may be filed separately.</p>
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## Custody and Visitation *(continued)*

### V PETITION

<b>CUSTODY PROCEEDINGS</b>	<p>A copy of the petition for an order of custody and a summons must be served upon the individual who has custody of the child.</p> <ul style="list-style-type: none"> <li>• If one parent files the petition, the other parent must be served.</li> <li>• If a non-parent is seeking custody of a child, both parents must be served.</li> </ul> <p>If the parties reach an agreement on their own regarding custody, a full hearing is not required. Instead, the judge or referee will review the agreement reached, listen to the testimony of those involved, and issue an order of custody. However, a full hearing will be held if the parties cannot reach an agreement about custody.</p> <p>Prior to this hearing, the judge may appoint a law guardian for the child and will hear testimony from all involved parties. The judge or referee may also order an investigation and report from a social services agency or a mental health professional about the individual parties. After considering all of the evidence and submitted reports, the judge will decide the custody issue based on what is in the best interests of the child.</p>
<b>VISITATION PROCEEDINGS</b>	<p>A copy of the petition for an order of visitation and a summons must be served upon all those who have custody of or visitation privileges with the child.</p> <p>If the custodial parent does not consent to visitation, the judge or referee will hold a hearing to determine if visitation is in the best interests of the child.</p> <ul style="list-style-type: none"> <li>• If the judge issues an order of visitation, a schedule for visitation will be set.</li> <li>• An order of supervised visitation requires that all visits take place in the presence of another adult at a supervising agency.</li> </ul>
<b>FURTHER PROCEEDINGS</b>	<p>Either party may petition for changes to a custody or visitation order. The judge will make a decision about changes to an existing order based on the best interests of the child.</p> <p>In addition, if one of the parties violates an existing order, the judge or referee may alter the order.</p>
<b>OTHER INFORMATION</b>	<p>In custody cases, the parties have a right to counsel, and the court may appoint legal representation to parties unable to afford private counsel. In many cases, the court will appoint a law guardian to represent the interests of the child involved.</p>

## Material Witness W PETITION

<b>CIRCUMSTANCES OF THE CASE</b>	The Family Court has the authority to place an individual who is under the age of 16 in protective custody when he or she is a material witness in a case.
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# Section 7

## Specialized Family Court Programs

Since the Family Court was first established, its workload has continued to increase. However, inadequate funding and resources have impeded its ability to handle the needs of families and children who come to it, often in crisis. Issues such as juvenile delinquency and domestic violence have gained greater public attention in recent years. This increased public awareness has resulted in revisions to the Family Court Act which have allowed the court to more effectively protect domestic violence victims, enforce child support orders, and improve delinquency proceedings. The court has adopted several innovative problem-solving approaches to dealing with certain types of cases. These approaches are discussed in greater detail below.

### **Courts Within the Family Court**

#### **Family Treatment Court**

In the mid-1990's, 75% of child abuse and neglect cases involved parents who used drugs.<sup>3</sup> Noncompliance with court-ordered drug treatment programs for these parents resulted in children remaining in foster care for an average of four years. Family Treatment Court was consequently established to provide a more effective and efficient resolution for these cases.

The Family Treatment Court was established with the ultimate goal of reuniting children with their drug-free parents, ideally within one year. Attorneys for the children and parents, representatives of social services agencies, and caseworkers all work together with a resource coordinator and the Family Treatment Court judge to achieve the best possible resolution for the child involved.

In the Family Treatment Court only abuse and neglect cases are heard. Parents who wish to participate in the lives of their children must not only admit abuse and neglect but also

<sup>3</sup> Judge Judith S. Kaye, *Changing Courts in Changing Times: The Need for a Fresh Look at How Our Courts Are Run*, Tobriner Lecture, Hastings Law School (November 3, 1997).

immediately enter a drug treatment program, make frequent court appearances, that include mandatory drug screening, and attend parenting classes and support workshops. Visitation with their children continues throughout this process to provide the children with as much continuity as possible.

### **Integrated Domestic Violence Court (IDV)**

The Integrated Domestic Violence Court is based on the one-family-one-judge model. In New York State, domestic violence cases may be heard in the Family, Criminal, and Supreme courts, depending on the circumstances of the case. This can result in conflicting orders and decisions and unduly burden the litigants. To address these problems, the IDV court merges the proceedings allowing a single judge, who is informed of every aspect of the case, to hear the case which allows the judge to order integrated comprehensive social services. The overall goals of the IDV court are improving court efficiency, allowing for more informed judicial decision-making, promoting greater victim safety, eliminating conflicting orders, and improving service delivery to domestic violence victims and their children.

### **Youth Court**

Low-level youthful offenders may be diverted from the formal juvenile justice system into a community-based Youth Court. In Youth Court, the adolescent alleged to have committed a non-violent offense (alcohol or drug use, vandalism, criminal mischief, disorderly conduct, assault, traffic offenses, truancy, trespassing, or school violations) must first admit responsibility for the offense to the police, a probation officer, or a Family Court judge. The adolescent then appears with parental consent for a sentencing hearing before a court of his or her peers. These “peers,” who assume the roles of judge, prosecutor, public defender, clerk, and jury, are other teenagers who have completed a special training program to do so. After the evidence is presented and evaluated, a rehabilitative sentence is imposed on the teenager that can include community service, victim restitution, and future service in the Youth Court.

### **Mediation in the Family Court**

Throughout New York State, mediation is being integrated into the Family Court process. In custody and visitation matters, where there is no issue of domestic violence, parties may be referred to mediation provided by non-profit agencies that work closely with the court. The state-certified, neutral mediators assist parties in drafting their own agreements, which if approved by a judge or referee, can become an order of the court. Mediators from these non-profit agencies also provide mediation service, sometimes before the filing of a petition, for PINS and some juvenile delinquency cases.

The Child Permanency Mediation Program is a court-based program, currently operating in several counties of New York State, which offers an opportunity for the adult parties, caregivers, caseworkers and attorneys who are involved in the life of a child in foster care to come together in a non-adversarial setting. It also provides the children, when appropriate, with a safe place to participate in the permanency plans that will affect them. The program is staffed by full-time, state certified mediators with backgrounds in the area of child welfare. In these mediations, the parties work together to identify and to remove the barriers that are preventing permanency from being achieved for these children.

### **Unified Family-Matrimonial Divisions**

In several counties, as part of a pilot program, Family Court judges are designated Acting Supreme

Court justices in order to hear matrimonial or divorce cases. Therefore, these judges are able to hear divorce proceedings, which fall solely under the sole jurisdiction of the Supreme Court, combined with custody, visitation, child support and other issues that must be handled in the Family Court. This allows families to have their cases heard by one judge in one court rather than divide their time, energy and resources between multiple courts and judges.

# Section 8

## **Appealing Family Court Decisions**

### **Filing an Appeal**

A party that is not satisfied with the final order of a court has the right to appeal the decision and have the case heard by a higher court. In New York State, the Appellate Division of the Supreme Court handles Family Court appeals. The lawyers of both parties involved in the case should inform their clients of their right to an appeal, and are obligated to do so in juvenile delinquency, PINS, and neglect and abuse cases.

The attorney for the party that exercises this right must file the appeal within a specified time frame. In addition, although parties may be present at appellate arguments, they do not testify during the appeals process.

### **Appealing Support Decisions**

Both parties in a support case have the right to appeal the decision of the support magistrate by filing an objection within 30 days. However, before an appeal can be made to the Appellate Division, a Family Court judge must review the decision. The party that opposes the objection has the right to send a reply to this judge, who in turn may sustain the order, change it, or have it sent back to the support magistrate for further hearings. Only after a Family Court judge has reviewed the case can either party properly appeal the decision to the Appellate Division.

### **Filing a Complaint Against a Judge or Attorney**

#### **Judicial Conduct Commission**

Complaints against judges or local justices may be filed with the New York State Commission on Judicial Conduct. After investigating a complaint, the Commission can admonish, censure, or remove a judge from the bench. Generally, these complaints include possible conflicts of interest, violations of a party's rights, intoxication, bias, prejudice, favoritism, gross neglect of duty, corruption, prohibited political activity, and other misconduct on or off the bench. In addition,

the Commission has the authority to retire judges who have mental or physical disabilities that prevent them from properly performing their duties.

### Attorney Disciplinary and Grievance Committees

The Appellate Division of the New York State Supreme Court appoints disciplinary and grievance committees to hear complaints of attorney misconduct. In addition to a full-time professional staff, each committee is comprised of both attorneys and non-attorneys. Generally, complaints are filed with the committee serving in the judicial district where the attorney works. After investigating the complaint, the committee can refer it to the local bar association which may reprimand, suspend, or disbar attorneys found to have violated disciplinary rules, ethical codes, or committed malpractice. In addition, clients may sue their attorneys for malpractice.

# Glossary

**Adjournment:** A recess or postponement of a case to a later date.

**Adjournment in Contemplation of Dismissal (ACD):** A postponement of a case that may result in the dismissal of the case if the respondent complies with conditions established by the court for a set period of time. Juvenile delinquency and PINS proceedings may be postponed for up to 6 months, and in child protective proceedings, the postponement can be up to 12 months.

**Adjudicate:** The legal process of resolving a dispute.

**Adjudicator:** An individual responsible for overseeing and deciding legal matters in a case. Commonly referred to as the judge.

**Adjustment:** A procedure, undertaken by the Probation Department, to resolve a dispute voluntarily and informally without a petition being heard by the court. Adjustment may be used in PINS and juvenile delinquency cases.

**Admission:** An assertion or acknowledgment that the fact or facts at issue are true. When made under oath such an assertion is legally binding.

**Administration for Children's Services (ACS):** A New

York City agency devoted to safeguarding the welfare of children and providing services to children and families in need.

**Adoption:** The granting of permanent legal rights and responsibilities for a child to an individual other than the child's natural parents.

**Adoption and Safe Families Act (ASFA):** A federal law, enacted in 1997, that mandates that a child in foster care for 15 or more of the past 22 months be safely returned home or moved forward in the adoption process. The legislation is intended to shorten the time that children spend in foster care and encourage their permanent placement in a secure home environment.

**Agency Adoption:** An adoption that takes place through a social services or foster care agency that has custody of the child. In order for an agency to proceed with an adoption, parental rights must be terminated.

**Allegation:** An unproven fact declared or asserted by a party in a legal proceeding.

**Alternative Dispute Resolution:** A procedure for settling a dispute by means other than litigation, such as arbitration, mediation, or mini-trial.

**Appeal:** The submission of a lower court's decision to a higher court for review and possible reversal.

**Appearance Ticket:** A notice requiring a party or an interested person to show up in court on a specified date.

**Appellate:** Refers to, or related to, an appeal (i.e. appellate court).

**Appellate Argument:** Occurs when a lower court's decision is submitted to a higher court for review. The attorneys on either side present oral arguments before the judges reviewing the decision.

**Arbitration:** A method of dispute resolution involving one or more neutral third parties who are usually chosen by the disputing parties and whose decision is legally binding.

**Arrear:** An unpaid or overdue debt.

**Arrest:** The taking of a juvenile into custody by a police officer in circumstances in which there would have been probable cause to arrest an adult for the commission of a misdemeanor, or the taking into custody of a juvenile who fails to appear in court following the filing of a PINS or delinquency petition pursuant to a warrant issued by a Family Court judge. The Family Court Act refers to these procedures relating to juveniles as custody and detention, rather than "arrest."

**Assigned Counsel:** An attorney assigned by a judge to represent an adult party, who cannot afford one. Also referred to as I8 (b) or panel attorneys, they are generally chosen from a list of lawyers previously approved by the Appellate Division of the Supreme Court.

**Assistant County Attorney/Assistant Corporation Counsel:** A lawyer who represents the county, city, or, in some cases, the Department of Social Services, in the prosecution of juvenile delinquency cases and filing of petitions in child abuse and neglect, foster care, termination of parental rights, and persons in need of supervision (PINS) cases.

**Assistant District Attorney (ADA):** A lawyer from the county's district attorney's office who prosecutes certain child abuse and neglect cases and juvenile delinquency cases involving serious crimes.

**Attorney Disciplinary and Grievance Committees:** A group of lawyer and non-lawyers who hear complaints of attorney misconduct or wrongdoing.

**Caseworker/Child Protective Worker:** A staff member of a county or city child protective or social services agency who investigate charges of abuse and neglect, files petitions, testifies at hearings, assists the family and children in obtaining services, and makes recommendations about what should be done for the child involved.

**Child Abuse:** A parent or guardian of a child physically, sexually, mentally, or emotionally injures the child.

**Child Neglect:** A parent or guardian of a child has harmed the child, failed to properly care for the child by providing inadequate education or medical care, or abandoned the child.

**Civil Claim/Case:** A non-criminal legal action. An individual or organization initiates an action against another individual or organization who has violated their private or civil right. Family Court cases are considered civil cases.

**Commercial Claim:** A legal action brought by an organization or individual seeking damages for injury to their business or profession caused by another individual or organization.

**Community Service:** An order by the court directing the defendant to work without compensation, for a community or neighborhood for a specified period of time, in place of imprisonment or fines.

**Conditional Discharge:** A release from confinement or an obligation if certain requirements are met.

**Conduct:** Personal behavior, whether by action or inaction.

**Conflict of Interest:** An incompatibility between one's private interests and one's duty. If the conflict is between a lawyer's interests and his or her duty to his client's interests, the conflict will disqualify the lawyer from representing his or her client.

**Consent:** A competent person voluntarily agrees, approves, or permits some action.

**Counsel:** One or more lawyers who represent a client.

**Court Appointed Special Advocate (CASA):** An individual appointed by a judge to investigate, monitor, and report to the Family Court on foster care placement cases.

**Court Attorney:** A lawyer, employed by the court, who assists the judge with legal research, drafting decisions, and reviewing orders.

**Court Clerk/Court Assistant:** A court employee who supervises non-judicial personnel, prepares court orders for signature, schedules cases, and ensures the availability of interpreters.

**Court Referee:** An attorney who is assigned to hear, decide and issue orders in permanency hearings, termination hearings, and cases involving such issues as custody, visitation and the extension of foster care placement.

**Court Officer/Deputy Sheriff:** A uniformed guard who maintains order in the courtroom and public areas of the courthouse. Court officers are assigned to every courtroom and may call parties into the hearing, administer oaths, and bring respondents to the courtroom from detention facilities in the building.

**Criminal Case:** An action, which can only be initiated by the government or state, brought against an individual who has committed a crime. Fines, jail time, and other conditions can be imposed upon the defendant if he or she is found guilty.

**Custodial Parent:** A parent who has legal or physical custody of a child. If a parent has legal custody,

then that parent is involved in all of the decisions pertaining to raising the child. If the parent has physical custody, the parent the child resides most of the time.

**Custody and Detention:** The Family Court Act refers to procedures for detaining juveniles as "custody and detention" rather than "arrest." A juvenile may be taken into custody by a police officer without a warrant in circumstances in which there would have been probable cause to arrest an adult for the commission of a misdemeanor or felony. After the juvenile is taken into custody, he or she may be detained or held in an appropriate facility for a limited period of time, or may be brought into the Family Court if his or her parent cannot be contacted, or in other limited circumstances.

**Designated Felony Act:** An act committed by a person age 13, 14, or 15, which if committed by an adult, would constitute one of the following crimes: murder, kidnapping, arson, assault, manslaughter, rape, sodomy, or robbery.

**Detention Facility:** A facility designed to retain individuals who have been ordered to remain in the state's custody for a specified period of time.

**Diagnostic Assessment:** An evaluation ordered by the court after it is determined that a juvenile has committed a designated felony act. The diagnostic assessment includes psychological tests and psychiatric interviews to determine mental capacity and achievement, emotional stability, and mental disabilities. It may also include a clinical assessment of the situational factors of the juvenile's life that may have contributed to her commission of the act or acts. The assessment may also require an expert to determine if the juvenile poses a risk to herself or to others and the feasibility of restrictive placement. The diagnostic assessment often is ordered in conjunction with a probation investigation to help the judge determine the conditions of the dispositional order.

**Disbar:** The action of expelling a lawyer from the bar or from practicing law due to a disciplinary violation.

**Dismissal:** The termination or ending of an action or claim without further hearing.

**Dispositional Hearing:** A hearing that takes place after the fact-finding hearing where the judge determines the most appropriate resolution of a case based on the evidence presented.

**Dispositional Order:** The final order entered by the court following a dispositional hearing.

**Division for Youth:** A state agency that maintains secure and non-secure detention facilities for the placement of juveniles. It also oversees the certification and operation of certain juvenile detention facilities.

**Emancipate:** The release of a child from the control, support, and responsibility of a parent or guardian.

**Emancipated Minor:** A person who has not reached full legal age who is self-supporting and independent of parental control, usually as a result of a court order.

**Evidence:** Something (including testimony, documents and tangible objects) that tends to prove or disprove the existence of an alleged fact.

**Fact-Finding Hearing:** A hearing to determine whether the allegations of the petition have been proven. A trial in Family Court is known as the fact-finding hearing.

**Family Court Act of 1962:** The state statute that sets forth the jurisdiction, powers and proceedings of the Family Court.

**Family Court Appearance Ticket:** A notice directing a party to appear in Family Court on a specified date. The appearance ticket is given to someone who has been arrested, but rather than being detained, is released.

**Family Members:** Individuals related by blood or marriage, who were formerly married, or who are unrelated but have a child together.

**Family Offense:** One of the following acts if committed by a family member: disorderly conduct; harassment; aggravated harassment; menacing; reckless endangerment; assault or attempted assault; or stalking.

**Family Treatment Court:** A specialized court that hears child neglect and abuse cases involving parents with substance abuse problems. The court strives to reunite families, move children out of foster care, and provide treatment to substance abusing parents. See Section 6 of this guide for more information.

**Felony:** A criminal act punishable by imprisonment for more than one year.

**Foster Care:** The placement of a child in the care and custody of an authorized child-care agency for either short-term or long-term care. This care is often with a "foster family," who may be related to the child. The agency has physical custody of the child, but the parent continues to have legal rights in regards to the child.

**Foster Care Review:** A hearing involving the permanency plan for a child in foster care.

**Good Cause:** A legally sufficient reason.

**Group Home:** The placement of a child in foster care in a facility with other children in foster care until a "foster family" can be assigned.

**Guardian Ad Litem:** An individual, usually an attorney, appointed by the court to represent an infant, an adult who is mentally or physically unable to speak for themselves, or to stand in place of a parent who is unable to appear in court.

**Guardian:** A person who is legally responsible for the care and management of the person or property of an incompetent or a minor.

**Hearing:** An examination of evidence for the purpose of determining an issue of fact and reaching a decision based on that evidence.

**Income Deduction Order:** A support magistrate or a judge reduces the income of the respondent by the amount of the debt owed to the petitioner upon proof of the violation of a support order.

**Intake Hearing or “1027”/ “1028”:** A hearing when a child is removed from his or her home without a court order is known as a “1027.” This hearing must be held as soon as possible to determine if the child should be remanded to a place designated by the court, placed in the custody of someone other than the respondent parent or guardian, or released to the respondent pending the final order. The parent or guardian can move to have the child released to her pending the final outcome of the case in a hearing known as a “1028.”

**Integrated Domestic Violence Court (IDV):** A specialized court that hears all aspects of domestic violence cases based on a one-family-one judge model. See Section 6 of this guide for more information.

**Interpreter:** A person who orally translates for non-English speaking and hearing impaired litigants in court.

**Investigation and Report (I&R):** In juvenile delinquency and PINS cases, a report prepared by the Probation Department, by order of a Family Court judge, describing a respondent’s past behavior, educational background and family circumstances, and an assessment of the likelihood of respondent’s rehabilitation and/or successful functioning if she remains in the community or is placed away from the home. This report is used by the judge in deciding what kind of dispositional order to issue. An investigation and report may also be ordered by the court in custody and visitation, child protective, family offense and termination of parental rights proceedings. In the latter cases, however, other agencies, including the Department of Social Services, may be directed by the court to perform this function.

**Judge:** The individual who is in charge of the courtroom who listens to witnesses, examines evidence, and decide any legal questions that arise during the proceedings. Following the presentation

of all evidence, he or she determines the outcome of the case and issues any necessary orders.

**Judicial Conduct Commission:** An agency charged with reviewing complaints against judges or local justices. Generally, the complaints which the commission reviews include possible conflicts of interest, violations of a party’s rights, intoxication, bias, prejudice, favoritism, gross neglect of duty, corruption, prohibited political activity, and other misconduct on or off the bench.

**Judicial Department:** The Appellate Division of the Supreme Court is divided into 4 judicial departments, each consisting of 4 or 5 judges. Each department has jurisdiction over a different part of New York State.

**Judicial Hearing Officer (JHO):** A former or retired judge, appointed by the Chief Administrative Judge for a one year term, assigned to hear contested paternity proceedings, custody and visitation proceedings and family offenses matters in the Family Court. In New York City, JHOs may also be assigned adoptions, permanency hearings, and foster care review cases. Generally, judicial hearing officers hear cases and report their recommendations to a Family Court judge who determines the outcome of the cases.

**Jurisdiction:** A geographic area established by statute within which a court may exercise authority.

**Juvenile:** An individual who has not yet reached the age at which one should be treated as an adult by the criminal justice system.

**Juvenile Delinquent:** A person at least age 7 years of age but under age 16 who commits an act that, if committed by an adult, would constitute a crime.

**Juvenile Offender:** A person aged 13, 14, or 15 who commits certain designated felony acts that are adjudicated in a criminal court.

**Law Guardian:** A lawyer assigned by a judge to represent the child involved in a Family Court proceeding.

**Malpractice:** A professional, such as a lawyer or doctor, who is negligent or incompetent in their duties owed to the client or patient

**Matrimonial:** Having to do with marriage.

**Mediation:** A method of dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.

**Merit Selection:** An appointive process for selecting judges for the New York State Court of Appeals, and the Criminal and Family Courts of New York City. Candidates are chosen through a nonpartisan nominating commission or committee and then appointed by the chief executive.

**Misdemeanor:** An offense punishable by a fine or imprisonment of 15 days or more up to one year.

**New York State Central Register of Child Abuse and Maltreatment (SCR):** A state listing of reported child abuse and maltreatment. If a finding of neglect or abuse is substantiated against a parent, a report of the neglect or abuse remains on file at SCR until the child is 28 years old. SCR is part of the New York State Office of Children and Family Services.

**Nominating Convention:** A meeting held to propose a person or persons for election or appointment to a position.

**Non-Custodial Parent:** A parent who the child does not reside with but who maintains parental rights.

**Non Secure Detention Facility:** A facility for detained children characterized by the absence of locks, guards and similar security measures.

**Office of Court Administration (OCA):** The administrative branch of the New York State court system. OCA is overseen by the Chief Judge of the Court of Appeals, and supervises the standards, administrative policies, and operations of the trial courts throughout the state.

**Open Adoption Process:** An adoption in which both

the adoptive and the natural parents agree to share identifying and non-identifying information including last names, addresses, and phone numbers and communication between both sets of parents may be open.

**Order:** A written direction or command delivered by the court or a judge.

**Order of Custody:** An order determining who the custodial parent of the child will be and the conditions of custody.

**Order of Filiation:** An order establishing the paternity of a child or unborn child generally issued by a support magistrate. This order establishes the child's legal right to support and inheritance from the biological father, as well as the father's right to seek custody and visitation.

**Order of Protection:** An order issued by a judge directing that a parent, spouse or ex-spouse, member of petitioner's family or household, or person with whom petitioner has a child in common, refrain from committing acts which are defined as family offenses. These include harassment; disorderly conduct; menacing; reckless endangerment; and assault. An order of protection may also direct the respondent to stay away from the home, school, or place of employment of designated persons; refrain from acts or omissions that create an unreasonable risk to the health, safety, or welfare of the child; and may include a number of other provisions set forth in the Family Court Act. An order of protection may be entered as an order of disposition in a family offense proceeding, and may also be entered in connection with child protective, delinquency, PINS, paternity, support, and custody and visitation proceedings.

**Order of Sequestration:** An order allowing property to be removed from the possessor of the property pending the outcome of the case. The property may be sold in order to pay the debt owed.

**Order of Support:** An order entered by a support magistrate or judge, directing that a specified amount be paid to the petitioner for the care of a child.

**Order of Visitation:** An order issued by a judge, determining the conditions of visitation of non-custodial parents or relatives.

**Panel Attorney:** See *ASSIGNED COUNSEL*

**Parole:** The supervised release of a juvenile pending a dispositional hearing in a juvenile delinquency case.

**Paternity:** The state or condition of being a father.

**Penal Code:** The New York State law that defines crimes and the scope of punishment.

**Permanency Hearing:** A proceeding, held no more than 12 months after the child has been placed in foster care, to reach a decision regarding the permanent placement of the child.

**Permanency Plan:** A plan developed for a child placed in foster care to determine where the child will be permanently situated. There are five possible solutions: Return of the child to the parent; Adoption, if parental rights are terminated or voluntarily surrendered; Referral for legal guardianship; Permanent placement with a fit and willing relative, and; Placement in another planned permanent living arrangement, such as independent living.

**Person In Need of Supervision (PINS):** A person under age 18 who does not attend school, or who is incorrigible, ungovernable, habitually disobedient and beyond the lawful control of a parent or other lawful authority, or who unlawfully possesses marijuana (25 grams or less), and who is in need of supervision.

**Petition:** The written document that forms the basis for a Family Court proceeding.

**Petition Clerk:** The court employee who schedules and prepares petitions is known as the petition clerk. In Family Court, petition clerks may prepare petitions in custody, visitation, family offense, paternity, guardianship, and support cases.

**Petitioner:** The person or agency that initiates a case by filing a petition. Known as the “plaintiff” in other courts.

**Presentment Agency:** The office that acts on behalf of the county, or the City of New York in Family Court when prosecuting juvenile delinquency cases. In New York City, the presentment agency is generally the Corporation Counsel's office; in most counties, it is the County Attorney's office. The district attorney may act as the presentment agency for designated felony petitions in Family Court. In addition, a district attorney may elect to present the petition when a criminal case has been removed for fact-finding hearing to Family Court.

**Private Placement Adoption:** An adoption in which the child's natural parents and the potential adoptive parents reach an agreement without the aid of a social service or adoption agency. Potential adoptive parents must be pre-certified to have temporary custody of the child while the court makes a final decision.

**Probable Cause Hearing:** A hearing to determine whether there is good cause to hold the child in detention pending a fact-finding hearing in a juvenile delinquency case.

**Probation:** A disposition ordered by a judge in which the defendant is not held in custody, but is released under supervision for a certain period of time during which he or she must fulfill certain conditions.

**Probation Adjustment:** A process, which occurs before a PINS petition is filed, in which the potential respondent and a parent or guardian must meet with a probation officer in an attempt to resolve the case without going to court. This process includes holding at least one conference with the juvenile and the individual or organization seeking to file the petition.

**Probation Intake:** A division of the Department of Probation which is authorized in certain cases to interview complainants and potential respondents

before a petition is filed, and to determine whether a matter can be resolved voluntarily, without referral to the court. This out of court resolution is known as "adjustment." The probation department cannot compel anyone to appear in court, nor deny anyone access to court.

**Probation Investigation:** An examination ordered if the court has determined that a juvenile offender has committed a designated felony act. The probation investigation includes inquiries into the juvenile's history including previous conduct, family situation, previous psychological or psychiatric assessments, school adjustment, and the response of the juvenile to previous social assistance. The probation investigation is ordered in conjunction with a diagnostic assessment and both are used to help the judge determine the conditions of the dispositional order.

**Probation Officer:** An officer of the county's Department of Probation who is responsible for investigating and preparing reports for the judge or support magistrate about the individuals involved in a particular case.

**Relief:** The reparation or benefit a party asks for from the opposing party in a court action.

**Remand:** An order by the judge that a child be kept at a detention facility while awaiting a hearing in a delinquency or PINS case, or that a child be kept in temporary foster care in a child protective proceeding or PINS case.

**Removal:** A transfer of a juvenile offender case from Criminal Court to Family Court.

**Residential Facility:** A facility authorized by the county's social services agency to care for children in foster care or who have been otherwise detained.

**Respondent:** The person or agency against whom a petition is filed, and who responds to the petition. The respondent is known as the defendant in other types of courts.

**Restitution:** Money or other compensation paid for a loss or injury incurred.

**Restrictive Placement:** The placement in a secure facility, for a specified length of time, of a youth found to have committed a designated felony act.

**Secure Detention Facility:** A locked, guarded residential facility.

**Serve:** The delivery of a legal notice to an individual. Such notice may include a summons or warrant requiring the individual to appear in court.

**Stand-by Guardian:** An individual who agrees to act as a guardian for a child in cases where the parent of the child is suffering from a chronic or potentially fatal illness or is otherwise unable to care for the child.

**Summons:** A court order requiring an individual's appearance in court.

**Supervised Visitation:** A visitation with a child by a non-custodial parent or relative that takes place in the presence of another adult or court-appointed supervisor.

**Support Collection Unit (SCU):** A unit of the Department of Social Services that collects, accounts for and disburses support payments made pursuant to court orders. SCU may also enforce support orders in certain cases by filing violation petitions on behalf of the person entitled to receive support payments, issue income deduction orders, and conduct the review and adjustment of child support orders periodically in cases in which a child receives public assistance.

**Support Magistrate:** An attorney appointed by the chief administrative judge to hear cases involving child support and paternity matters.

**Surrender:** A voluntary agreement to terminate the parental rights of a natural parent. Surrender has the same legal effect as a termination of parental rights, and must be approved by a judge. However,

the advantage of surrender is that the parent may stipulate conditions within the adoption contract, such as requesting that a particular person adopt the child, or maintaining contact with the child through an open adoption process.

**Surrogate:** A substitute. A person appointed to act in the place of another.

**Suspension of Judgment:** The act of temporarily delaying, interrupting, or terminating the decision until further facts and circumstances are assessed on a later date.

**Sustain:** To support or maintain an order or decision of the court.

**Termination of Parental Rights:** The permanent end of the legal rights of the natural parents of a child, thereby “freeing” the child for adoption.

**Testimony:** Evidence that a competent witness under oath gives at trial or in an affidavit or deposition.

**Transcript:** A handwritten, printed or typed copy of testimony given orally.

**Uncontested:** Unopposed. When there is no objection to the issue or fact presented.

**Undertaking:** A promise, pledge, or engagement.

**Voluntary Placement Agreement:** A document signed by a parent or guardian who is unable to care for a child, allowing that child to be placed in temporary foster care through a social services agency.

**Warrant:** A court order requiring the arrest of an individual. The Family Court has the power to issue warrants for the arrest of adult respondents in a variety of circumstances despite the fact that the Family Court handles only civil, not criminal proceedings. For example, an arrest warrant may be issued, in any proceeding where a summons served on the respondent would be ineffective, or in

emergencies involving children in a respondent’s care. In addition, an adult may be arrested without a warrant for the violation of a temporary or final order of protection.

**Witness:** A person who gives testimony under oath to something they have seen, heard, or know to be true.

**Youth Court:** A specialized court, staffed by trained young people, which hear cases involving low-level offenses committed by juveniles. See Section 6 of this guide for more information.

**Youthful Offender:** A person charged with a crime alleged to have been committed when he or she was at least 14 years old and less than 19 years old. The youthful offender has already been tried or pled guilty in Criminal Court and is afforded, in the interest of justice, special treatment by a Criminal Court judge to remove the stigma that often accompanies a felony conviction. “Y.O.” adjudication is not a conviction and does not disqualify a person from public employment or licensing. The youth’s records are sealed, and the youth is sent to a special correctional facility if a sentence of incarceration is imposed.

**18(b) Attorney:** See *ASSIGNED COUNSEL*

**358(a) Hearing:** A hearing during which a Family Court judge reviews the parents’ voluntary placement agreement to determine if the placement of a child in foster care was voluntary and necessary. The judge will approve the placement under certain conditions and may make a determination about whether the child has been properly placed, as well as the length of time of the placement.

**1027 Hearing:** See *INTAKE HEARING*

**1028 Hearing:** See *INTAKE HEARING*

# Family Court Directory

**Albany County Family Court**

30 Clinton Avenue  
Albany NY 12207  
(518) 427-3500

**Allegany County Family Court**

7 Court Street  
Belmont NY 14813  
(585) 268-5816

**Broome County Family Court**

65 Hawley Street  
Binghamton NY 13901  
(607) 778-2156

**Cattaraugus County Family Court**

1 Leo Moss drive  
Olean NY 14760  
(716) 373-8035

**Cayuga County Family Court**

157 Genesee Street  
Auburn NY 13021  
(315) 255-4306

**Chautauqua County Family Court**

3 North Erie Street  
Mayville NY 14757  
(716) 753-4351

**Chemung County Family Court**

203-209 William Street  
Elmira NY 14902  
(607) 737-2902

**Chenango County Family Court**

5 Court Street  
Norwich NY 13815  
(607) 337-1824

**Clinton County Family Court**

137 Margaret Street  
Plattsburgh NY 12901  
(518) 565-4658

**Columbia County Family Court**

401 Union Street  
Hudson NY 12534  
(518) 565-0315

**Cortland County Family Court**

46 Greenbush Street  
Cortland NY 13045  
(607) 753-5353

**Delaware County Family Court**

3 Court Street  
Delhi NY 13753  
(607) 746-2298

**Dutchess County Family Court**

50 Market Street  
Poughkeepsie NY 12601  
(845) 486-2500

**Erie County Family Court**

One Niagara Plaza  
Buffalo NY 14202  
(716) 845-7400

**Essex County Family Court**

7559 Court Street  
Elizabethtown NY 12932  
(518) 873-3320

**Franklin County Family Court**  
355 West Main Street  
Malone NY 12953  
(518) 481-1742

**Fulton County Family Court**  
11 North William Street  
Johnstown NY 12095  
(518) 762-3840

**Genesee County Family Court**  
1 West Main Street  
Batavia NY 14020  
(585) 344-2550 Ext. 2228

**Greene County Family Court**  
320 Main Street  
Catskill NY 12414  
(518) 943-5711

**Hamilton County Family Court**  
179 White Birch Lane  
Indian Lake NY 12842  
(518) 648-5411

**Herkimer County Family Court**  
109-111 Mary Street  
Herkimer NY 13350  
(315) 867-1139

**Jefferson County Family Court**  
175 Arsenal Street  
Watertown NY 13601  
(315) 785-3001

**Lewis County Family Court**  
7660 N State Street  
Lowville NY 13367  
(315) 376-5345

**Livingston County Family Court**  
2 Court Street  
Geneseo NY 14454  
(585) 243-7070

**Madison County Family Court**  
North Court Street  
Wampsville NY 13163  
(315) 366-2291

**Monroe County Family Court**  
99 Exchange Blvd.  
Rochester NY 14614  
(585) 428-5429

**Montgomery County Family Court**  
58 Broadway  
Fonda NY 12068  
(518) 853-8133

**Nassau County Family Court**  
1200 Old Country Road  
Westbury NY 11590  
(516) 571-9033

**Niagara County Family Court**  
175 Hawley Street  
Lockport NY 14094  
(716) 439-7172

**Niagara County Family Court**  
775 3rd Street  
Niagara Falls NY 14302  
(716) 278-1880

**Oneida County Family Court**  
200 Elizabeth Street  
Utica NY 13501  
(315) 798-5925

**Oneida County Family Court**  
301 West Dominick Street  
Rome NY 13440  
(315) 337-7492

**Onondaga County Family Court**  
401 Montgomery Street  
Syracuse NY 13202  
(315) 671-2000

**Ontario County Family Court**  
27 North Main Street  
Canandaigua NY 14424  
(585) 396-4272

**Orange County Family Court**  
285 Main Street  
Goshen NY 10924  
(845) 291-3030

**Orleans County Family Court**  
3 North Main Street  
Albion NY 14411  
(585) 589-4457

**Oswego County Family Court**  
39 Churchill Road  
Oswego NY 13126  
(315) 349-3350

**Otsego County Family Court**  
197 Main Street  
Cooperstown NY 13326  
(607) 547-4264

**Putnam County Family Court**  
40 Gleneida Avenue  
Carmel NY 10512  
(845) 225-3641

**Rensselaer County Family Court**  
1504 Fifth Avenue  
Troy NY 12180  
(518) 270-3761

**Rockland County Family Court**  
1 South Main Street  
New City NY 10956  
(845) 638-5300

**St. Lawrence County Family Court**  
48 Court Street  
Canton NY 13617  
(315) 379-2410

**Saratoga County Family Court**  
35 West High Street  
Ballston Spa NY 12020  
(518) 884-9207

**Schenectady County Family Court**  
620 State Street  
Schenectady NY 12305  
(518) 388-4305

**Schoharie County Family Court**  
290 Main Street  
Schoharie NY 12157  
(518) 295-8383

**Schuyler County Family Court**  
105 9th Street  
Watkins Glen NY 14891  
(607) 535-7143

**Seneca County Family Court**  
48 West Williams Street  
Waterloo NY 13165  
(315) 539-4917

**Steuben County Family Court**  
3 East Pulteney Square  
Bath NY 14810  
(607) 664-2130

**Suffolk County Family Court**  
400 Carleton Avenue  
Central Islip NY 11722  
(631) 853-4648

**Sullivan County Family Court**  
100 North Street  
Monticello NY 12701  
(845) 794-3000

**Tioga County Family Court**  
20 Court Street  
Owego NY 13827  
(607) 687-1730

**Tompkins County Family Court**  
320 North Tioga Street  
Ithaca NY 14851  
(607) 277-1517

**Ulster County Family Court**  
16 Lucas Avenue  
Kingston NY 12401  
(845) 340-3600

**Warren County Family Court**  
1340 State Route 9  
Lake George NY 12845  
(518) 761-6500

**Washington County Family Court**  
383 Broadway  
Fort Edward NY 12828  
(518) 746-2501

**Wayne County Family Court**  
54 Broad Street  
Lyons NY 14489  
(315) 946-5420

**Westchester County Family Court**  
420 North Avenue  
New Rochelle NY 10801  
(914) 813-5650

**Westchester County Family Court**  
111 Dr. Martin Luther King, Jr.  
Blvd.  
White Plains NY 10601  
(914) 995-3600

**Westchester County Family Court**  
53 South Broadway  
Yonkers NY 10701  
(914) 231-2950

**Wyoming County Family Court**  
147 North Main Street  
Warsaw NY 14569  
(585) 786-3148

**Yates County Family Court**  
415 Liberty Street  
Penn Yan NY 14527  
(315) 536-5127

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### **New York City Family Courts**

**Bronx County Family Court**  
900 Sheridan Avenue  
Bronx NY 10451  
(718) 590-3377

**Kings County (Brooklyn) Family Court**  
283 Adams Street  
Brooklyn NY 11201  
(718) 643-2825

**New York County (Manhattan) Family Court**  
60 Lafayette Street  
New York NY 10013  
(646) 386-5103,04

**Queens County Family Court**  
151-20 Jamaica Avenue  
Jamaica NY 11432  
(718) 298-0204

**Richmond County (Staten Island) Family Court**  
100 Richmond Terrace  
Staten Island NY 10301  
(718) 390-5462

# References

David Anderson (1999), *Kids, Courts, and Communities: Lessons from the Red Hook Youth Court*, Center for Court Innovation.

Greg Berman and John Feinblatt (2001), *Problem-solving Courts: A Brief Primer*, Center for Court Innovation.

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New York City Administration for Children's Services, *Parent Handbook: A Guide for Parents with Children in Foster Care*.

New York State Assembly, <http://assembly.state.ny.us>

New York State Bar Association (2001), *The Courts of New York: A Guide to Court Procedures, with a Glossary of Legal Terms*.

New York State Division of Criminal Justice Services, <http://criminaljustice.state.ny.us>

New York State Unified Court System, Introductory Guide to NYC Family Court, <http://www.nycourts.gov>

Robert Victor Wolf (2000), *Fixing Families: The Story of the Manhattan Family Treatment Court*, Center for Court Innovation.

# Other Resources

American Judicature Society, <http://www.ajs.org>

Association of the Bar of the City of New York, <http://www.abcny.org>

Center for Court Innovation, <http://www.courtinnovation.org>

New York City Administration for Children's Services, <http://www.nyc.gov/html/acs/html/adopt/adopt.html>

New York State Assembly, <http://assembly.state.ny.us>

New York State Bar Association, <http://www.nysba.org>

New York State Office of Court Administration, <http://www.courts.state.ny.us/home.htm>

New York State Unified Court System, <http://www.nycourts.gov>

Office of the Attorney General of New York State, <http://www.oag.state.ny.us>

US Department of Justice, <http://www.usdoj.gov>

# About the Fund for Modern Courts

Founded in 1955, the Fund for Modern Courts is a nonpartisan, nonprofit, statewide organization dedicated to improving the courts in New York State through advocacy, public education and in-court programming including the Citizen Court Monitoring Program and the Citizens Jury Project.

For additional information on the Fund for Modern Courts,  
please go to [www.moderncourts.org](http://www.moderncourts.org) or contact us at:



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# About the New York Bar Foundation

Established in 1950, the New York Bar Foundation is the philanthropic entity of the New York State Bar Association, dedicated to aiding charitable and educational projects to meet the law-related needs of the public and the legal profession.

For additional information on the New York Bar Foundation, please go to [www.nysba.org](http://www.nysba.org) and click on the New York Bar Foundation or contact us at:



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