



How to Start a Case in Family Court

This information has been adapted for the following New York State counties:
Dutchess, Orange, Putnam, Rockland, and Westchester.

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How do I start a Family Court case?

You must first file a **petition**. A petition is a request in writing to the court. The person who starts a case is called the **petitioner**. The person on the other side is called the **respondent**. The petitioner and the respondent are called the **parties**.



What cases are heard in Family Court?

- Abuse or Neglect of Children
- Adoption
- Child Support
- Custody
- Guardianship/Standby Guardianship
- Juvenile Delinquency
- Orders of Protection (OPs)
- Parentage and Paternity
- Persons In Need of Supervision (PINS)
- Spousal Support
- Visitation
- Voluntary Placement of Child into Foster Care

Where is the Family Court located?

The addresses and phone numbers of the local Family Courts appear below. If you do not know which court to go to, contact the clerk's office or the free Family Legal Care Helpline at 1-800-696-8629.

Dutchess County

50 Market Street
Poughkeepsie, NY 12601
(845) 431-1850

Orange County

285 Main Street
Goshen, NY 10924
(845) 476-3520

Putnam County

20 County Center
Carmel, NY 10512
(845) 208-7800

Rockland County

1 South Main Street, Suite 300
New City, NY 10956
(845) 483-8210

Westchester County –

There are 3 courthouses:

White Plains
111 Dr. Martin Luther King Jr. Boulevard
White Plains, NY 10601
(914) 824-5500

Yonkers
131 Warburton Avenue, 3rd Floor
Yonkers, NY 10701
(914) 831-6555

New Rochelle
26 Garden Street
New Rochelle, NY 10801
(914) 831-6590



When should I get to court?

The earlier you get to court, the better. You may not have to wait as long to get everything done. Generally, most courts are open from 9:00 am - 5:00 pm. You may have to wait in line to go through a metal detector.

Where do I go when I get to court?

When you get to the Family Court, go to the clerk's office to get started. The clerk's office can tell you next steps.

Every county except for Dutchess has a probation office that assists in completing family court forms. However, not every probation office assists with the same forms. It is best to speak to the clerk in your county first. In Dutchess County, there are other agencies that may be able to assist you.

What happens next?

The clerk or probation officer will give you the forms to fill out and return. They cannot give you legal advice. Bring a pen with you. Some of the forms may need to be **notarized**. This means that you will have to sign the forms in front of a notary public.

Note that the clerk has to let you file your case. Only a judge can make a decision about whether or not the court has **jurisdiction**. Jurisdiction means having the legal authority to make a decision in a case.

What should I bring to my first court date?

Bring a copy of your petition. Also bring any other documents that may be important to your case, such as your photo ID, birth certificates, old court orders, photographs, police reports, receipts, bank statements, and school records. You also may need to bring a notarized **Affidavit of Service**. This is a piece of paper that shows that the respondent was served with the petition in the correct way. You should have been given a blank Affidavit of Service when you filed your petition. The Affidavit of Service must be completed by the person who serves the respondent. Anyone 18 years or older who is not a party to the case can serve the petition. For more information on service, see the Family Legal Care guide, "**Serving Court Papers**," which is available at familylegalcare.org.



Where should I go on my first court date?

When you arrive at the courthouse, you must first check in with the clerk of the court for your appearance. This is called **checking in**. After you have checked in with the clerk, you should then go to the court **part**. The part is the courtroom your case has been assigned to. Every judge has a part. The part and the judge your case has been assigned to should be on your court papers.

Once you go to your court part, you may see a court officer outside of the part. Other times, the court officer may be inside the part. Either way, do not go into the part – wait for the officer to come out. Once the court officer is outside of the part, you should check in with them and provide your name. When the judge is ready to hear your case, the court officer will call out all of the parties' names. While you wait for the officer to call your case, you should stay in the waiting area outside of your court part.

If you do not know where to go, you can ask a court officer or the clerk's office. It is very important that you are on time for all of your court appearances. If you do not show up for your court date and the court does not know why, the judge can issue an order in your absence. This is often referred to as a **default judgment**. A default judgment is an order that is made when someone does not show up for court. If you are the petitioner and miss your court appearance, the judge may dismiss your case.

Am I allowed to bring a lawyer?

Yes. You can bring your own lawyer. If you cannot afford a lawyer, you may be able to get the court to appoint one for you for free. Whether or not you are eligible for a free lawyer depends on your financial situation and the type of case.

Let the clerk know if you would like to request a court-appointed lawyer. The clerk will provide you with an application and a Financial Disclosure Affidavit, which asks information about your financial situation. You must fill out these forms completely and accurately. The forms must also be notarized, or signed in front of a notary public. You may also sign the forms in front of the clerk. You will need the docket and file numbers for your case.

You may be required to submit supporting documentation about your financial situation. The Financial Disclosure Affidavit has a list of documents to provide. To save time, you can start to gather copies of your most recent pay stubs, federal and state tax returns, W-2 forms, and proof of health insurance and accident/life insurance. You should keep a copy of any paperwork you submit to the court.





What if I cannot attend my court date?

You can bring a letter that explains why you cannot attend BEFORE the scheduled court date. Take the letter to the clerk's office. If you cannot bring a letter, you can call the court and ask how to let the judge know that you will not be able to attend the court date. You will have to contact the court after that date to find out what happened.

If you do not show up for your court date and the court does not know why, the judge can issue a default judgment in your absence. If you are the person who filed the petition, the judge may dismiss your case.

What happens when my case is called?

When your case is called, you will go before the judge (or a support magistrate in child support matters). If you are requesting a court-appointed lawyer, you can start by letting the judge know about this request. Be sure to have a copy of the application, the Financial Disclosure Affidavit, and all supporting financial documents with you.

Be prepared to explain your case simply and clearly. To help you remember what you want to say, write it down before you go to court. Speak only about the topic being discussed. Judges want you to get right to the point. When you talk, the judge may stop you to ask a question or make a comment.

If you have supporting documentation you would like the judge to see, you should bring it with you to court. Sometimes the judge will review these documents and accept them as **evidence** in your case. Evidence is information presented to the court to support or rebut facts.

How long will my case take?

It depends. Many family court cases **settle**. This means you and the other party reach an agreement about your case. Sometimes a settlement may be reached after a few court appearances. Other times it may take months.

If you are unable to settle, the case may go to a **trial**. A trial is a formal court proceeding where each party can present evidence to prove or defend their case. It is sometimes referred to as a **fact-finding hearing**. During the trial, you and the other party will have the opportunity to speak directly to the judge. This is known as **testifying**. You can also present witnesses and any relevant evidence about your case. Sometimes the judge will make a decision that day, but do not be surprised if the decision is not made right away.



What happens when the case is over?

The judge will issue an **order**—usually within 60 days. An order is a decision made by the court. You should make copies of the order. Keep the copies in a safe place. If you are issued an order of protection, keep a copy on you at all times.

What happens if I do not follow a court order?

You must obey court orders. Before you leave court, make sure you understand exactly what is expected of you so you can **comply** with the order. Comply means do what the order says. You can be held in contempt of court and even arrested for **violating** a court order. Violating means not complying with the court order.

How long does the order last?

A **final order** stays in effect until a new case is brought to court that changes the order, a specific date, or an event occurs that ends it. A **temporary order** stays in effect until a certain time – usually the next court date.

What if I disagree with the court's decision?

If you disagree with a final order, you may **appeal**. An appeal is when you ask a higher court to review your case. For more information on appeals, go to the Family Court clerk's office.

If your case is for child support, you must first submit a written objection to the court before you can file an appeal. An **objection** is a request for a judge to look at the facts of your case again. You must file the objection within a certain time period. For more information on child support objections, see the Family Legal Care guide, "[How to File an Objection or Rebuttal to a Child Support Order](#)," which is available at familylegalcare.org.

Notes



Additional Resources

Family Legal Care

Family Legal Care offers free legal information and guidance on New York family law and Family Court. Call our Helpline at 800-696-8629, or visit familylegalcare.org to learn more.

Pace Women's Justice Center

The Pace Women's Justice Center (PWJC) provides a free Helpline and legal services to victims and survivors of domestic violence, sexual assault, and elder abuse in Putnam and Westchester Counties. Call the Helpline at 914-287-0739, or visit law.pace.edu/wjc for more information.

Legal Services of the Hudson Valley

Legal Services of the Hudson Valley provides free legal representation to survivors of domestic violence, as well as some individuals with HIV or mental illness, veterans, members of the LGBTQ community, seniors, and individuals caring for children because of abuse and neglect by the parents, in Family Court matters in Westchester, Putnam, Rockland, Orange, Dutchess, Sullivan and Ulster Counties, including representation in family offense proceedings to request an order of protection, custody matters, and child support. Call the intake line at 1-877-574-8529 and see their website at lshv.org.



*This guide was created in collaboration with the Pace Women's Justice Center (PWJC).
For more information about PWJC, visit law.pace.edu/wjc.*

Need more help? Family Legal Care offers free legal information and advice on New York family law and court procedure.



Call our Helpline: 212-343-1122 or 800-696-8629 | Visit: familylegalcare.org