



# How to Start a Case in Family Court

This information has been adapted for the following New York State counties:  
Nassau and Suffolk.

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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 (Family Offense)
- Parentage and Paternity
- PINS (Persons in Need of Supervision)
- Spousal Support
- Visitation
- Voluntary Placement of a Child into Foster Care

## When should I get to court?

The earlier you get to court the better, but you should still expect to wait 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 is the Family Court located?

The addresses and phone numbers of the local Family Courts are below.

### Nassau County:

1200 Old Country Road  
Westbury, NY 11590  
(516) 493-4000

### Suffolk County:

400 Carleton Avenue  
Central Islip, NY 11722  
(631) 740-3800

Arthur M. Cromarty Court Complex  
210 Center Drive, 2nd Floor  
Riverhead, NY 11901  
(631) 852-3905/6



## Where do I go when I get to court?

To start a case in Family Court, find the location of your local Family Court above. Then go to the Family Court clerk's office to get started. You may also be able to file a petition remotely. Contact the clerk's office or Family Legal Care's Helpline at 1-800-696-8629 to learn more.



## What happens next?

The clerk will give you a form to fill out and return. In Nassau County, you may go to the Intake Room for assistance. If there is domestic violence, you may also ask to speak with a **court advocate**. In Suffolk County, you may ask the Probation Office for help completing the forms. The clerk will let you know what happens next.

The other people involved in your dispute will need to be notified about the Family Court case. You do this by having the court papers **served** on them. For more information, see the Family Legal Care guide "**Serving Court Papers**," which is available at [familylegalcare.org](http://familylegalcare.org).

Please note that the clerk must let you file your case. Only a judge can make a decision about whether or not the court has **jurisdiction** over your case. Jurisdiction means having the power to make a decision in a case.

## When I go back to court, where should I go?

Go to the **part**. The part is the courtroom. Every judge has a part. The part number may be on the papers you received on the day you started the case. You may see a court officer near the part for your judge. Sometimes the officer is inside the part. Do not go into the part – wait for the officer to come out. Sometimes the officer will come out and tell everyone in the waiting room to "check in for part [#]." If this happens, and you have not already checked in, you should get in line. When you get to the front of the line, tell the officer that you are there and that you are ready. This is called **checking in**. If the officer does not call out, you can go up to the officer. Stay in the waiting room until your case is called.

If you do not know where to go, ask a court officer.





## When I go back to court, what should I bring?

Bring a copy of your petition and, if applicable, the **notarized Affidavit of Service**. This is a piece of paper that shows the court that you had the papers served in the correct way. Also bring any other documents that may be important to your case, such as birth certificates, old court orders, photographs, police reports, receipts, bank statements, and school records.

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## Am I allowed to bring a lawyer?

Yes. If you cannot afford a lawyer, the court may be able to appoint one for you for free. This depends on the type of case. Usually the court will not appoint a lawyer in a support case unless you may go to jail for failing to pay support. In Suffolk County, you can ask the Legal Aid Society to see if you are eligible for a free lawyer as soon as you know your first court date. To do this, you must bring your financial records to the Legal Aid Society window at the court.

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## What if I cannot attend my court date?

You should provide a letter that explains why you cannot attend BEFORE the scheduled court date. Mail or take the letter to the clerk's office. You have to contact the court after that date to find out what happened. You may also be able to check online at eCourts: <https://iapps.courts.state.ny.us/fcasfamily/main>. If you cannot provide a letter, call the court and ask how you can let the judge know that you will not be able to attend the court date.

The judge will decide what to do about your case. If you do not show up for your court date, and the court does not know why, the judge can issue an order anyway. If you are the person who filed the petition, the judge may dismiss the case.

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## What happens when my case is called?

When your case is called, you will go before the judge. Be prepared to explain your case simply and clearly. To help 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 interrupt to ask a question or make a comment.

The more **evidence** you have to support your statements, the better. Evidence is information presented to prove a case. Sometimes you have to go to court many times before the case is over.

Do not be surprised if the judge does not make a decision right away. Most Family Court cases take months to finish.





## What happens when the case is over?

The judge will issue an **order**. An order is a decision made by the court. You may get a copy of the order right away. The order may also be mailed to you later on. You should make copies of the order and keep them in a safe place. If the court issues an order of protection, keep a copy of it on you at all times.

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## 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 judge's order. Violate means not follow the terms of the order.

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## How long does the order last?

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

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## What if I disagree with the judge's decision?

If you disagree with a judge's decision, you may file an **appeal**. An appeal is when you ask a higher court to review your case. If you disagree with a final child support order, you must first file an objection before you can appeal the case. An objection means asking the court to look at the facts of your case again.

You must file appeals and objections within certain time limits. For more information, see the Family Legal Care guides "[Appealing Family Court Orders](#)" and "[How to File an Objection or Rebuttal for a Child Support Order](#)," which are available at [familylegalcare.org](http://familylegalcare.org). You can also contact the Family Court clerk's office.



