

Hon. Kathie E. Davidson
Part 1 Court Rules

Westchester County Family Court
111 Martin Luther King Jr. Blvd.
Courtroom 305
White Plains, New York 10601
(914) 824-5479

Hon. Kathie E. Davidson, Supervising Judge of the Family Courts for the Ninth Judicial District. Judge Davidson supervises the Family Court Judges, Support Magistrates, Court Attorney Referees and Court Staff.

Court Attorney-Referee: Maria-Alana Recine (mrecine@courts.state.ny.us)
(please contact for issues regarding administrative concerns, adoptions and permanency hearings)

Court Attorney: Margarita Garcia (mgarcia@courts.state.ny.us)
(please contact for issues regarding Judge Davidson's calendar/cases and settlement conferences)

Part Clerk: Richard Jacobs (rjacobs@courts.state.ny.us)
(please contact for adjournment requests and pre-marking evidence/exhibits prior to fact-finding hearings)

Senior Court Assistant: Grace Morelli (gmorelli@courts.state.ny.us)
(please contact for adjournment requests)

Appearances

All retained/private counsel shall file a Notice of Appearance with the Part Clerk on or before the attorney's first appearance.

All parties, witnesses and caseworkers shall check in with the Family Court Clerk's Office, 1st Floor. Attorneys shall check in electronically.

Counsel appearing before the Court must be fully familiar with the case. Counsel must have full authority to enter into any agreement, substantive or procedural, on behalf of their clients. If the matter has been scheduled for a hearing, all counsel/parties shall be ready to proceed on the scheduled date. Attorneys appearing of counsel to an attorney of record, and self-represented parties, shall held to the same requirements.

Adjournment Requests

Counsel must file an Affidavit of Actual Engagement with the Court at least 2 business days prior to the court appearance or as soon as the attorney knows that such conflict exists.

Except for emergencies, counsel/parties requesting adjournments shall contact opposing counsel prior to their request to the Court. The adjournment request to the Court shall be no less than 5 business days from the scheduled court date.

Counsel/parties should address questions about scheduling or adjournment requests by sending a facsimile with the name of the case, Docket Number, Family Unit Number or NYSCEF Confirmation Notice and available dates to Richard Jacobs, Part Clerk to the Hon. Kathie E. Davidson at 914-995-4586(fax) and/or to Grace Morelli 914-995-8647(fax). **The facsimile shall include opposing counsel's position with respect to the adjournment request.**

If an adjournment is granted, the requesting party must inform all other parties of the adjourned date and time in writing and fax a copy of that letter to chambers. If there is no response from the Court the day prior to the scheduled court, assume the adjournment has been **denied**; you shall be required to appear in Court for the scheduled date.

No adjournment requests shall be permitted over the phone. All such requests must be in writing.

Other Inquiries

- Facsimiles to chambers are permitted, provided that the sender has served all parties with a copy of the correspondence/facsimile.
- E-mail correspondence with chambers staff is permitted.

Motion Practice

Any and all papers must be filed in the Clerk's Office, unless given prior permission by chambers staff. Family Court Rules §205.8

All procedures, rules or regulations not otherwise specified in these part rules, the parties shall follow the statutory procedures specified by the Family Court Act or related statute. With respect to official hours of operation and official times for filings, please refer to the Family Court Hours Protocol.

After consulting with opposing counsel and attempting to resolve the issues in good faith, if counsel is unable to resolve a disclosure/discovery dispute, movant shall notify the Court, in writing, with copies to all parties, the nature of the dispute, the relief sought and the basis or statutory right for the relief sought, prior to making any written motions.

Motions Brought by Notice of Motion

Any motion brought by Notice of Motion, shall be filed with the Clerk's Office - 1st floor. If oral argument is requested, such request shall be included, in bold letters, on the front page. The Court, in its discretion, may grant or deny that request on a case by case basis. CPLR § 2214; Uniform Rules for the Family Court §205.11.

A Notice of Motion may be returnable on any Friday that the Court is in session.

Motions Brought by Order to Show Cause

Orders to Show Cause must comply with CPLR § 2214(d) and Uniform Rule § 202.7.

Uniform Rule 202.7 (f), states that upon an application for an order to show cause that seeks a temporary restraining order, the application must contain an affirmation demonstrating that there will be significant prejudice to the party seeking the restraining order by the giving of notice. In the absence of such prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought of the time, date and place that the application will be made sufficient to permit the party an opportunity to appear in response to the application.

The Order to Show cause must be filed with the Clerk's office prior to any judicial review. Thereafter, it shall be forwarded by the Clerk's Office to chambers for consideration. CPLR § 2214(d)

Fact-Finding Hearings

Prior to the scheduling of a fact-finding hearing, the court shall hold a settlement conference with all counsel. At said conference, counsel shall inform the Court of the following:

- the availability of all their witnesses and subpoenaed documents.
- Any special requests, such as interpreters, blackboards, media equipment, shall made prior to the court proceeding/hearing.
- Expert witnesses and resume or curriculum vitae of expert(s)

Counsel must be prepared to go forward on the scheduled fact-finding date. No oral applications for an adjournment shall be entertained on that date.

Counsel shall be prepared and well organized. Be punctual and professionally attired. Be civil to the Court and to one another.

Any reports or documents to be submitted to the Court, counsel shall make and provide copies to opposing counsel. **THE COURT WILL NOT MAKE COPIES.**

Counsel shall contact the part clerk, Richard Jacobs, two (2) days prior to the fact-finding date to pre-mark any exhibits/evidence to be submitted for identification and/or evidence, as well as any records stipulated into evidence.

Orders

Proposed orders shall be submitted for signature no later than fourteen (14) days from the Court's oral decision, notice of entry of a written decision or within the prescribed time frame as required by the Family Court Act or related statute. Any changes to a submitted order must be made in writing and at least one (1) day prior to date of settlement.

Any handwritten orders shall be in black ink.

The Court reserves the right to refuse signing any incomplete, inaccurate or incorrect orders.

Adoptions

Adoption forms of the Family Court shall be the official forms of the court and shall be the ONLY forms accepted for filing.

Unless directed by the Court, all papers shall be filed directly with the Family Court Clerk's Office and shall be fully submitted in compliance with the Uniform Rules of the Court § 205.53 and Article 7 of the Domestic Relations Law.

All parties are encouraged to use the Court's website for more information regarding adoption (or any other Family Court) forms at:

<http://www.nycourts.gov/forms/familycourt/index.shtml>

Adoption packets and checklists are also available at the Clerk's Office.

Any other inquiries may be directed to the Adoption Clerk, Jean Miele (914) 824-5539 or Court Attorney Referee, Maria-Alana Recine (mrecine@courts.state.ny.us). Do Not Call the Court/Adoption Clerk or Court Attorney Referee for instructions on how to file adoptions. Self-represented individuals are encouraged to seek legal advice; counsel are encouraged to consult with colleagues.

All adoptions shall be scheduled every other Tuesday of each month. The Court will contact the appropriate parties for scheduling. In the case of an emergency, the Court will make every effort to accommodate on any other day.

Court Attorney Referee

If a child has been adopted or has been the subject of a final order of discharge or custody or guardianship prior to the scheduled permanency hearing, Petitioner shall notify the Court and all parties as soon as possible.

If there is a settlement on a case assigned to Hon. Kathie E. Davidson, attorneys are encouraged to contact Maria-Alana Recine (mrecine@courts.state.ny.us) to advance the matter and place the settlement on the record without the necessity to wait for an appearance before Hon. Davidson. Court Attorney Referee Recine should only be contacted if all parties and counsel have been contacted and consent to the matter being heard by Ms. Recine.

Interpreters

If an interpreter is needed in a case, counsel shall contact the court as soon as practicable. **NO INDEPENDENT/OUTSIDE INTERPRETERS ARE ALLOWED TO INTERPRET IN COURT PROCEEDINGS.** However, independent/outside interpreters are allowed to assist counsel outside of official court proceedings.

Complaints

Any and all complaints regarding a Family Court Judge, Family Court case, Court Attorney Referee, Support Magistrate or staff/personnel MUST be in writing. No complaints will be accepted over the phone. Complaints will be dealt with within 30 days of receipt. Any questions regarding complaints may be addressed to Court Attorney-Referee: Maria-Alana Recine and/or Court Attorney Margarita Garcia.

Judge Davidson does NOT supervise the Support Collection Unit. Any issues with Support Collection Unit must be addressed and sent to the appropriate agency. To contact your local child support office:

<https://www.childsupport.ny.gov/DCSE/LocalChildOffices.do>

Future Part Rules:

These are in place in other courts in Westchester County Courts and may be implemented in Family Court in the near future.

E-Filing Rules and Protocol

All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule §§ 202.5-b and 202.5-bb - available at www.nycourts.gov/efile) and the Westchester County E-Filing Protocol available at - <http://www.courts.state.ny.us/courts/9jd/efile/WestchesterCountyJointProtocols.pdf>

General questions about e-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or efile@courts.state.ny.us

Specific questions relating to local procedures should be addressed to the Family Court Clerk's Office 914-824-5500.

Electronic Filing

All matters where the Petitioner is represented by counsel in Hon. Kathie E. Davidson's part may be filed through the New York State Courts E-Filing system (NYSCEF). Adoption matters and petitions commenced by self-represented individuals are exempt. All submissions to the Court, including proposed orders, proposed judgments, and letters, may also be electronically filed.

Working Copies

A Court may require the submission of "working copies" of electronically filed documents. See Uniform Rule § 202.5-b(d)(4). Hon. Kathie Davidson's part requires working copies of proposed orders to show cause and proposed orders. The Court may request working copies in specific instances.

Working Copies shall be delivered to the Family Court Clerk's Office, 1st Floor. All working copies submitted to this Part **must** include a copy of the NYSCEF Confirmation Notice firmly fastened as the back cover page of the submission and comply with the other requirements set forth in the Westchester County Protocol. Working copies without the Confirmation Notice of matters electronically filed will not be accepted.

Working copies are to be delivered no later than 12:00 p.m. on the first business day following the electronic filing of the document on the NYSCEF site.