



Family Court of the State of New York

County of Sullivan

Sullivan County Government Center

100 North Street

Monticello, NY 12701

Tel: 845-791-3505 Fax: 845-476-3620

sullivanfamilycourt@nycourts.gov

Hon. Jacqueline Ricciani
Family Court Judge

Hon. E. Danielle Jose-Decker
Acting Family Court Judge

Hannah Prall
Support Magistrate

Judith A. Yates
Chief Clerk

Donia Zager
Deputy Chief Clerk

FAMILY COURT RULES

Effective April 26, 2024

1. All proceedings shall be conducted in person except for those matters for which circumstances necessitate a virtual appearance by Microsoft Teams. Request for same will be granted in the Court's discretion, upon application.
2. Childcare is available in the Government Center Annex. Children may be signed in for childcare which is available to parties and witnesses. Please call 845-791-3535 for the hours of operation of the Childcare Center.
3. All correspondence or communication with the Court shall be sent to the Family Court's e-mail at sullivanfamilycourt@nycourts.gov, and not to Chambers. All correspondence to the Court must be copied to all attorneys and self-represented parties.
4. Counsel, client(s), and any witnesses must follow all protocols for appearing in person, including the wearing of appropriate attire. Shorts and tank tops are not permitted.
5. **Counsel and parties shall arrive on time for their scheduled court appearances.** If any attorney has two or more cases on for the same time before different Family Court Judges or the Support Magistrate, please advise the Court at least 24 hours prior to the scheduled appearance so the calendars can be coordinated.
6. By appearing virtually or in person, all parties, counsel, caseworkers, agency representatives or other persons represent that they are not recording the proceedings and agree that they will not do so. The Rules of the Chief Judge prohibit anyone from recording, broadcasting, streaming, or taking video or pictures of court proceedings. The Court makes the only official record, which is available upon request. Failure to abide by this mandate may result in removal from the building, a device being confiscated, or other remedial measures.
7. All participants shall maintain civility during their court proceedings. Failure to remain civil may result in the person being removed from the proceeding after appropriate warning.
8. Parties and/or witnesses who require an interpreter must contact the Court a minimum of one week prior to the court appearance.

HEARINGS

9. ***At least ten business days prior to the date scheduled for a trial or fact-finding hearing***, attorneys and self-represented parties must provide the Court, all counsel (including the Attorney for the Child) and self-represented parties with a list of all proposed witnesses intended to be called to testify along with a one sentence description of the anticipated testimony. You must seek prior permission from the Court for a witness to appear virtually.
10. Any documentary evidence sought to be introduced must be provided to the Court, all counsel, and self-represented parties ***at least ten business days prior to the trial***. All documentary evidence must be submitted to the Court by mail or hand delivery. Voluminous records, including medical records, need not be exchanged but must be filed with the Clerk and will be available for review by appointment.
11. Any audio or video evidence sought to be introduced must be provided to the Court, all counsel, and self-represented parties ***at least ten business days prior to the trial***. All audio or video evidence must be submitted to the Court, by mail or hand delivery, on individual flash drives or CDs. The attorney or self-represented party offering the recording/video into evidence must bring their own device to play the recording during the hearing.
12. All exhibits entered into evidence during a hearing will be retained by the Court.
13. All motions, including applications for subpoenas, must be mailed, or hand delivered to the Family Court.
14. All exhibits must be pre-marked and identified as follows: Numerically for Petitioners, Alphabetically for Respondents and by Roman Numeral for the Child's Attorney.

VIRTUAL APPEARANCES

15. When approved by the Court, counsel must forward the Microsoft Teams invitation to their clients or witnesses who will be expected to join the meeting at the time the case is scheduled. Counsel are to make arrangements in advance with their clients to ensure that the clients or witnesses have computer access with audio and visual capability and sufficient bandwidth to support a virtual appearance. Counsel must confirm with the Court their client's or witnesses' email addresses and phone numbers. If a party or witness does not have access to Microsoft Teams or a device with a camera, please contact the Court to make alternate arrangements.
16. For virtual appearances, counsel must advise clients and witnesses in advance of the following:
 - a) That any recordings of the proceedings made by any individual other than the official court reporter or FTR recording device are strictly prohibited.
 - b) Witnesses must be instructed by counsel that they are not permitted to read or refer to any exhibit, image, document or other writing of any kind, including notes during virtual testimony, other than exhibits, images, documents or other writings provided to them by counsel in the course of direct or cross examination. They must also be instructed that they shall have no access to any sources of information, written or otherwise, out of the sight of the Court, including any other computer monitors, screens, tv screens or cell phones.
 - c) Witnesses must be instructed by counsel that no other individual may be present either physically or electronically in the same room as the witness or near the witness so as to be seen and/or heard by the witness.

- d) Counsel must instruct clients and/or witnesses that they are expected to wear proper attire and to be seated or standing as they are able (no lying down, walking around or driving).
- e) During proceedings, virtual participants must stay within camera range unless otherwise excused.
- f) Individuals appearing virtually must display their actual backgrounds (which should always remain professional and dignified) unless the Court grants permission to blur the background upon appropriate application.
- g) There shall be no eating, vaping, smoking, driving or consumption of alcoholic beverages during any virtual appearance.

MOTIONS

- 17. Any and all motions other than for subpoenas, shall be made returnable no later than four weeks prior to the trial date.
- 18. There **SHALL** be compliance with the procedures set forth in the CPLR for bringing motions. In addition, except as provided in paragraph 18, no motion shall be filed with the Court unless the motion has been served on all parties to the proceedings. The following must be filed with the motion papers: (1) a Notice of Motion; and (2) with respect to any motion concerning discovery, an affirmation that counsel has discussed the discovery issues with counsel for the opposing party in a good-faith effort to resolve the issues raised by the motion. No motion related to disclosure shall be placed on the calendar without counsel for the respective parties first conferencing with the Judge's Law Clerk.
- 19. The Affirmation of good-faith effort to resolve the issues raised by the motion **SHALL** indicate the following: time, place, nature of the consultation, the issues discussed, any resolutions, or shall indicate good cause why no such discussion with opposing counsel was held.
- 20. An Order to Show Cause, or an application for *ex-parte* relief, need not contain the Notice of Motion set forth in paragraph 16, but shall contain the Affirmation of good faith set forth in paragraph 17 if the relief being requested involves issues of discovery.
- 21. Any correspondence between the parties to attempt, in good-faith, to resolve issues with regards to discovery, disclosure or Bills of Particulars, shall not be sent to the Court unless they are incorporated into a motion and/or affirmation of good-faith. Any correspondence sent to the Court must be sent to all interested parties providing them with notice of the communication and an opportunity to respond.

PERMANENCY HEARINGS

- 22. Pursuant to FCA § 1090-a(d)(2), the Attorney for the Child shall notify attorneys for all parties and the Court at least 10 days prior to the permanency hearing whether the child will participate and, if so, the manner in which the child has chosen to participate. A form has been promulgated for this notice, which is available on the Court's website and is identified as Form PH-4c. Counsel are not required to use this form and can use any written means to provide the required notice.
- 23. The Attorney for the Child is responsible to make the appropriate arrangements for the child to appear at the hearing, whether virtual or in person, which may include requesting that the appropriate caseworker provide transportation for the child's appearance.