

HONORABLE JAMES M. HENDRY, J.F.C.
Orange County Family Court
285 Main Street, Goshen New York 10924
Chambers: (845) 476-3568
Chambers Fax: (212) 266-9741

Part Clerk: Joleine Hercules (jhercule@nycourts.gov)
Order Clerk: Maritza Romero (mromero@nycourts.gov)
Court Attorney: Brandy Figueroa, Esq. (bfigueroa@nycourts.gov)
Secretary: Kayla Connors (kconnors@nycourts.gov)

PART RULES

COMMUNICATIONS and APPEARANCES

1. When using e-mail to send papers to the Court, all petitions, motions and proposed Orders should be e-mailed to virtualorangefamilycourt@nycourts.gov.
2. All retained counsel shall file a Notice of Appearance with the Part Clerk on or before the attorney's first appearance. The Notice of Appearance shall include the attorney's name, firm, e-mail address, mailing address, telephone and fax numbers, as well as the party represented.
3. All communication with the Court shall be via written communication, either e-mail, letter or fax. Phone contact is discouraged as chambers is not permitted to have ex-parte conversations with counsel or litigants. E-mail is the preferred method of communication to the Court staff. Any e-mails sent to the Court, other than providing contact information or confirming an appearance date/time, must also be copied to all other parties. Correspondence between counsel and/or self-represented litigants shall not be copied to the Court unless there is a judicial reason for such transmittal. Ex-parte communication will not be read or otherwise addressed. All emails sent to Chambers should be sent to Kayla Connors, Secretary to the Judge, at kconnors@nycourts.gov, with carbon copy to Brandy Figueroa at bfigueroa@nycourts.gov, as well as a carbon copy to the part clerk.
4. Litigants: Please contact Legal Aid at (845) 291-2454 if you believe you may qualify for free representation. Please contact the Orange County Bar Association [or your local bar association] at (845) 294-8222 for attorney referrals. The Court cannot recommend legal counsel. **DO THIS AS SOON AS POSSIBLE.**
5. All court appearances are IN PERSON. In very limited circumstances, the Court will allow a virtual appearance upon request, with said request being in writing at least 48 hours prior to the scheduled Court appearance and copied to all parties. Virtual appearances are

NOT permitted for hearings or trials.

6. In the very limited circumstances that a virtual appearance is allowed, be reminded that virtual Court is **COURT**. Parties are expected to be courteous and civil at all times, are expected to be in a location that is private and free of sound and visual distractions and are otherwise to treat the proceedings as if they are taking place in person in the courtroom. Participants should not be attending virtual proceedings from a public place, while driving in their vehicle or while caring for young children in the room.

COMMUNICATION AND CONFERENCES WITH COURT ATTORNEY

1. The Court Attorney should not be contacted for any legal advice or for any inquiries regarding scheduling issues or status of Orders, reports, etc. E-mail correspondence with the Court Attorney (bfiguero@nycourts.gov) is encouraged for assistance with settlement negotiations, with all interested parties being copied on any e-mails. E-mails are treated as correspondences and will be scanned into the respective Court files where appropriate.
2. The Court Attorney is available to assist parties with reaching settlements, both before trial or on trial dates in person. If any parties are appearing pro se, they must consent to a conference. The Court Attorney will not meet with only attorneys if there are any unrepresented litigants.

ADJOURNMENTS

1. All requests for adjournments **MUST** be made in writing and copied to all parties, including pro se litigants and the Attorney for the Child, and shall be made no less than 48 hours prior to the scheduled appearance. Requests should be on letterhead and emailed as an attachment. All adjournment requests must state the reason why an adjournment is necessary, whether the opposing party consents or objects, and the length of adjournment sought with a date that parties are available. **DO NOT** call chambers for adjournment requests. Email all such requests to kconnors@nycourts.gov with a carbon copy to bfiguero@nycourts.gov as well as the part clerk.
2. All adjournments **MUST** be approved by the Court, even where all parties have consented.
3. All adjournment requests due to attorney engagement in another Court must be made pursuant to 22 NYCRR §125.1. All adjournment requests for medical reasons **MUST** be accompanied by a doctor's note.
4. If an adjournment is granted, the requesting party will be notified by the Court and will be required to notify all parties, including pro se litigants and the Attorney for the Child of the new date and time and provide proof to the court.

PETITIONS / ORDER TO SHOW CAUSE / MOTIONS

1. All petitions, Orders to Show Cause and motions must be filed with the Clerk's office, either by a hard paper copy, or electronically through virtualorangefamilycourt@nycourts.gov
2. There shall be strict compliance with the CPLR in the filing of motions. A Notice of Motion and Affidavit of Service shall be filed with all motion papers.
3. Appearances are not required on a motion return date. If a party is requesting an appearance for the purpose of oral arguments, such request shall be clearly noted in the Notice of Motion and will be granted at the court's discretion. If the Court, after receipt and review of a motion believes appearances are necessary, the parties will be notified of the appearance date and time.
4. For all issues not specified herein, the parties shall follow the statutory procedures specified by the Family Court Act and/or the CPLR. All general filing questions shall be directed to the Family Court Clerk's Office at 845-476-3520.

EVALUATIONS

1. Request for mental health evaluations, forensic evaluations, or any other testing/evaluation should be made at the preliminary appearance or the first appearance with counsel. Additionally, issues regarding the payment for such evaluations shall be addressed at that time. If counsel is retained after the first appearance and seeks an evaluation of any kind, they must request it immediately. Trial dates will NOT be adjourned due to the parties' failure to request such evaluations.
2. The Court will receive the original copy of any mental health or other evaluation. Copies of such reports may be made available to counsel and the Attorney for the Child, who must execute and affirmation at such time. These reports are NEVER to be shown, provided or distributed to the client/litigant without the Court's permission. Pro se litigants may request the "recommendation section" of the report only.
3. Reports are likewise not to be shared with treating mental health professionals, subsequent counsel or any other party absent prior approval from the Court.
4. Mental health / forensic reports will only be admitted into evidence at trial upon consent of all parties, including the Attorney for the Child. Absent consent, a party seeking to admit the report into evidence must do so by subpoena and then calling the evaluator/author of the report as a witness at trial, subject to cross examination.
5. Any diagnostic assessments and/or probation reports prepared for Juvenile and PINS matters will be available for review by the presentment agency and the Attorney for the child pursuant to Family Court Act §351.1.

TRIAL PROCEDURE

1. Trial dates should be viewed by litigants and counsel as firm dates. Litigants and counsel are strongly encouraged to engage in meaningful settlement negotiations prior to the trial date. Settlement assistance will be provided by the Court Attorney upon request, as set forth above.
2. If a matter is settled prior to trial, a proposed Order on Consent may be filed with the Court prior to the trial date. All parties must have their signatures notarized on such consent order or otherwise execute an Affirmation of truth of Statement as set forth in CPLR §2106. Absent such filing, appearances will be necessary on the trial date.
3. On the scheduled trial date, litigants and counsel must be prepared to proceed to trial and must be prepared to continue day-to-day until the proceeding is concluded. The Court will endeavor to complete trials within 2 weeks of commencement.
4. Witnesses should be subpoenaed and must be available on the trial date. Professional witnesses [doctors, nurses, case workers, counselors, police officers, teachers, etc..] may be permitted to testify out of order to accommodate their employment schedules upon consent, which shall not be unreasonably withheld.
5. Last minute claims that a witness is unavailable will not be acceptable, nor will adjournments of trials be given due to witness unavailability, except for in unanticipated and exigent circumstances.
6. Counsel are encouraged to exchange proposed exhibits prior to trial. All proposed exhibits are still subject to challenges as to admissibility and will only be admitted in compliance with relevant evidentiary laws.
7. Any photographs, text messages, e-mails, social media posts and other electronic communication sought to be introduced on a party's direct case must be exchanged with all other parties at least 10 days prior to trial, or they will not be admitted into evidence on that party's direct case except for good cause shown.
8. Parties/attorneys are expected to present any audio and/or video evidence on their own devices. Any such video/audio shall be on a USB flash drive if submitted as evidence. The Court technology/monitors used if available, but the party/attorney is ultimately responsible to present such evidence.
9. Witness lists are not required, but litigants are strongly encouraged to exchange potential witness lists with opposing counsel to assist in trial preparation and scheduling issues.

SUBPOENAS

1. Counsel are reminded that as officers of the court, they may sign Subpoenas Duces Tecum and Subpoenas Ad Testificandum pursuant to CPLR §2306 and 2307 and should not, as a matter of course, seek to have such subpoenas “so ordered” except as required pursuant to statute.
2. Subpoena Duces Tecum will only be signed by the Judge in instances where the documents sought are intended to be introduced as evidence, with proper notice being given to all counsel and/or pro-se litigants.
3. Subpoena Duces Tecum shall be made returnable to the Clerk of the Court at 9:15 a.m., at least three days prior to the beginning of any trial or hearing. Counsel and pro se litigants will be permitted to inspect the subpoenaed material upon request.
5. All requested “So Ordered” Subpoenas Duces Tecum shall be provided to the Court at least 30 days prior to the trial date.
6. The Court’s issuance of a “So Ordered” subpoena shall not preclude a challenge to the subpoena or the admissibility of the subpoenaed documents.

PROPOSED ORDERS

1. The Part Clerk will provide counsel with a date for submission of the proposed Order. If proposed Order cannot be timely submitted, please notify the Court so that a new date can be provided. Failure to timely submit Orders may lead to an ordered appearance before the Court and/or possible sanctions.
2. All proposed Orders that are submitted by hard copy must include a self-addressed, stamped envelope if counsel would like to receive a returned hard copy of the Order. The Court will not mail any signed Orders if a self addressed stamped envelope is not provided. Proposed Orders can be submitted electronically, via virtualorangefamilycourt@nycourts.gov , with all parties being copied on such e-mail transmission. Signed and entered Orders will be e-mailed back to the parties if they are received electronically.
3. All counter-proposed Orders shall be accompanied by a cover letter detailing the proposed changes. The Court staff will make every effort to review the Court notes and the audio recording of a proceeding where the parties disagree over the language in a proposed Order.

4. All Orders, including counter-proposed Orders, submitted for signature on notice must contain an affidavit of service of same and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48. **If notice of settlement has been waived, please provide proof of same and copy all parties.**
5. All requests for corrected Orders must be accompanied by a letter detailing the need for the correction and be submitted on notice, with affidavit of service and notice of settlement upon all counsel and/or pro se litigants. If a proposed corrected Order is submitted, please title the Order as a ‘Corrected Order’ and at the end of the Order, indicate what the correction is, for example “This Order is being corrected to reflect the correct birth date of the minor child”.

ADOPTIONS/GUARDIANSHIPS

1. Adoption and Guardianship forms of the Family Court shall be the official forms of the court and shall be the ONLY forms accepted for filing.
2. All adoption and guardianship petitions 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.
3. All parties are encouraged to use the Court’s website for more information regarding adoption and guardianship forms [or any other Family Court form] at: www.nycourts.gov/forms/familycourt/index.shtml
Adoption and Guardianship packets and checklists are also available at the Family Court Clerk’s Office.
4. Upon receipt and review of any Adoption or Guardianship petition, the Court will review the submission and notify petition, in writing, of any additional information that is required to process the petition. Failure to provide such information in a timely manner will result in automatic dismissal of the proceeding and require the petitioner to re-file a proper application.
5. Please do not call the Judge’s chambers or Court Attorney for instructions on how to file adoptions and guardianships [or any other proceeding]. Self-represented individuals are encouraged to seek legal advice; counsel are encouraged to consult with colleagues.