

Frequently Asked Questions About E-Filing for Family Court

What if I have an appeal from IDV Part of Supreme Court?

When registering your appeal, select that the appeal is from "Family Court," select "Other" for case type description and enter "IDV Court" in the box for "Case Type Description."

What if my appeal involves multiple index numbers or family file numbers?

Where NYSCEF asks for "Court Number" and there are multiple numbers for the appeal, enter the first index number.

What if NYSCEF will not allow me to register my appeal because there is an issue with the dates on the notices of appeal or the orders (i.e., the notice of appeal was dated before the order was entered)?

These dates are not critical for processing by the Appellate Division, so it is acceptable to adjust the dates to allow the system to accept the appeal.

What if I do not have the date when the notice of appeal was filed?

Again, these dates are not critical for processing by the Appellate Division, so you may use the Notice of Appeal date.

How do I know if the case was e-filed in the Court of Original Instance?

There is currently no e-filing used in Family Court, so that question will always be answered no.

Should I use fictitious names when I register the appeal?

No, all the information on NYSCEF for Family Court appeals will be confidential, therefore enter the real names of all parties.

Should I enter all the children's names when registering the appeal?

Yes, all of the children should be entered individually, and their Appellate Role should be recorded as "Child."

What if I have an appeal that involves multiple notices of appeals and orders?

Enter the dates for the first notice of appeal and order. When uploading the documents, all the notices of appeal should be scanned together into one PDF and all the orders being appealed from should also be scanned together into one PDF.

If I am representing an appellant and I did not initially register the appeal, how do I upload a copy of my notice of appeal?

After noting your appearance, you should go to "File Documents" and choose "Non-Motion Documents" then select "Copy of Additional Notice of Appeal with Proof of Filing" and upload your notice of appeal.

What if NYSCEF asks me to pay a fee?

As assigned counsel in a Family Court appeal, all fees are waived. Therefore, you should upload your assignment order and select "No Fee Authorization Letter" when you are filing a motion or perfecting an appeal, and the system will provide a "No Fee" option to select when completing the payment information.

How do I request an extension in an appeal that is e-filed?

Extensions should be requested by letter application uploaded to the NYSCEF system. If the appeal has not been registered with NYSCEF, or if the requisite 20 days has not passed and one or more parties has not registered with NYSCEF, the application should be served on the parties by hard copy. The original should be sent to the Court. Even if the parties have been served by hard copy, the Court will not grant an extension until the application has been uploaded to NYSCEF.

When I file a letter application for an extension, should it be filed as a "Motion Document?"

A letter application for extensions may be characterized as a motion in NYSCEF. Alternatively, from the "Non-Motion Documents" list, "Letter Request for Extension" may be selected.

May I serve the proposed record in an e-file appeal?

Yes, NYSCEF now has a feature that will allow the appellant(s) to serve the proposed record electronically. Select "File Documents" in the appeal in NYSCEF and select "Non-Motion Documents." In the drop-down list for the main document, you will find "Proposed Record on Appeal." Once the appeal is perfected, the Proposed Record on

Appeal will be removed from the document list. The Proposed Record on Appeal need not be bookmarked, as the Court will not review the contents.

The proposed record on appeal should include a blank stipulation, which the other parties should print and sign and return the originals to the appellant's attorney to include in the record on appeal. The proposed record should also contain a notice pursuant to 850.7 (b) (2) putting the parties on notice that they have 20 days to respond or the record can be certified.

Do I have to serve the proposed record through NYSCEF?

No, this is provided as a convenience to assist with settling the record. You may still serve the proposed record on all parties in hard copy.

How do I perfect my appeal in NYSCEF?

When you are ready to upload your brief and record to NYSCEF, under "File Documents" on the NYSCEF home page, select "Appellate Court." Then select "Perfect an Appeal."

When my appeal is perfected in NYSCEF, do I still need to file a digital copy on the Third Department website?

No, uploading your materials to NYSCEF will constitute submission of the digital copy.

After I perfect in NYSCEF, when do I send the hard copies of my documents to the Court?

After you file your brief and record with NYSCEF, you should wait for the documents to be accepted by the clerk's office before you make your hard copies and mail them to the Court. This will avoid the hard copies having to be returned if corrections need to be made.

Do I need to electronically file the exhibits with NYSCEF?

No, the Court will continue to request the exhibits directly from family court. You should list them in the table of contents for your record as omitted.

When I serve a document through NYSCEF, must I also upload an affidavit of service?

No, if service of a document is accomplished by uploading to NYSCEF, no affidavit of service is necessary.

Must I include a CPRL 5531 statement in both the record and the appendix?

Yes, pursuant to the 1250.7 (b) (2) and 1250.7 (d) (2) of the Practice Rules of the Appellate Division, both the record and the appendix shall include the statement required by CPLR 5531.

Updated 4/23/19