

HON. ARLENE E. KATZ, J.F.C.

Westchester County Family Court
420 North Avenue, 3rd Floor
New Rochelle, New York 10801
Main Telephone: (914) 831-6590
Chambers Telephone: (914) 831-6587
Chambers Facsimile: (914) 831-6588

Part Clerk:
Michele Johnson

Court Attorney:
Karen L. Johansen, Esq.

Secretary:
Pamela Sullivan

Individual Part Rules

GENERAL RULES OF CONDUCT

All attorneys and parties must be on time and ready to proceed.

All counsel, including the Attorney for the Child, must speak with their clients prior to each appearance.

Settlement discussions/negotiations shall take place in advance of the court appearance, and in no event subsequent to entering the courtroom.

Counsel must be fully familiar with the case and have full authority to enter into any agreement, either substantive or procedural, on behalf of their clients.

Counsel must read the petition(s) and relevant order(s) prior to entering the courtroom. Copies may be obtained from the Clerk's Office. The Part will not make or provide copies of these or any other documents.

Counsel must ensure that the Part has a current email address and mobile number on file.

Counsel shall be fully familiar with the Uniform Rules for the Family Court (22 NYCRR § 205.1 et seq.).

Except for correspondence as permitted below, all filings (proposed orders, notices of appearance, motions, etc.) **MUST** be submitted to the Clerk unless directed otherwise by the Court in a particular matter.

COMMUNICATION WITH THE COURT

Unless directed otherwise, correspondence shall be by facsimile to (914) 831-6588.

Correspondence with the Court must be copied to all counsel and shall prominently indicate the ***file number*** and ***next appearance date***.

The Court does not permit litigation by letter. Any such submission will be disregarded.

The Court should not be copied on correspondence between/among counsel unless so directed by the Court.

Correspondence not in conformance with the above will not be considered.

ADJOURNMENTS

All adjournment requests must be made at least three business days prior to the scheduled appearance absent an emergency. Proof of emergency may be required.

All adjournment requests shall be made by **facsimile to Chambers at (914) 831-6588** and shall indicate that all counsel have been copied. All requests must state opposing counsel's and the Attorney for the Child's position(s) and at least three proposed adjournment dates on which all counsel and litigants are available. If not on consent, the request must contain good cause why the Court should consider it. Proposed dates shall not be on a Tuesday morning absent good cause. If an adjournment is granted, the Court will notify the requesting party, who must notify all counsel in writing and copy the Court via facsimile.

Adjournments requests due to actual engagement must be filed with an affirmation of actual engagement in conformance with 22 NYCRR § 125.1 and shall be filed as soon as the conflict is known, but **not less than seven days prior to the appearance absent good cause**.

All adjournments must be approved by the Court, even when all parties and counsel have consented. If the Court does not affirmatively approve the request at least one day before the appearance, all parties and counsel must appear as scheduled.

APPEARANCES: GENERAL

If a Spanish interpreter is needed, counsel must notify the Part 6 Court Officer upon arrival.

If a party requires an interpreter for a language other than Spanish, a written request must be made at least two weeks in advance absent exigent circumstances, and counsel must confirm that the request has been received and an interpreter has been secured.

All counsel and parties shall appear in person unless prior permission has been obtained from the Court. Requests to appear by telephone or to have an appearance waived shall be made **in writing stating good cause for such a request and whether all counsel consent to said request**, at least seven days in advance, on notice to all counsel.

In the event that an attorney or party fails to timely appear on one or more occasion, such lateness or failure to appear may be considered in any application for an award of counsel fees and expenses.

APPEARANCES: CONFERENCES

Counsel must make a good faith effort to resolve/narrow issues prior to the appearance.

Attorney conferences will take place only on consent of all parties. Counsel, by participating in an attorney conference, represents that he or she has obtained his or her client's consent.

The Court encourages, and is available to facilitate, settlement conferences. On consent, counsel may contact the Court to schedule such a conference.

APPEARANCES: FACT FINDING HEARINGS

Counsel must inform the Court at least two weeks in advance of any issues relating to procedure, witness scheduling, requests for interpreter(s), requests for technology/media equipment, and other requests.

In matters for which the Court issues a pre-trial order / order of fact-finding rules and procedures, counsel must adhere to all requirements and deadlines set forth in the order absent a showing of good cause and/or prior Court approval.

Counsel must be prepared to go forward on all scheduled fact-finding dates. Adjournments will not be granted absent good cause. Oral applications for an adjournment on the date of the fact-finding will not be entertained.

Counsel and any *pro se* litigants shall be familiar with rules and procedures governing discovery in Family Court proceedings.

Counsel and any *pro se* litigants shall be fully familiar with applicable New York procedure, rules of evidence, objections, and proper questioning of witnesses.

Unless otherwise directed by the Court, closing statements shall be made in writing and shall not exceed ten pages in length (double spaced, twelve-point font, with one-inch page margins). Counsel shall attach any case law cited in his or her closing statement which will not count toward the page limit. All closing statements will be due on the same date. Replies and late submissions will be disregarded by the Court.

APPEARANCES: COVERAGE

The attorney of record is responsible for obtaining case coverage. Any covering attorney must be sufficiently familiar with the facts and circumstances of the case. He or she must have full authority to enter into any agreement on behalf of the client.

The attorney of record is responsible for providing the covering attorney with available dates for at least the next eight weeks. Failure to provide dates will result in the Court selecting a date convenient to all other counsel and parties. That date shall be marked final against the attorney who was not present and his or her client. No adjournment requests by that attorney will be granted and no appearances will be waived. Failure to appear on the date marked final may result in reassignment (if counsel is assigned) and/or any other relief the Court finds to be just and proper.

CHANGE OR WITHDRAWAL OF ATTORNEY

Any change or withdrawal of an attorney shall comport with CPLR and other applicable requirements. Counsel seeking the change or withdrawal must continue full representation until he or she has confirmed with the Court that his or her application has been granted.

ORDERS TO PRODUCE

It is the responsibility of counsel for any incarcerated party to file a proposed order to produce with affirmation for his or her client to appear in person or by telephone or video. This does not preclude other counsel from filing a proposed order. The proposed order must indicate the type of appearance sought (in person, telephone or video).

All proposed orders must include the incarcerated party's ***date of birth*** and ***inmate number*** (DIN, JID, NYSID, etc.).

Proposed orders to produce a prisoner in person must be filed at least seven days in advance. Counsel is responsible for transmitting to the correctional facility an order to produce a prisoner in person.

Proposed orders to produce a prisoner by telephone or video must be filed at least three weeks in advance. The Court will transmit orders to the correctional facility to produce a prisoner by telephone or video.

FORENSIC REPORTS AND EVALUATIONS

All forensic reports and evaluations shall be admitted into evidence as the Court's exhibit(s) without further foundation testimony or evidence, subject to cross examination. A party who chooses to cross examine the forensic evaluator or preparer of any report or evaluation shall be responsible for all costs and fees associated with the evaluator's preparation for testifying, travel and waiting time, and testimony, unless directed otherwise by the Court or stipulated by the parties in writing.

Parties shall each be responsible for 50% of the forensic evaluation fee (subject to reallocation) unless an application is made to the Court when forensics are ordered.

Counsel must contact Chambers if an order for a forensic evaluation has not been received one week after such evaluation was ordered.

MOTIONS & ORDERS TO SHOW CAUSE

All motions and orders to show cause must be in conformance with all statutory requirements, including but not limited to CPLR 2214.

A moving party shall include an affirmation or affidavit detailing the good faith efforts made to resolve the issue prior to seeking Court intervention.

Any order to show cause requesting interim relief must comply with 22 NYCRR § 202.7.

All motions shall be returnable on the matter's next scheduled appearance date and time, unless directed otherwise by the Court. If a matter does not have a future appearance date, a motion may be made returnable on any Tuesday at 2:00 p.m. and will be considered on submission only, unless appearances are required by the Court.

If an oral argument is requested, the notice of motion must state "ORAL ARGUMENT REQUESTED" above the family unit number. If the Court grants the request, the moving party will be notified and he or she must notify all other parties.

Any exhibits attached to a motion or order to show cause must be tabbed or otherwise identified in such a way that each exhibit can be located externally.

All orders to show cause must include counsel's facsimile number.

All motions and orders to show cause, and any responsive and reply papers, must be filed with a courtesy copy for Chambers.

SETTLED CASES

Counsel shall notify the Court immediately if a case is settled.

Stipulations must contain complete *voir dire* language. All parties and counsel, including the Attorney for the Child, must sign indicating approval as to form and content.

ORDERS

All proposed orders must be filed with the Clerk. Proposed orders will not be accepted via email or facsimile without prior approval.

All orders on consent shall be signed by all counsel and parties indicating approval as to form and content unless the complete terms of such settlement have been placed upon the record and the Court has completed a satisfactory *voir dire* of all parties.

Handwritten orders shall be prepared in black ink and shall be legible. The Court may direct submission of a typewritten order for orders which fail to meet these requirements.

Opposition to any proposed order shall be negotiated in good faith to resolve the issue(s). If negotiation is unsuccessful, ***the party opposing a proposed order must file and fax a proposed counter order prior to the date on which the proposed order is noticed for settlement.*** The Court will not entertain suggested changes by letter.

Proposed orders that do not accurately reflect the record may be modified *sua sponte* or returned unsigned by the Court.

Failure to submit a proper and timely order may result in dismissal of the case, reassignment of assigned counsel or Attorney for the Child, and/or any other relief the Court finds to be just and proper.

JUVENILE DELINQUENCY AND PINS PROCEEDINGS

As soon as possible, the Attorney for the Child shall notify the Court if a *Guardian Ad Litem* is required.

The Attorney for the Child shall be prepared to report on the child's placement and how long the child has been and will be in placement.

GUARDIANSHIP PROCEEDINGS

Counsel in guardianship proceedings shall be familiar with all requirements in such cases, including necessary documents, procedures, and requirements for translations. A checklist and packet detailing these requirements is available from Chambers in hard copy or by email.

All documents shall be filed and stamped individually, not stapled as a packet. Only official forms created by the Office of Court Administration (available online) will be accepted.

Counsel must contact the Court Attorney ***at least one week in advance of a hearing*** to confirm that all required documents have been properly submitted and all other requirements have been met.

ADOPTION PROCEEDINGS

Only official forms created by the Office of Court Administration (available online) will be accepted.

Adoption packets and checklists are available from Chambers.

MISCELLANEOUS

Decisions may be rendered from the bench or in writing in the discretion of the Court. Any party seeking a written order of a bench decision may submit a proposed order, on notice, supported by a copy of the transcript of the proceeding during which the bench decision was rendered.

Any document submitted in a foreign language must be accompanied by an English translation with a sworn affidavit of the translator stating his or her qualifications/certifications to translate the document and that the translation is accurate.

Any document signed by a person who is not literate in English must be accompanied by a sworn affidavit of the person reading or orally interpreting the document that the reading or oral interpretation is accurate. Oral interpreters must also include a statement of his or her qualifications/certifications to orally interpret the contents of the document.

Proposed subpoenas must be in conformance with all statutory requirements, including but not limited to those set forth in CPLR article 23.

The Court can only provide case information to an attorney of record who has filed a notice of appearance.

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