

WESTCHESTER COUNTY FAMILY COURT
131 Warburton Avenue, 3rd Floor
Yonkers, NY 10701
Chambers: (914) 831-6548
Chambers Fax: (212) 618-7981

HON. RACHEL HAHN
Presiding Judge

Deputy Chief Clerk: William Curry
Clerk's Office
Telephone: (914) 831-6555
Fax: (914) 831-6409

Court Clerk:
Part Clerk:
Associate Court Attorney:
Secretary:

Henry Sussman
John O'Donnell
Sharon G. Matthie
Larissa Ramos

COURT RULES FOR PART 4

NOTICE OF APPEARANCE: Retained attorneys must file a written notice of appearance on or before the date of his/her first appearance. In the case of Assigned Counsel and Attorneys for the Children, your Notice of Assignment/Appointment shall serve as the Notice of Appearance.

ASSIGNED COUNSEL/ATTORNEY FOR THE CHILDREN: Petitions and Orders shall be obtained from the Clerk's Office before the scheduled court appearance. All Attorney(s) and *pro se* parties shall bring with them to Court, a copy of any Order (civil or criminal) you seek to have modified by this Court.

COURT APPEARANCES:

Preliminary Proceeding: If service is not completed by the preliminary date, the case will be adjourned for personal service. If service is not completed by the personal service date, the case may be dismissed for lack of service unless the Court finds good cause for a third adjournment.

Conference: Attorney conferences with the Judge will only take place with the consent of all attorneys. Please use the conference date as the opportunity to consult in good faith to narrow and resolve issues in dispute.

Juvenile Delinquency and Person in Need of Supervision Proceedings:

At the Initial Appearance, Conference, Fact-Finding Hearing, the Attorney for the Child shall inform the Court if a *Guardian ad Litem* is needed when the Child's parent or legal guardian will not or cannot attend the court appearance.

Fact-Finding Hearing: In the interest of judicial economy, please pre-mark your exhibits.

SETTLEMENTS: Please use your best efforts to engage in settlement conferences prior to coming to court. If you reach a settlement prior to the scheduled fact-finding hearing and the settlement does not have to be placed on the record, the attorney for the moving party shall submit the written settlement agreement signed by the parties and the attorneys prior to the trial date. Please do not wait until the fact-finding hearing date to inform the court that your case has been settled. If you are not going to trial give your colleagues and the court the courtesy of releasing your fact-finding hearing date.

MOTIONS:

By Notice(s) of Motion: shall be filed and made returnable pursuant to Civil Practice Law and Rules 408 and 2214. Please be advised that the attorneys and/or parties shall not adjourn the return date of the motion without the consent of the Court.

By Order(s) to Show Cause: that are returnable in three (3) business days or less will be faxed to the submitting attorney. Otherwise, attorneys must pick up the signed Order to Show cause from the Clerk's Office or the Judge's Secretary.

SUBPOENAS: Subpoenas should be properly captioned (i.e. *duces tecum* and/or *ad testificandum*) and filed with the Court with proof of notice to all attorneys, agencies, and pro se parties of the return date.

ORDERS TO PRODUCE: Orders to Produce without an Affirmation will not be signed by the Court. It is the responsibility of the attorney to fax/mail the signed Order to Produce to the proper correctional facility.

ADJOURNMENTS: Except in the case of an emergency or in the case of a recent retainer, requests for adjournments and Affirmations of Engagement shall be filed with the Court at least seven (7) days prior to the scheduled appearance.

All requests for an adjournment must be in writing. It is the responsibility of the attorney/*pro se* party requesting an adjournment to obtain the consent of her/his adversary (including *pro se* litigants) prior to making the request to the Court. Requests for adjournments not copied to opposing counsel or *pro se* party will not be considered by the Court. Please check your correspondence before sending it to the Court. Please submit at least six (6) dates that all parties and counsel (if any) are available to come before the Court for the next appearance.

Requests for an adjournment received by the Court twenty-four (24) hours (or less) before the court date will not be granted without good cause and consent of the other attorney(s) or pro se litigant(s).

Attorney Requests: If the request for an adjournment is granted, the requesting attorney must inform his/her client and opposing counsel and/or opposing *pro se* party of the adjourned date in writing and copy the Court.

Pro Se Litigant Request: If the request for an adjournment is granted, the *pro se* litigant must inform opposing counsel and/or opposing *pro se* party of the adjourned date in writing and copy the Court.

If there is no response from the Court regarding the request for an adjournment, assume that the request has been denied and you must appear before the Court.

CASE COVERAGE: Case coverage is the responsibility of the attorney of record. An attorney's failure to find coverage, submit an Affidavit/Affirmation of Engagement, or otherwise notify the Court of his/her inability to appear on a case, may result in the matter being reassigned. Please do not ask your adversary on the case to which you are assigned to find coverage for you.

Attorneys please communicate with the Part 4 Court Officer so that you are available when your case is called. If you do not respond when your case is called your case may be called and/or adjourned without you. If a case is adjourned in the absence of the attorney, it shall be the responsibility of the attorney to find out the adjourn date, the court will not contact you.

COURT FILINGS: All documents filed for the Court's signature/consideration shall be filed with the Clerk of the Court, unless otherwise directed by the Court. The papers shall prominently display the proper Judge's name, the nature of the papers, the caption, docket number and family unit number, and include the name of the attorney/party submitting the papers.

Temporary/Interim Orders: The Court would prefer that all Orders (temporary or final) be computer generated, however, if a temporary or interim Order is necessary, the Order should be written in black ink. All handwritten Orders must be neat and legible.

Final Orders: One (1) original and one (1) copy of the proposed Order(s) must be submitted on Notice of Settlement to the Court within thirty (30) days from the date the decision is rendered by the Court, unless otherwise directed by the Court. Please do not submit two-sided Orders. Proposed Orders in child protective proceedings and permanency hearings pursuant to Articles 10 and 10-A of the Family Court Act, respectively, must be submitted for signature immediately, but in no event later than fourteen (14) days of the earlier of the Court's oral announcement of its decision or signing and filing of its decision unless otherwise directed by the Court. See, 22 NYCRR §205.15. All orders must be accompanied by a self-addressed and stamped envelope. If there is opposition to the proposed Order, the objecting attorney or party shall negotiate in good faith to resolve the language/provision being objected to. If the attorneys are not able to resolve the objection, then the objecting attorney shall submit a proposed counter Order to the Court prior to the settlement date affixed by the original proposed Order, unless otherwise directed by the Court.

Proposed Orders that do not reflect the court record will be returned, the Court will not make the changes for you. If the submitting attorney was not present for the settlement or does not remember the proceedings of which the proposed Order is based, the submitting attorney should obtain a copy of the transcript before submitting the incorrect proposed Order to the Court.

Communications with the Court:

Facsimiles: the Court will accept communications by fax provided the sender has served all parties with a copy of the correspondence identical to that faxed to the Court. Facsimiles of documents that must be filed in original form, including but not limited to proposed Orders and Order(s) to Show Cause, will not be accepted by the Court

Email: any request for an adjournment or to review a file, or to inform the Court that an attorney's appearance will be delayed that is made by email will not be considered by the Court.

Ex-parte: is strictly prohibited except upon the presentation of an Order to Show Cause for signature.

Court Ordered Reports: Child Protective Services (CPS) reports, probation reports and other reports requested by the Court are confidential. Requests to review reports requested by the Court shall be decided on a case by case basis.

Mental Health Evaluations or Forensic Evaluations: Parties with retained counsel shall pay 100% of the private pay cost for his or her evaluation and 50% of the evaluation for any child(ren) UNLESS otherwise directed by the Court after receipt and consideration of a duly executed financial disclosure affidavit (FDA) supported by documentation of income, expenses and debt. The evaluation shall be admitted as a Court Exhibit (upon consent) subject to cross-examination without the necessity for independent foundation testing of evidence.

Review of Court Files: Requests to review a court file must be received by the Court more than one (1) court day before the case is scheduled to come on before the Court. Requests to review the court file on the date the case is scheduled to be heard will be denied.

Thank you in advance for your cooperation.

(Revised as of January 9, 2017)