

HON. ARLENE E. KATZ, J.F.C.
Westchester County Family Court
111 Dr. Martin Luther King Jr. Boulevard
White Plains, New York 10601, Courtroom 306
Clerk's Office 914-824-5500; Chambers Tel. 914-824-5423

Staff

Laura A. Daniels, Court Attorney 914-824-5435 ladaniel@nycourts.gov

Pamela J. Sullivan, Secretary 914-824-5423 pjsulliv@nycourts.gov

Eric Larson, Part Clerk elarsen@nycourts.gov

GENERAL RULES OF PART 6

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

Settlement discussions shall take place in advance of the court appearance.

Copies of all proposed orders and orders to show cause shall be sent directly to the Part by email to both Laura Daniels (ladaniel@nycourts.gov) and Pamela Sullivan (pjsulliv@nycourts.gov).

Children of school age must not miss school for a Court appearance. Contact chambers to schedule a different time if necessary.

In all cases, counsel shall meet with their client(s) and confer and make a good faith effort to resolve/narrow issues prior to the appearance.

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. They must have full authority to enter into any agreement on behalf of their client.

All counsel must confirm in writing that they have notified their clients of any rescheduling. If counsel is unable to reach their clients(s) to confirm, the matter will not be rescheduled, and all must appear on the scheduled date.

Any proposed order submitted to the Court for signature must indicate it has been made on notice of settlement unless notice of settlement has been waived in writing by all counsel.

All proposed orders submitted on consent shall be signed by all counsel or have attached copies of emails from all counsel indicating approval as to form and substance unless the complete terms of settlement have been placed upon the record and the Court has completed a satisfactory *voir dire* of all parties.

Following the issuance of any order for forensic evaluation, substance abuse testing, supervised visitation or COI, counsel shall contact the chambers, at least one week prior to the next appearance to ascertain the status of the evaluation/report.

COMMUNICATION WITH THE COURT

Unless directed otherwise, correspondence with the Part shall be by email to pjsulliv@nycourts.gov and ladaniel@nycourts.gov, even if you have filed the communication with the clerk's office. Delays will result for failure to communicate with chambers directly.

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

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

The Court shall 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.

ADJOURNMENT REQUESTS

All adjournment requests must be made by email *to chambers* and made at least three (3) business days in advance of the scheduled appearance, absent an emergency. Proof of emergency may be required.

All adjournment requests shall indicate, the reason for the request, that all counsel have been copied, and must state opposing counsel's and the Attorney for the Child's position(s). If not on consent, the request must contain good cause why the Court should consider it.

Adjournment request due to actual engagements must be filed with an affirmation of actual engagement in conformance with 22 NYCRR Sec. 125.1 and shall be filed as soon as the conflict is known.

All adjournments must be approved by the Court, even where all parties and counsel have consented. If the Court does not affirmatively approve the request, all parties and counsel must appear as scheduled. **All counsel must confirm in writing that they have notified their clients of the adjournment. If counsel is unable to reach their clients(s) to confirm, the matter will not be adjourned, and all must appear on the scheduled date.**

APPEARANCES: GENERAL

If a Spanish interpreter is needed, counsel must notify chambers by email at least 3 days in advance. If an interpreter for a language other than Spanish is needed, counsel must notify chambers by email at least 2 weeks in advance, absent exigent circumstances.

All counsel and parties shall appear **in person** unless **prior permission** to appear virtually or by telephone has been obtained from the Court. Requests for a virtual/telephonic appearance or to have an appearance waived must be made in writing and sent by **email to chamber's**, stating good cause for the request, and whether all counsel have consented.

In all cases, counsel shall meet with their client(s) and confer and make a good faith effort to resolve/narrow issues prior to the appearance.

Attorney conferences will take place only on consent. By participating in an attorney conference, counsel represents that they have obtained their client's consent.

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

APPEARANCES: FACT FINDING HEARINGS

In matters for which the Court has issued 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 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 advance notice and good cause. Oral applications 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 and be fully familiar with applicable procedure, rules of evidence, objections and proper questioning of witnesses.

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. They must have full authority to enter into any agreement on behalf of their 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 Court and other counsel and parties, which may be marked final.

PROPOSED ORDERS

All proposed order submitted to the Court for signature must be filed with the clerk's office **and copied to chambers by email to ladaniel@nycourts.gov and pjsulliv@nycourts.gov.**

Any proposed order submitted to the Court for signature must indicate it has been made on notice of settlement unless notice of settlement has been waived in writing by all counsel.

All proposed orders submitted on consent shall be signed by all counsel or have attached copies of emails from all counsel indicating approval as to form and substance unless the complete terms of settlement have been placed upon the record **and the Court has completed a satisfactory *voir dire* of all parties.**

Opposition to any proposed order shall be negotiated in good faith to resolve the issue(s). If negotiations are unsuccessful, the party opposing the order must file **and email chambers** a proposed counter order prior to the date on which the 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* by the Court or returned unsigned.

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 just and proper.

SUBPOENAS

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

CHANGE OR WITHDRAWAL OF ATTORNEY

Any application seeking a change or withdrawal of an attorney shall comport with the CPLR and other applicable requirements. Counsel seeking the change or withdrawal must continue the representation pending a Court determination that the application has been granted.

ORDERS TO PRODUCE

It is the responsibility of counsel for any incarcerated party to file a proposed order to produce for their client to appear. 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).

Proposed orders to produce a prisoner **must be filed with a courtesy copy to chambers by email at least seven days in advance** of the scheduled appearance.

Counsel is responsible for transmitting the signed order to produce to the correctional facility and confirming that it was received, and that the appearance of the prisoner has been secured.

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

MOTIONS AND ORDERS TO SHOW CAUSE

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

All motions and orders to show cause, and any responsive papers, shall be filed with a courtesy **copy to chambers**.

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

Any order to show cause seeking interim relief must comply with 22 NYCRR Sec. 202.7.

All motions shall be returnable on the next scheduled appearance date and time unless otherwise directed by the Court. If a matter does not have a future appearance date, the motion may be made returnable any Tuesday at 2 PM 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 they must notify all other parties.

All orders to show cause must include counsel’s email address.

ALTERNATE SERVICE

All applications for alternate service must be made by motion in conformance with all statutory requirements, including but not limited to CPLR 2214.

SETTLED CASES

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

All 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.

DECISIONS

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, along with a copy of the transcript of the proceeding during which the bench decision was rendered.

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS) MATTERS

Counsel shall be familiar with all requirements in such cases, including necessary documents, procedures and requirements for translations.

Each document must be filed as a separate document or attachment and not grouped as a single attachment to an email or filed with the clerk’s office stapled as a packet.

Children of school age must not miss school for a Court appearance. Contact chambers to schedule a different time if necessary.

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.

FORENSIC REPORTS AND EVALUATIONS

All Court-ordered forensic reports and evaluations shall be submitted into evidence as the Court’s exhibit(s) without further foundation testimony or evidence, subject to cross examination. A party who chooses to cross exam the forensic evaluator or preparer of any report or evaluation shall be responsible for all costs and fees for the preparation for testifying, travel and waiting time, and testimony, unless otherwise directed by the Court.

Following the issuance of a forensic evaluation Order, **counsel shall contact the chambers, at least one week prior to the next appearance**, if possible, to ascertain the status of the evaluation/report.

MISCELLANEOUS

Any document submitted in a foreign language must be accompanied by an English translation with a sworn affidavit of the translator stating their qualifications to translate the document and that the document 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 their qualifications to orally interpret the contents of the document.

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

ADOPTION PROCEEDINGS

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

GENERAL RULES OF COURT

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

Counsel must be 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 petitions (s) and relevant order(s) prior to entering the courtroom. Copies may be obtained in the Clerk's office.

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

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

Except for correspondence as permitted below, all filings (proposed orders, notices of appearance, motions, etc.), MUST be files with the Clerk's office unless directed by the Court in a particular matter.

(Revised March 2024)