

**Honorable Michelle I. Schauer**  
Judge of the Westchester County Family Court  
131 Warburton Avenue, 3<sup>rd</sup> Floor  
Yonkers, New York 10701  
Clerk's Office 914-831-6555

**Chambers Direct Fax: 212-618-7980**

**Associate Court Attorney:** Michele D'Ambrosio  
E-mail: [mdambros@nycourts.gov](mailto:mdambros@nycourts.gov)

**Secretary:** Nicole Marcano  
Phone: 914-831-6443  
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## **PART RULES**

### **GENERAL**

Parties and counsel should make every effort to be on time. On an emergency basis, if an attorney or party is running late for a court appearance, please e-mail **all** of the following:

Nicole Marcano at [nmarcano@nycourts.gov](mailto:nmarcano@nycourts.gov)  
Michele D'Ambrosio at [mdambros@nycourts.gov](mailto:mdambros@nycourts.gov)  
Ed Edmead at [eedmead@nycourts.gov](mailto:eedmead@nycourts.gov)

### **CORRESPONDENCE/COMMUNICATION WITH THE COURT**

All communication with this Court must be in writing. Email correspondence shall be sent to Court Attorney Michele D'Ambrosio at [mdambros@nycourts.gov](mailto:mdambros@nycourts.gov) with a copy to Judge Schauer's secretary, Nicole Marcano, at [nmarcano@nycourts.gov](mailto:nmarcano@nycourts.gov). Such correspondence must also be copied to all counsel, including the Attorney for the Child, and any self-represented parties.

Any correspondence sent to the Court must include a family unit number and an e-mail address, telephone number, and street address of the sender (unless there is a court order of confidentiality as to the sender).

The court does not expect to be copied on correspondence between counsel and/or self-represented parties.

Any communication sent to the Court without being copied to all counsel, including the Attorney for the Child and any self-represented parties, will be returned to the sender.

### **ADJOURNMENTS**

All adjournments must be approved by the Court even when the parties and counsel have consented to the adjournment. Adjournment requests must be made in writing and either e-mailed to Court Attorney Michele D'Ambrosio at [mdambros@nycourts.gov](mailto:mdambros@nycourts.gov) and copied to Judge Schauer's secretary Nicole Marcano at [nmarcano@nycourts.gov](mailto:nmarcano@nycourts.gov) or faxed to

Chambers at 212-618-7980.

Absent exigent circumstances, adjournment requests shall be made at least 3 business days in advance of the scheduled date and must indicate the reason for the adjournment and whether the request is on consent of all counsel and/or parties.

Adjournment requests made upon consent of all parties and counsel must include at least three future dates that are acceptable to all. Adjournment requests due to attorney engagement in another court must be made pursuant to 22 NYCRR §125.1.

If an adjournment request is granted, the requesting party must notify all interested parties, including the Attorney for the Child and any self-represented parties of the adjourned date, and send confirming notification of the new date. **If there is no response from the Court regarding an adjournment request, assume that it has been denied and that you must appear.**

Please note that if a written request for an adjournment or confirmation of the adjournment is sent to chambers by fax or e-mail, the original correspondence is not required to follow by mail.

A respondent or respondent's counsel requesting an adjournment of a preliminary proceeding must acknowledge service, waive any defects in service, and follow the above procedure for scheduling a court appearance, which will then be for a conference. All temporary orders will be extended through the next court date.

### **COVERAGE**

Case coverage is the responsibility of the attorney of record. An assigned counsel's failure to find coverage, submit an Affirmation of Engagement, or otherwise notify the Court of his/her unavailability to appear on a case may result in the matter being reassigned.

As to Attorneys for Children, in the event of an excusable absence, you may submit your client's position in writing, as well as future availability dates (which should be for at least two months after the court date) to all counsel and self-represented parties. There is no requirement for coverage by an AFC with no independent knowledge of the case, but the AFC of record is responsible for following up to get the next court date.

Please note that if an attorney arranges for another attorney to appear on his/her behalf, the covering attorney **must be fully familiar with the case and have full authority to enter into any agreement, substantive or procedural, on behalf of the client.**

### **PETITIONS/ORDERS TO SHOW CAUSE/ORDERS**

All Petitions, Orders, and Orders to Show Cause must be filed with the Clerk's office in Yonkers and not with Chambers. Filed documents must be originals. Filing is **not** permitted by facsimile or email. If an attorney is directed to prepare a final order, notice of settlement shall be a maximum of two weeks, unless otherwise ordered.

Any Order to Show Cause requesting interim relief must comply with 22 NYCRR §202.7.

## **MOTIONS**

Motions must be filed with the Clerk's office in Yonkers and not with Chambers.

Ordinarily, an appearance on a motion is not required. However, if an attorney is requesting an appearance on a motion, this should be noted in the Notice of Motion. The Court, in its discretion, may schedule an appearance on the motion and, if it does so, will notify the parties of the appearance date and time.

## **NOTICES OF ASSIGNMENT**

Questions regarding notices of assignment should be directed to Michael Salcito via e-mail at [msalcito@nycourts.gov](mailto:msalcito@nycourts.gov).

## **VOUCHERS**

Questions regarding vouchers should be directed to Nicole Marcano at [nmarcano@nycourts.gov](mailto:nmarcano@nycourts.gov). Be sure to include the family unit number, name of the case and the date(s) in question. All vouchers submitted must include the original voucher and two copies. Each set must be properly stapled and paper clipped together. Any incomplete or incorrectly submitted vouchers will be returned.

## **INTERPRETERS**

If a party requires the services of a non-Spanish speaking interpreter, counsel should notify the Court as soon as possible so that appropriate arrangements can be made. Please make an effort to notify the Court at least two weeks before the interpreter is needed. Attorneys may submit an order for an interpreter to assist them in communicating with their clients outside of court.

## **TRIAL PROCEDURE**

When a matter is scheduled for trial, parties should appear ready to proceed with the trial at the scheduled time. Trial time may not be used for settlement discussions. Any settlement discussions should take place and be completed outside of court time. Accordingly, do not appear at the time a trial is scheduled to begin and expect to proceed with settlement discussions. If counsel or a self-represented party is not ready to proceed on the date of trial, the matter may be dismissed.

**Motions In Limine:** Counsel shall advise the court in writing of any issues of which they are aware in advance of trial, which may require a ruling by the court during trial.

**Exhibits:** Before trial begins, counsel shall provide the court and other counsel or self-represented parties with a list of exhibits. Counsel shall pre-mark all exhibits before trial and with respect to any court documents of which counsel is requesting that judicial notice be taken, counsel shall provide a separate list of those documents to the court and other counsel or self-represented parties. Those documents shall be numbered as "Court Exhibits."

**Evaluations:** Parties requesting mental health/forensic evaluations should agree upon the evaluator and to the report being admitted into evidence at trial subject to cross-examination. If the parties cannot agree, they shall each submit the name of the evaluator they propose and the court will choose the evaluator from those suggested. The evaluator should be from the Directory of Mental Health Professionals on the Appellate Division, Second Department website. Any party wishing to cross-examine the forensic evaluator shall bear the cost unless otherwise ordered by the Court or agreed upon between the parties in writing.

The reports of any court-approved evaluator (or other expert) are not to be provided to the litigants, but may be provided to counsel upon their filing of a Non-Disclosure Affidavit. Litigants are permitted to review reports under the supervision of their attorneys, but may not make any reproductions of the report in full or part. Self-represented parties may review reports in the Clerk's office in Yonkers.

**Subpoenaed Documents:** Subpoenas Duces Tecum shall be filed with the Clerk's office in Yonkers and not with Chambers. Subpoenas Duces Tecum shall be made returnable to court at least three days before the first day of trial. Counsel shall review subpoenaed documents before the date of trial. Trial time will not be allotted for counsel to review such documents.

**Settled Cases:** Counsel shall notify the Court immediately if a case is settled. Stipulations of Settlement must contain complete *voir dire* language and all parties and counsel, including the Attorney for the Child, must sign the Stipulation indicating approval as to form and content.

**Article 10 Settlements:** The Court will not accept a consent finding on the day of fact finding. If the parties agree to a consent finding, they shall notify the Court before the fact finding date. Otherwise, any settlement made on the day of fact finding shall be by admission only.