

# New York City Family Court Information for Attorneys

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## **Guidelines for Submitting Petitions, Motions and Other Applications**

As of August 24, 2020, all petitions, motions and other applications submitted by attorneys must be submitted through the new Electronic Document Delivery System (EDDS.) For information about using EDDS, go to <https://iappscontent.courts.state.ny.us/NYSCEF/live/eds.htm> .

After submitting through EDDS, if the court decides that the submission requires a virtual courtroom appearance, attorneys will be given instructions for connecting to a virtual courtroom via Skype for Business. (Note that the court will soon transition from Skype to Microsoft TEAMS. Please watch for announcements regarding TEAMS.) Those who are scheduled to appear in a virtual courtroom but who are unable to use Skype for Business (or TEAMS) will be given a telephone number and dial-in code to connect telephonically.

### **Stipulations:**

Parties and counsel are strongly urged to resolve matters by stipulation for the Court's review and determination. Stipulations are to be submitted in accordance with the following guidelines:

- All attorney-prepared stipulations are to be submitted through EDDS.
- Do not submit unsigned stipulations.
- When practicable, submitted stipulations should be signed by all counsel and parties.
- If it is not possible for counsel to obtain the signature of a client, counsel must include in the stipulation an affirmation stating that the client consents to the terms of the stipulation and has authorized the attorney to sign the stipulation on his or her behalf.
- The stipulation will be routed to the jurist assigned to the case and the jurist or the jurist's court attorney will contact the applicant.

### **Orders To Show Cause (OTSC):**

If, after making diligent efforts to obtain a resolution on an essential matter, a resolution is not reached, an order to show cause may be submitted by counsel in accordance with the following guidelines:

- All attorney-prepared OTSC are to be submitted through EDDS.
- The OTSC must set forth the grounds for the urgency and include a description of the efforts made by the parties to resolve the issues.
- The OTSC will be routed to the jurist assigned to the case.
- The jurist will notify the applicant as to whether the OTSC has been signed.

- If the jurist signs the OTSC, the court will notify the applicant as to whether additional submissions are required and whether an appearance will be scheduled.

## **VIRTUAL COURT GUIDELINES FOR PRACTITIONERS**

In an effort to provide guidance to practitioners handling matters in the NYC Family Court by remote appearance and/or by telephonic means, the following is a general description of the court's current virtual operation. In light of the extraordinary circumstances under which we are working, these guidelines are temporary and may be modified in the future.

### **The following matters are being heard in the Citywide Virtual Courtrooms:**

- child protection intake cases involving applications for remand or a temporary order of protection (TOP)
- newly filed juvenile delinquency intake cases involving applications for remand or TOP and modifications of remand and TOP orders
- family offense petitions requesting TOPs
- any other matter deemed by the court to be essential or an emergency.

### **Countywide Virtual Courtrooms:**

In addition, in pending cases, individual county virtual courtrooms entertain non-emergency applications that can be adjudicated with minimal hearing time.

### **Guidelines for the Citywide Virtual Courtrooms**

- Each part is equipped with Skype for Business for video conferencing capability and a designated telephone number for telephonic appearances. (Note that the court will soon transition from Skype to Microsoft TEAMS. Please watch for announcements regarding TEAMS.)
- All matters submitted by attorneys, both essential/emergency and non-essential/non-emergency matters, are to be submitted through EDDS, except that ACS will submit Article 10 petitions via LUC.
- Copies of petitions, court orders, etc., will be available via the procedure outlined in "How to Obtain Copies of Documents from the New York City Family Court" on the home page of the New York City Family Court website, <http://ww2.nycourts.gov/COURTS/nyc/family/index.shtml>, and via UCMS.
- All proceedings will be recorded.
- Language Line interpreter services will be used as needed.

### **Article 10**

- Each legal provider should maintain one email address to which the court may send Skype for Business invitations when an emergency case is ready to be heard by the judge.
- Each legal provider should maintain one central telephone number for emergency contact and/or to set up telephonic appearances of emergency matters.

- It is counsel's responsibility to arrange for their clients' appearances either telephonically or by video conference.
- Copies of petitions, court orders, etc., will be available via the procedure outlined in "How to Obtain Copies of Documents from the New York City Family Court" on the home page of the New York City Family Court website, <http://ww2.nycourts.gov/COURTS/nyc/family/index.shtml>, and via UCMS.
- The court has issued an administrative order presumptively assigning institutional providers of legal representation for parents, children and other interested parties. This will permit ACS to distribute newly filed Article 10 petitions prior to the court appearance.

### **Article 3**

- Arrested youths who are not released are brought to 60 Lafayette Street and are held there in a separate room that is equipped with video conferencing capability to facilitate their appearance during the intake proceeding.
- Parents and guardians are permitted to appear remotely with the youth if they are present at 60 Lafayette Street, 4<sup>th</sup> floor.