

# Honorable Arlene Gordon-Oliver

Westchester County Family Court  
111 Dr. Martin Luther King, Jr. Blvd  
White Plains, New York 10601  
Chambers Direct Fax: (914)-824-5861

**Associate Court Attorney:** Monique Hardy

**Email:** [mhardy@nycourts.gov](mailto:mhardy@nycourts.gov)

**Secretary:** Sha-kee Williams

**Phone:** (914) 824-5798

**Email:** [sdwillia@nycourts.gov](mailto:sdwillia@nycourts.gov)

**Part Clerk:** Sharon Conrad

**Phone:** (914) 824-5556

**Email:** [sconrad@nycourts.gov](mailto:sconrad@nycourts.gov)

## PART RULES

### 1. GENERAL

Parties and counsel should make every effort to be on time and prepared. Counsel is required to speak to their clients or make diligent efforts to speak with their respective clients prior to the Court appearance. For assigned counsel and attorney for the child(ren) (“AFC”), if no contact information is provided at the time of assignment, please contact the Clerk’s Office by email at [VirtualWestchesterFamilyCourtWhitePlains@nycourts.gov](mailto:VirtualWestchesterFamilyCourtWhitePlains@nycourts.gov) and CC the Part Clerk. A petition may be dismissed if there is no appearance by the petitioner or petitioner's counsel by the scheduled time.

**On an emergency basis**, if an attorney or his/her client is running late for a court appearance (virtual or in-person), please e-mail **all** of the following individuals:

**Associate Court Attorney:** Monique Hardy at [mhardy@nycourts.gov](mailto:mhardy@nycourts.gov)

**Secretary:** Sha-kee Williams at [sdwillia@nycourts.gov](mailto:sdwillia@nycourts.gov)

**Part Clerk:** Sharon Conrad at [sconrad@nycourts.gov](mailto:sconrad@nycourts.gov)

### 2. CORRESPONDENCE/COMMUNICATION WITH THE COURT

Communication with the Court shall be made in writing. Such correspondence must be copied to all counsel, including the Attorney for the Child, and any pro se litigants. Any

correspondence sent to the Court shall include a family unit number, an e-mail address, telephone number, and street address of the sender (unless there is a court order of confidentiality as to the sender). Please do not copy the court on correspondences unless it is necessary to advise the court of an emergency or Court intervention is required.

**Please note that NO communication or correspondences should be directly sent to the Judge.**

Any and all **ex parte** communication to the Court will be returned to the sender and/or disseminated to all parties and their respective counsel, if any.

### **3. VIRTUAL PROCEEDINGS**

**There will be NO virtual appearances unless specifically directed by the Court.**

When appearances are scheduled to be held virtually, please use the Part's general link below to log on to the proceeding. If experiencing any issues related to joining the proceeding, counsel and/or parties are to immediately notify the Part Clerk Sharon Conrad at [sconrad@nycourts.gov](mailto:sconrad@nycourts.gov).

Part 3 General Link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NDM1NmM5M2ItMjNiZS00MTcxLTliYjUtNzdiNTU0YTNIMzgz%40thread.v2/0?context=%7b%22Tid%22%3a%223456fe92-cbd1-406d-b5a3-5364bec0a833%22%2c%22Oid%22%3a%22463193cd-a203-49fe-9ddb-941f8446e09c%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDM1NmM5M2ItMjNiZS00MTcxLTliYjUtNzdiNTU0YTNIMzgz%40thread.v2/0?context=%7b%22Tid%22%3a%223456fe92-cbd1-406d-b5a3-5364bec0a833%22%2c%22Oid%22%3a%22463193cd-a203-49fe-9ddb-941f8446e09c%22%7d)

When appearing virtually, litigants are reminded to have a private, quiet area for the appearance in which no other individual, including any children, are within ear shot of the proceeding. Counsel and parties are to be familiar with the mute option and are to remain on mute unless they are speaking, in order to avoid any unnecessary background noise.

Participants must be appropriately attired. There should be **NO** eating; drinking; driving; walking; smoking; etc. during the course of the virtual proceedings.

Counsel and parties are reminded that recording, broadcasting, or streaming of Family Court proceedings is prohibited pursuant to the Rules of the Chief Judge 29.1

### **4. ADJOURNMENTS**

**All** adjournments must be approved by the Court even when the parties and counsel have consented to the adjournment. Any request for an adjournment should be made in writing and submitted by email to Court Attorney Monique Hardy at [mhardy@nycourts.gov](mailto:mhardy@nycourts.gov) and

copied to Part Secretary Sha-Kee Williams at [sdwillia@nycourts.gov](mailto:sdwillia@nycourts.gov) or filed with the Clerk's Office.

Requests should be made at least forty-eight (48) hours in advance of the scheduled date and must include the reason the adjournment has been requested, supporting proof, and whether the other interested parties, including the Attorney for the Child, consent or object.

Adjournment requests made upon consent of all parties and counsel must include at least three (3) future dates that are acceptable to all. These three (3) dates must fall within the four-week period immediately following the scheduled appearance date. If an adjournment request is granted, the requesting party must notify all interested parties, including the Attorney for the Child and any pro se litigants, of the adjourned date and send confirming notification of the new date. **Only in an emergency** will the Court grant an adjournment made less than forty-eight (48) hours before the scheduled date.

**A. Adjournments for Preliminary Proceedings**

Petitioners **will not** be granted an adjournment for Preliminary Proceedings unless extraordinary circumstances exist. Respondents requesting an adjournment of a Preliminary Proceeding must acknowledge service and waive any defects in service and follow the above procedure for scheduling a court appearance, which will then be placed on the court calendar for a conference. All temporary orders will be extended through the next court date.

Please note that if a written request for an adjournment or confirmation of the adjournment is sent to chambers by email, the original correspondence is **NOT** required to follow by mail.

**B. Engagement of Counsel:** Adjournment requests due to attorney engagement in another court must be made pursuant to 22 NYCRR §125.1. Adjournment requests are not automatic and will be evaluated by Judge Gordon-Oliver on a case by case basis. Notice to the Court must be made as soon as a conflict is discovered.

Each adjournment request based on engagement of counsel shall be proved by affidavit or affirmation, filed with the court together with proof of service on all parties, setting forth:

- (i) the title of the action or proceeding in which counsel is engaged;
- (ii) its general nature;
- (iii) the court and part in which it is scheduled or, if it is a proceeding conducted pursuant to rule 3405 of the CPLR, the court in which the underlying action was commenced;
- (iv) the name of the judge or panel chairman who will preside over it; and
- (v) the date and time the engagement is to commence, or did commence, and the date and time of its probable conclusion.

## 5. 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.

All AFCs are expected to give a status to the Court on their client at every appearance, therefore **AFCs are further expected to speak to or see their respective clients prior to each court appearance**. As to AFCs, in the event of an excusable absence, you may submit your client's status/position in writing to the court. In addition, the AFC is required to find coverage and provide the covering AFC with future available dates. Failure to abide by this paragraph may result in the matter being reassigned.

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**.

## 6. FILINGS/ORDERS/DECISIONS

**All filings** for the Court's signature/consideration shall be filed with the Clerk's Office in accordance with the protocols indicated on the Court's main website at [www.nycourts.gov](http://www.nycourts.gov).

If an attorney is directed to prepare an order, it shall be circulated to all attorneys and reviewed by the parties prior to presentation to the court. If necessary, upon the court's approval, notice of settlement shall be set at a maximum of two weeks, unless otherwise agreed upon or waived by the parties, counsel or the Court. Proof of waiver of notice of settlement by counsel is to be submitted with the proposed order.

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, the objecting attorney shall submit a proposed counter order with cover letter specifically delineating the conflicting clause(s) prior to the settlement date, unless otherwise directed by the Court.

Where the Court issues a bench decision and a party would like a written decision and order, the party shall submit a proposed order to the Court, with Notice of Settlement, and a transcript of the proceedings at which the bench decision was rendered. Written decisions will be sent to counsel via the secure e-mailing portal.

- A. **Orders to Produce:** It is the responsibility of counsel for any incarcerated party to file a proposed order to produce with an affirmation at least two (2) weeks in advance of the court proceeding, so that his/her client can appear. The proposed order must indicate the type of

appearance sought (i.e., in person, telephone or video). All proposed orders must include the incarcerated party's date of birth and inmate number. Counsel is responsible for transmitting the Order to Produce to the appropriate correctional facility.

## **7. MOTIONS/ORDER TO SHOW CAUSE**

Orders to Show Cause, Motions, Response/Opposition, Reply must be filed with the Clerk's Office with a courtesy copy sent to Chambers via email at [9jd-chambersAGO@nycourts.gov](mailto:9jd-chambersAGO@nycourts.gov).

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

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, same 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. Decisions on motions may be rendered from the bench or done in writing.

- A. Subpoenas:** Subpoenas should be properly captioned (i.e. *duces tecum* and/or *ad testificandum*) and filed with the Clerk's Office with a courtesy copy sent to Chambers via email at [9jd-chambersAGO@nycourts.gov](mailto:9jd-chambersAGO@nycourts.gov), with proof of notice to all attorneys, agencies, and pro se parties of the return date. Counsel are referred to CPLR §§ 2306 and 2307 for guidance as to subpoenas directed to municipal entities such as libraries, municipal corporations and their departments and bureaus. The Court's issuance of a subpoena to such entities does not constitute a ruling as to the admissibility of the subpoenaed records.

Counsel shall review subpoenaed documents before the date of trial. Trial time will not be allotted for counsel to review such documents.

## **8. NOTICE OF ASSIGNMENT**

Questions regarding notices of assignment should be directed to the Clerk's Office via email at [VirtualWestchesterFamilyCourtWhitePlains@nycourts.gov](mailto:VirtualWestchesterFamilyCourtWhitePlains@nycourts.gov).

## **9. CHANGE OR WITHDRAWAL OF ATTORNEY**

Any change or withdrawal of an attorney requires the filing of a motion/order to show cause and shall comport with the CPLR and other applicable requirements. Counsel seeking the change or withdrawal as attorney of record, must continue full representation until her/his application has been granted by the court.

The Court will not accept a Consent to Change Attorney form unless a matter is being transferred to another attorney that has already been identified and is present to take over the case.

## 10. VOUCHERS

Questions regarding vouchers should be directed to the Part Secretary Sha-kee Williams at [sdwillia@nycourts.gov](mailto:sdwillia@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 (2) copies. Each set must be properly stapled, or paper clipped together. Any incomplete or incorrectly submitted vouchers will not be processed.

## 11. INTERPRETERS

If a party requires the services of a non-Spanish speaking interpreter, counsel should notify the Part Clerk Sharon Conrad at [sconrad@nycourts.gov](mailto:sconrad@nycourts.gov) and copy Court Attorney Monique Hardy at [mhardy@nycourts.gov](mailto:mhardy@nycourts.gov), at least two (2) weeks in advance so the appropriate arrangements can be made to have the interpreter present on the required date. Attorneys may submit an order for an interpreter to assist them in communicating with their clients outside of court. Said proposed order should be filed with the Clerk's Office, CC'ing Court Attorney Monique Hardy at [mhardy@nycourts.gov](mailto:mhardy@nycourts.gov).

## 12. 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 petitioner's counsel or a pro se petitioner is not ready to proceed on the date of trial, the matter might be dismissed.

- A. **Motions In Limine:** Counsel shall advise the court in writing of any issues that they are aware of in advance of trial which may require a ruling by the court during trial.
- B. **Exhibits:** Before trial begins, counsel shall provide the court and other counsel or pro se litigants with a list of exhibits. Counsel shall pre-mark all exhibits before trial. 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 pro se litigants. Those documents shall be numbered as "Court Exhibits."
- C. **Evaluations:** Parties requesting mental health/forensic evaluations should agree upon the

evaluator and to the report being admitted into evidence at trial which will be subject to cross-examination. If the parties cannot agree, they shall each submit the name and CV of the evaluator they propose, and the Court will choose the evaluator from those suggested. The evaluation shall be admitted as a Court Exhibit (upon consent) subject to cross-examination, without the necessity of further foundation testimony or evidence. Either party (at his or her expense) may call the evaluator as a witness for purpose of cross-examination regarding the report.

Parties with retained counsel shall pay 100% of the private pay cost for his/her evaluation and 50% of the evaluation for any child(ren) (subject to reallocation) 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 reports of any court-approved evaluator (or other expert)** will not be provided to the litigants but may be provided to counsel upon their filing of a Non-Disclosure Affirmation. 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. Pro-se litigants may review reports upon court approval in the Clerk's Office.

- D. 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.

### **13. JUVENILE DELINQUENCY AND PINS PROCEEDINGS**

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

### **14. GUARDIANSHIP PROCEEDINGS**

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

An original document (birth certificate or passport) shall be provided to the Court identifying the subject child and the subject child’s age at the hearing.

Counsel must contact the Court Attorney **at least two (2) weeks in advance of a hearing** to confirm that all required documents have been properly submitted and all of the other necessary requirements have been met.

## **15. SETTLED CASES**

Counsel shall notify the Court immediately if a case is settled. The Court will not entertain any stipulations without an appearance by all parties and counsel. The Court requires that the stipulation is submitted prior to the appearance. 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. The Court will schedule a brief hearing for the purpose of making a record of settlement and to *voir dire* the parties as to the agreed upon Stipulation. All parties must appear for this hearing.