

Honorable Rachel Hahn, J.F.C.
Westchester County Family Court
131 Warburton Avenue, 3rd Floor
Yonkers, NY 10701
Clerk's Office: 914-831-6555
Chambers: 914-831-6548
Chambers Fax: 212-416-1438

Court Clerk:
Marilyn Hernandez

Associate Court Attorney:
Amanda Zane

Secretary to Judge:
Larissa Ramos

PART 4 RULES

GENERAL RULES OF CONDUCT

All attorneys and parties must be on time and ready to proceed. Cases may be dismissed or proceed to inquest if the parties and/or counsel are not present when the matter is called. If an appearance is scheduled to be conducted by Microsoft TEAMS, please ensure that you and your clients have downloaded the necessary applications and are able to appear on video PRIOR to the appearance.

All counsel, including the Attorney for the Child, shall speak with their clients in advance of every court appearance.

Counsel shall ensure that the Part has a current email address and mobile phone number on file for themselves and their clients.

All filings shall be made in compliance with current Administrative Orders and the Uniform Rules for the Family Court (22 NYCRR § 205.1 et seq.). Anyone appearing before this Court shall be fully familiar with same.

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) sought to be modified by this Court.

Counsel must notify the Court no later than ten (10) business days before an appearance is scheduled if an interpreter is needed.

CORRESPONDENCE/COMMUNICATION WITH THE COURT

Ex-parte communications is strictly prohibited except upon the presentation of an Order to Show Cause for signature. All other correspondence with the Court must be copied to all counsel and unrepresented parties and shall prominently indicate the file number and next appearance date.

The Court should not be copied on correspondence between/among counsel/unrepresented parties unless directed by the Court.

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

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.

REQUEST TO REVIEW COURT FILE AND/OR REPORTS

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. You must fill out a "Request to Review Court File" form at the Clerk's Office.

ADJOURNMENTS

Any request for an adjournment should be made in writing and faxed to Chambers at 212-416-1438 or filed with the Clerk's Office. All adjournments must be approved by the Court even when the parties and counsel have consented to the adjournment. ***If there is no response from the Court regarding an adjournment request, assume that it has been denied and that you must appear.***

Absent exigent circumstances, adjournment requests shall be made ***at least seven (7) days prior*** to the scheduled appearance and must indicate the reason for the adjournment request and whether the request is on consent of all counsel and/or parties. ***Proof of emergency may be required.***

Adjournment requests due to actual engagement must be filed with an affirmation of actual engagement in conformance with 22 NYCRR §125.1 and include the date the conflicting appearance was scheduled. The affirmation shall be filed as soon as the conflict is known, but ***not less than seven (7) days prior to the appearance absent good cause.***

All requests **must** include ***at least six (6) proposed adjournment dates*** on which all counsel and parties are available. 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.

All temporary orders will be extended through the adjourned date. Temporary orders may be extended administratively by Administrative Order in emergency situations.

NOTICE OF APPEARANCE

Retained attorneys must file a written notice of appearance and fully executed consent to change attorney form (if applicable) 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. The Court can only provide case information to the attorney of record.

CASE 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. He or she must have full authority to enter into any agreement on behalf of the 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 all other counsel and parties. Failure to appear on the following adjourned date may result in reassignment (if counsel is assigned) and/or any other relief the Court finds to be just and proper.

WITHDRAWAL OF ATTORNEY

Any change or withdrawal of an attorney shall comport with CPLR and other applicable requirements. Counsel seeking change or withdrawal must continue full representation until he or she has confirmed with the Court that his or her application has been granted.

COURT APPEARANCES

PRELIMINARY PROCEEDINGS

If service of process is not completed by the Preliminary date, the case may be adjourned to complete personal service. If service is not completed by the adjourned personal service date, the case may be dismissed for lack of service unless the Court finds good cause for an additional adjournment.

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 when the Child's parent or legal guardian will not or cannot attend the Court appearance.

GUARDIANSHIP PROCEEDINGS

Counsel in guardianship proceedings shall be familiar with all requirements in such cases, including necessary documents, procedures and requirements for translations. All documents shall be filed and stamped individually, not stapled as a packet. Use of official forms created by the Office of Court Administration (available online) is preferred. A checklist and packet detailing these requirements is available from Chambers upon request.

ADOPTION PROCEEDINGS

Only official forms created by the Office of Court Administration (available online) will be accepted. Adoption packets and checklists are available from Chambers upon request.

FACT-FINDING HEARINGS

In matters for which the Court issues 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 a showing of good cause and/or prior Court approval. In the interest of judicial economy, all exhibits must be pre-marked.

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. All written settlement agreements must contain *voir dire* language and indicate that the required registry checks were completed. The parties' signatures must be notarized. 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.

NOTICE(S) OF MOTION

Motions must be filed with the Clerk's Office in Yonkers and shall be made returnable pursuant to Civil Practice Law and Rules §408 and §2214.

Motions should generally be made returnable on the matter's next scheduled appearance date and time, unless directed otherwise by the Court. If there is no future date or the attorney is requesting an appearance on a motion before the adjourned date, said request should be indicated 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. Please be advised that the attorneys and/or parties shall not adjourn the return date of the motion without the consent of the Court. The Court may issue a motion schedule and may also issue a written decision on a motion prior to the adjourned date.

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.

When subpoenas are directed to documents in the possession, custody or control of libraries, hospitals, and municipal corporations and their departments and bureaus, the subpoena notice must be "So Ordered" by the Court ("judicial subpoena") pursuant to CPLR §§ 2306 and 2307 and then be served on the intended recipient at least three (3) days before the time fixed for the production of the documents, unless such notice is waived by the Court due to emergency circumstances as set forth in CPLR § 2307. The judicial subpoena must be served on all counsel and parties to the proceeding promptly after service on the witness, as required by CPLR § 2303(a).

Any party wishing to obtain a judicial subpoena must move the Court on one (1) day's notice to the person having custody of the record or document pursuant to CPLR § 2302(b) and must do so at least seven (7) days prior to the scheduled fact-finding hearing, except in exceptional circumstances. Fact-finding hearings will not be adjourned for failure to comply with this provision, except for good cause. Motions for judicial subpoenas should be delivered to the Family Court Clerk at the Yonkers Family Courthouse. The Court's issuance of a judicial subpoena does not constitute a ruling as to the admissibility of the subpoenaed materials.

ORDER(S) TO SHOW CAUSE

Order(s) to Show Cause must be filed with the Clerk in the Yonkers Family Courthouse and not with Chambers. Counsel shall file one original and one copy of the Order to Show Cause. Any Orders to

Show Cause requesting interim relief must comply with the provisions of 22 NYCRR § 202.7(f). A copy of the Order to Show Cause will be emailed or faxed to the submitting attorney. The returned Order to Show Cause will either be signed or indicate that the Judge declined to sign.

ORDERS TO PRODUCE

It is the responsibility of counsel for any incarcerated party to file a proposed order to produce with affirmation for his or her client to appear in person, by telephone or video. 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). All proposed orders must include the incarcerated party's date of birth and inmate number (DIN, JID, NYSID, etc.). Counsel is responsible for transmitting the order to the correctional facility.

TEMPORARY/INTERIM ORDERS

The Court would prefer that all orders 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.

PROPOSED ORDERS

All proposed orders must be filed with the Clerk. All proposed temporary orders on consent shall have attached copies of emails from all counsel indicating consent to entry of the order or be signed by all counsel and with notarized signatures of all parties, unless the complete terms of the proposed temporary order have been placed upon the record and the Court has completed a satisfactory *voir dire* of all parties.

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 proposed order to the Court.

FINAL ORDERS

A 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. 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, along with the original proposed order and a "redlined" copy highlighting the language which differs from that of the originally submitted order, unless otherwise directed by the Court.

COURT ORDERED REPORTS

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

MENTAL HEALTH EVALUATIONS OR FORENSIC EVALUATIONS

Any application for a forensic evaluation shall be made in writing and shall identify the basis for the application and any of the issues that are believed to be relevant to the evaluation by describing them in detail, identifying who should be seen by the forensic evaluator including collateral sources, listing any documentation for the forensic evaluator to review, identifying any agencies or therapeutic professionals providing services to the parties and/or Child, identifying the professional discipline of the forensic evaluator along with providing two names of proposed evaluators.

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. Parties requesting assistance with the cost of forensics pursuant to County Law § 722-c shall submit an FDA.

Copies of the forensic evaluation will be made available for viewing at the courthouse. The forensic evaluation will not be released unless pursuant to this Court's Order for Release, which states that the report will be admitted into evidence at trial as a court exhibit subject to cross-examination of the forensic evaluator and the rules of evidence. If all parties consent to the terms of the Court's Order for Release of the Forensic Evaluation, a copy of the forensic evaluation will be mailed to each of the attorneys of record. Copies will not be released directly to the parties, including pro se litigants, under any circumstances. The parties may review the evaluation in their attorneys' offices or have it read to them over the phone. Pro se litigants may review the evaluation in the courthouse during regular business hours by making an appointment.

VOUCHERS

Questions regarding vouchers should be directed to Larissa Ramos at 914-831-6548. 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 not be processed and will be returned.

THESE RULES ARE SUBJECT TO REVISION WITHOUT PRIOR NOTICE