

HONORABLE VICTORIA B. CAMPBELL, J.F.C.
Orange County Family Court
285 Main Street, Goshen New York 10924
Chambers: (845) 476-3562
Chambers Fax: (845) 291-4405

Part Clerk: George Laraia	[glaraia@nycourts.gov]
Order Clerk: Lisa Liveanu	[lliveanu@nycourts.gov]
Court Attorney: Amanda B. Brady, Esq.	[abrady@nycourts.gov]
Secretary: Debra Osborne	[dosborne@nycourts.gov]

TEMPORARY PART RULES
(Effective June 14, 2021)

Virtual Communication and Appearances

1. When using e-mail to send papers to the Court, all petitions, motions and proposed Orders should be e-mailed to virtualorangefamilycourt@nycourts.gov
2. All retained counsel shall file a Notice of Appearance with the Part Clerk on or before the attorney's first appearance.
3. For all virtual appearances, you will receive the Microsoft Teams link at least 2 days prior to the appearance. Attorneys are responsible for making sure their clients have the link and know how to appear virtually, with a working camera, prior to the appearance. All pro se litigants are responsible for providing the Court with a working e-mail. If you have not received the link at least 24 hours prior to your appearance, please contact the Court. The Court will NOT call you to join the virtual appearance.
4. Any e-mails sent to the Court, other than providing contact information or confirming an appearance date/time, must also be copied to all other parties. Ex-parte communication will not be read or otherwise addressed.
5. Litigants: Please contact Legal Aid at (845) 291-2454 if you believe you may qualify for free representation. Please contact the Orange County Bar Association [or your local bar association] at (845) 294-8222 for attorney referrals. The Court cannot recommend legal counsel. **DO THIS AS SOON AS POSSIBLE.**
6. Virtual Court is **COURT**. Parties are expected to be courteous and civil at all times, are expected to be in a location that is private and free of sound and visual distractions and are otherwise to treat the proceedings as if they are taking place in person in the courtroom. Participants should not be attending virtual proceedings from a public place, while driving

in their vehicle or while caring for young children in the room.

7. Except for in very limited circumstances, ALL parties appearing for Court proceedings are Expected to appear via video. Phone appearances are discouraged and will NOT be permitted for hearings, trials, permanency, neglects and other proceedings at the Court's discretion.
8. All virtual proceedings are recorded by the Court. No other person is permitted to record, stream or otherwise broadcast Court proceedings. Only one person can speak at a time during virtual appearances to ensure that a proper record is made. The Court may mute your microphone during the proceeding to ensure that all participants can hear the person that is speaking. The Court will direct you to unmute your microphone when it is time for you to speak.
9. Counsel is required to confirm that their clients know how to properly use Microsoft teams and are able to appear virtually. Merely telling the Court that you forwarded the link to your client is insufficient and could result in dismissal if the client fails to appear.
10. If a litigant does not have proper technology to appear virtually, they should either be present in counsel's office or appear at the Courthouse in the designated private room to allow for the virtual appearance. Litigants who seek to use the designated room in the Courthouse MUST contact the Court at least two days prior to the scheduled appearance to confirm the room is available, as it is shared by several parts.
11. All communication with the Court shall be via written communication, either letter, fax or e-mail. Phone contact is discouraged as chambers is not permitted to have ex-parte conversations with counsel or litigants.

Communication and Conferences with Court Attorney

1. The Court Attorney should not be contacted regarding scheduling issues, status of Orders/ reports or for any legal advice. E-mail correspondence with the Court Attorney (abrady@nycourts.gov) is encouraged for assistance with settlement negotiations, with all interested parties being copied on any e-mails.
2. The Court Attorney is available to assist parties with reaching settlements, both before trial telephonically/virtually, or on trial dates in person or virtually, if available. If any parties are appearing pro se, they must consent to a conference. The Court Attorney will not meet with only attorneys if there are any pro se litigants.
3. All e-mail correspondence with the Court Attorney shall be copied to all other parties. E-mails are treated as correspondences and will be scanned into the respective Court files where appropriate.

Adjournments

1. Due to the Court's busy schedule, adjournment requests are not encouraged. All requests for adjournments MUST be made in writing (fax is acceptable) and copied to all parties, including pro se litigants and the Attorney for the Child, and shall be made no less than 48 hours prior to the scheduled appearance. The reason for the requested adjournment must be stated.
2. All adjournments MUST be approved by the Court, even where all parties have consented.
3. All adjournment requests due to attorney engagement in another Court must be made pursuant to 22 NYCRR §125.1. All adjournment requests for medical reasons MUST be accompanied by a doctors note.
4. If an adjournment is granted, the requesting party will be notified by the Court and will be required to notify all parties, including pro se litigants and the Attorney for the Child(ren) of the new date and time and provide proof to the court.

Petitions / Order to Show Cause / Motions

1. All petitions, Orders to Show Cause and motions must be filed with the Clerk's office, either by a hard paper copy, or electronically through virtualorangefamilycourt@nycourts.gov
2. There shall be strict compliance with the CPLR in bringing motions. A Notice of Motion and Affidavit of Service shall be filed with all motion papers.
3. Appearances are not required on a motion return date. If a party is requesting an appearance for the purpose of oral arguments, such request shall be clearly noted in the Notice of Motion and will be granted at the court's discretion. If the Court, after receipt and review of a motion believes appearances are necessary, the parties will be notified of the appearance date and time.
4. For all issues not specified herein, the parties shall follow the statutory procedures specified by the Family Court Act or related statute. All general filing questions shall be directed to the Family Court Clerk's Office at 845-476-3520.

Evaluations

1. Request for mental health, forensic evaluations, or other testing/evaluation should be made at the preliminary appearance or the first appearance with counsel. Additionally, issues regarding the payment for such evaluations shall be addressed at that time, absent extraordinary circumstances. If counsel is retained after the first appearance and seeks an evaluation of any kind, they must request it immediately. Trial dates will NOT be adjourned

due to the parties failure to request such evaluations.

2. The Court will receive the original copy of any mental health or other evaluation. Copies of such reports may be made available to counsel and the Attorney for the Children, who must sign for such report. These reports are NEVER to be shown, provided or distributed to the client/litigant. Pro se litigants may request the “recommendation section” of the report only.
3. Reports are likewise not to be shared with treating mental health professionals, subsequent counsel or any other party absent prior approval from the Court.
4. Mental Health / Forensic Reports will only be admitted into evidence at trial upon consent of all parties, including the attorney for the child. Absent consent, a party seeking to admit the report into evidence, must do by subpoena and calling the evaluator/author of the report as a witness subject to cross examination.
5. Any diagnostic assessments and or probation reports prepared for Juvenile and PINS matters will be available for review by the presentment agency and the Attorney for the child pursuant to Family Court Act §351.1.

Trial Procedure

1. Trial dates (whether virtual or in person) should be viewed by litigants and counsel as firm dates. Litigants and counsel are strongly encouraged to engage in meaningful settlement negotiations prior to the trial date. Settlement assistance will be provided by the Court Attorney upon request, as set forth below.
2. If a matter is settled prior to trial, a proposed Order on Consent must be filed with the Court prior to the trial date. All parties must have their signatures notarized on such consent order. Absent such filing, appearances will be necessary on the trial date.
3. On the scheduled trial date, litigants and counsel must be prepared to proceed to trial. If you are unsure whether a matter is scheduled for a virtual or in person appearance, please confirm with the court at least 2 days prior to the scheduled appearance.
4. Witnesses should be subpoenaed and shall be available on the trial date. Professional witnesses [doctors, nurses, case workers, counselors, police officers, teachers, etc..] may be permitted to testify out of order to accommodate their employment schedules upon consent, which shall not be unreasonably withheld.
5. Last minute claims that a witness is unavailable will not be acceptable, nor will adjournments of trials be given due to witness unavailability, except for in unanticipated and exigent circumstances.

6. **FOR ALL VIRTUAL TRIALS** - Counsel and pro se litigants must provide the Court with **HARD PAPER COPIES** of all proposed Exhibits [i.e. Petitioner's A,B,C & Respondents 1,2,3], at least 2 days prior to a scheduled trial. The exhibits should be pre-marked and exchanged with all other parties (either hard copies, or electronically if that party consents). Proposed exhibits should no longer be e-mailed to the Court, as hard copies are required for trial, whether virtual or in person. This is necessary for recordkeeping / appeal purposes.
7. All proposed exhibits are still subject to challenges as to admissibility and will only be admitted in compliance with relevant evidentiary laws.
8. Any photographs, text messages, e-mails, social media posts and other electronic communication sought to be introduced on a parties direct case must be exchanged with all parties at least 30 days prior to trial, or it will not be admitted into evidence on that parties direct case.
9. Witness lists are not required, but litigants are strongly encouraged to exchange potential witness lists with opposing counsel to assist in trial preparation and scheduling issues.

Subpoenas

1. Counsel are reminded that as officers of the court, they may sign Subpoenas Duces Tecum and Subpoenas Ad Testificandum pursuant to CPLR §2306 and 2307.
2. Subpoena Duces Tecum will only be signed by the Judge in instances where the documents sought are intended to be introduced at evidence. As such, notice of such intent, as provided in CPLR §3122-a is required to be given to all parties prior to the subpoena being submitted for signature, and subpoenas must be submitted thirty days prior to trial. The subpoena must reflect that such documents are being sought for use at trial pursuant to CPLR 3122-a.
3. Subpoena duces tecum shall be made returnable to the Clerk of the Court at 9:15 a.m., at least three days prior to the beginning of any trial or hearing. Counsel and pro se litigants will be permitted to inspect the subpoenaed material upon request.
4. Request for "So Ordered" subpoenas for hospital records, medical records, or records of a department or bureau of a municipal corporation or of the state, books, papers and other things of a library, department or bureau of a municipal corporation or of the state are to be requested by motion, with notice provided to all litigants as well as the agency from which the records are sought. SIGNED HIPPA RELEASES are to be submitted with all subpoenas for medical records.
5. Strict compliance with the CPLR, specifically §§ 2302, 2306, 2307 and 3122-a is required.

6. The Court's issuance of a "so ordered" subpoena shall not preclude a challenge to the subpoena or the admissibility of the subpoenaed documents.
7. Specifically, all requested "So Ordered" subpoena duces tecum shall be provided to the Court at least 30 days prior to the trial date and shall specifically indicate, in bold at the bottom, that "Pursuant to CPLR 3122(A), we are seeking the requested records for purpose of introduction at trial".

Proposed Orders

1. The Part Clerk will provide counsel with a date for submission of the proposed Order. If the proposed Order cannot be timely submitted, please notify the court so that a new date can be provided. Failure to timely submit Orders may lead to an Ordered appearance before the Court and possible sanctions.
2. All proposed orders that are submitted by hard copy must include a self-addressed, stamped envelope. The Court will not mail any Orders where one is not provided. Proposed Orders can be submitted electronically, via virtualorangefamilycourt@nycourts.gov and all parties must be copied on such e-mail transmission. Signed and entered Orders will be e-mailed back to the parties.
3. All counter-orders shall be accompanied by a cover letter detailing the proposed changes. The Court staff will make every effort to review the Court notes and the tape of a proceeding where the parties disagree over the language in a proposed Order.
4. All Orders, including counter-Orders, submitted for signature on notice must contain an affidavit of service of same and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48. **If notice of settlement has been waived, please indicate so and copy all parties.**
5. All requests for corrected Orders must be accompanied by a letter detailing the need for the correction and be submitted on notice, with affidavit of service and notice of settlement upon all counsel and/or pro se litigants. If a proposed corrected Order is submitted, please title the Order as a Corrected Order and at the end of the Order, indicate what the correction is, for example "This Order is being corrected to reflect the correct birth date of the minor child".

Adoptions/Guardianships

1. Adoption and Guardianship forms of the Family Court shall be the official forms of the court

- and shall be the ONLY forms accepted for filing.
2. All adoption and guardianship petitions shall be filed directly with the Family Court Clerk's Office and shall be fully submitted in compliance with the Uniform Rules of the Court §205.53 and Article 7 of the Domestic Relations Law.
 3. All parties are encouraged to use the Court's website for more information regarding adoption and guardianship forms [or any other Family Court form] at: www.nycourts.gov/forms/familycourt/index.shtml
Adoption and Guardianship packets and checklists are also available at the Family Court Clerk's Office.
 4. Upon receipt and review of any Adoption or Guardianship petition, the Court will review the submission and notify petitioner, in writing, of any additional information that is required to process the petition. Failure to provide such information in a timely manner will result in dismissal of the proceeding and require the petitioner to re-file a proper application.
 5. Please do not call the Judge's chambers or Court Attorney for instructions on how to file adoptions and guardianships [or any other proceeding]. Self-represented individuals are encouraged to seek legal advice; counsel are encouraged to consult with colleagues.

Youth Part, Integrated Domestic Violence (IDV) Part and Supreme Court

1. Youth Part, IDV and Supreme Court matters will be heard every Wednesday afternoon on a rotating schedule. Youth Part arraignments are heard as soon as possible after notification of an arrest.
2. All filings and correspondence regarding the Youth Part must be submitted through the criminal office (main number (845) 476-3440), and all filings and correspondence on Supreme Court matters must be submitted through the civil office (main number (845) 476-3430).
3. All rules stated above regarding communication with the Court, settlement conferences, etc.. likewise apply to Youth Part, IDV and Supreme Court actions.
4. For all Supreme Court matters that are commenced by Order to Show Cause, the Court will indicate whether appearances are necessary, or if the matter will be decided on submissions. For all matters commenced by Notice of Motion, counsel should indicate whether they are seeking appearances.