



How to Start a Case in Manhattan Family Court

Hotline: (212) 343-1122 • www.LIFTonline.org

How do I start a Family Court case?

You must first file a **petition** (pe-TI-shun). A petition is when you ask the judge to make a decision about something. The person who starts a case is called the **petitioner**. The person on the other side is called the **respondent**. The petitioner and the respondent are called the **parties**.



What cases are heard in Family Court?

- Abuse or Neglect of Children
- Adoption
- Child Support
- Custody
- Guardianship/Standby Guardianship
- Juvenile Delinquency
- Order of Protection or OP
- Paternity – Order of Filiation
- PINS (Persons In Need of Supervision)
- Spousal Support
- Visitation
- Voluntary Placement of Child into Foster Care

When should I get to court?

The earlier you get to court the better because you might not have to wait as long to get everything done. Try to get there by 8:30 am. You will probably have to wait on a long line to go through a metal detector.

Where is the court located?

The Manhattan Family Court is located at 60 Lafayette Street, between Franklin and Leonard streets.



Where do I go when I get to court?

- To begin a case about **child support** for children who ARE on **public assistance** (welfare), go to Room 1C on the 1st floor. This is the petition room for the Child Support Enforcement Term. This room is not just for people who live in Manhattan. Everyone who lives in New York City and has children on public assistance goes there. You will know that the children in the case are on public assistance if your case title looks like this:

City of New York o/b/o [mother's name] v.
[father's name]

More on where to go

- To begin a **child support** case for children who live in Manhattan and are NOT on public assistance, go to the child support petition room. This is Room 1D on the 1st floor.
- To begin a **paternity** (pa-TERN-i-tee) case that is not about child support, go to Room 4E19 on the 4th floor. A paternity case is about who the father of a child is.
- To begin a **paternity and child support case**, go to Room 1D3.
- To get an **order of protection (OP)**, go to Room 4E19. An OP is a paper from a judge that makes rules about contact between people. You can file for an OP when you believe that a family member or the parent of your child might hurt you. The petition for an OP is called a family offense petition. The judge will see you the day you file for an OP. The judge may give you a **temporary order of protection (TOP)**. The TOP usually lasts until the next court date. For more information, see the LIFT guide, “Orders of Protection.”

If you want someone to help you file for an order of protection, go to Safe Horizon in Room 4F16 on the 4th floor.

- To **voluntarily** place a child in **foster care**, go to the **Administration for Children’s Services (ACS)** at 150 William Street in Manhattan. Voluntarily means you agree to it.
- To bring a **PINS (Persons in Need of Supervision) petition** against a child who is under the age of 18, go to Room 2D3 on the 2nd floor. For more information on PINS, see the LIFT guide, “The PINS Process: A Guide for Parents.”
- For all **other cases**, go to the petition room, which is 4E19 on the 4th floor, and tell the clerk what kind of petition you want to file.



What happens next?

1. The clerk will give you a form to fill out and return. **Bring a pen so that you can fill out the form.**
2. After you give the form back to the clerk, you will wait for your name to be called. **Bring something to read, because you may have to wait a long time.**
3. The clerk will type up your petition.
4. You may see a judge that day. If you do not, you will be given papers to **serve on** (give to) the respondent and a date to return to court. This is called the return date.
5. Before leaving, make sure you have all of the papers that need to be served, the **Affidavit (aff-i-DAYV-it) of Service**, and instructions on how to serve them. See the LIFT guide “Serving Court Papers” for information on how to serve the papers and what to do with the Affidavit of Service.

Please note that the clerk has to let you file your case. Only a judge can make a decision about whether or not the court has **jurisdiction** (joo r-is-DIK-shuhn) over your case. Jurisdiction means having the power to make a decision in a case.

When I go back to court, what should I bring?

Bring a copy of your petition and the **notarized Affidavit of Service**. Also, bring any other documents that may be important to your case, such as birth certificates, old court orders, photographs, police reports, receipts, bank statements, and school records.



Try not to bring your children to court. The courthouse has a Children’s Center, but you can only leave your child there while you are in the courtroom. If possible, leave your children at home with a babysitter. The Children’s Center is on the 1st floor. The Children’s Center is run by an organization called Safe Horizon.

Am I allowed to bring a lawyer?

Yes. If you do not have money for a lawyer, you may be able to get the court to appoint one for you for free. Usually the court will not appoint a lawyer when you go to court for a child support case.

When I go back to court, where should I go?

Go to the **part**. The part is the courtroom. Every judge has a part. The part number is on the papers you received on the day you started the case.

You will see a court officer near the part for your judge. Sometimes the officer is inside the part. Do not go into the part – wait for the officer to come out. Sometimes the officer will come out and tell everyone in the waiting room to “check in for part [#].” If this happens, and you have not already checked in, you should get in line. When you get to the front of the line, tell the officer that you are there and that you are ready. This is called **checking in**. If the officer does not call out, you can go up to the officer. Stay in the waiting room until your case is called.

If you do not know where to go, ask a court officer or a LIFT staff member in the lobby. If you forgot your papers, go to the **Record Room** – Room 7C9 on the 7th floor – to look up your case.

What if I cannot attend my court date?

You should bring a letter that explains why you cannot attend **BEFORE** the scheduled court date. Take the letter to Room 5D2. The judge will read it **ON** the date your case is scheduled. You will have to check the court file or contact the court after that date to find out what happened. If you cannot bring a letter, call the court and ask how you can let the judge know that you will not be able to attend the court date.



If you do not show up for your court date, and the court does not know why, the judge can issue an order anyway. If you are the person who filed the petition, the judge may close the case.

What happens when my case is called?



When your case is called, you will go before the judge. Be prepared to explain your case simply and clearly. To help remember what you want to say, write it down before you go to court. Try not to speak for a long time. Speak only about the topic being discussed. Judges want you to get right to the point. They hear as many as 80 cases in one day. When you talk, the judge may break in to ask a question or make a comment.

The more **evidence** you have to support your statements, the better. Evidence is the information presented to prove a case. If you have **witnesses** (people who can support what you are saying), bring them. The judge may let them speak. Keep in mind that this is not the actual trial. If the judge does not let your witnesses speak, they may be able to **testify** (speak) at the trial, if there is one. Sometimes you have to go to court many times before there is a trial.

Do not be surprised if the judge does not make a decision right away. Most family court cases take many months to finish.

What happens when the case is complete?

The judge may issue an **order**. An order is a decision made by the court. You should make copies of the order and keep them in a safe place. If you are issued an order of protection, you may want to keep it on you at all times.

What happens if I do not follow a court order?

You must obey court orders. Before you leave court, make sure you understand exactly what is expected of you so you can **comply** with the order. Comply means do what the order says. You can be held in **contempt of court** – and even arrested – for **violating** (VY-o-lay-ting) a judge’s order. Violate means not follow the rules.



How long does the order last for?

If it is a **final order**, it stays in effect until a new case is brought to court that changes the order or a specific date or event occurs that ends it. If it is a **temporary order**, it is good until a certain time – usually until the next court date.

What if I disagree with the judge’s decision?

If you disagree with a judge’s decision, you may **appeal**. An appeal is when you ask to have a higher court **review** (look at) your case. For more information on appealing a court decision, please see the LIFT guide, “How to Appeal a Family Court Order.”

This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.

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