

How to Start a Case in Albany County Family Court



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?

Family Court is a court of limited jurisdiction. This means that only certain types of cases can be brought. Family Court cannot grant divorces or divide up property. The types of cases that can be brought in Family Court are:

- Abuse or Neglect of Children
- Adoption
- Child Support
- Custody
- Guardianship/Standby Guardianship
- Juvenile Delinquency
- Order of Protection or OP (Family Offense)
- 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?

You should arrive about an hour before your case is scheduled to be heard by the judge.

Where is the court located?

Albany County Family Court is located at:
30 Clinton Avenue
Albany, New York 12207



You can contact the court by calling (518) 285-8600, by faxing (518) 238-4344, or by emailing albanyfamilycourt@nycourts.gov.

Where do I go when I get to court?

To bring a case regarding any of the topics covered by Family Court, go to the Family Court Clerk's office to get started.

You can also find court forms on the court's website at www.nycourts.gov. Click on "Do-It-Yourself (DIY) Forms" and choose the web-based program that best fits your needs (for example support modification). The program can help you to fill out the court papers ahead of time. Then, when the forms are completed, you can print out and take or mail the original papers to the court.

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. You must fill out the form yourself.**
2. The clerk at the window of Family Court will let you know what will happen next. You may have to wait a while for the court staff to write up the court papers.
3. Please note that the clerk must 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, where should I go?

Go to the **part**. The part is the courtroom. Every judge has a part. The part number may be 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.

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 at no cost to you. Usually the court will not appoint a lawyer when you go to court for child support or if the case involves only visitation. If you ask the court to appoint you a lawyer for a different kind of case, you must fill out a financial affidavit and you must provide copies of recent paystubs and tax returns. The judge will look at these to see if you qualify to have a lawyer appointed to represent you.

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



Bring a copy of your petition and, if applicable, the **notarized Affidavit of Service**. Also, bring copies of 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 or relative.

What if I cannot attend my court date?



You should send a letter that explains why you cannot attend **BEFORE** the scheduled court date. Mail the letter to the court clerk at 30 Clinton Avenue, Albany, New York, 12207 or email the letter to albanyfamilycourt@nycourts.gov. You must provide a telephone number where you can be reached. You will be notified of the court's decision. Do not assume that your request will be granted - it is your responsibility to appear in court if the case is not rescheduled.

If the court date is within 24 hours, you may call the clerk's office, who will take your information to be relayed to the judge. Then you will be transferred to the check-in officer to note your request.

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. Speak only about the topic being discussed. Judges want you to get right to the point. When you talk, the judge may break in to ask a question or make a comment. The judge will ask if you and the other party can agree or resolve the case. If not, the judge will schedule a trial.



At trial, 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. They may be able to testify (speak) at the trial.

Do not be surprised if the judge does not make a decision right away. Most family court cases take many months to finish, and there may be several court appearances before the judge schedules a trial.

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 following the rules. Contempt of court means to not do what a court order says you must do.



How long does the order last?

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 an 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, go to the office of the clerk at Family Court.

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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