

How to Start a Case in Family Court



This information has been adapted for the following New York Counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

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, as you might not have to wait as long to get everything done. Generally, most courts are open from 9:00am - 5:00pm. You may have to wait in line to go through a metal detector.

Where is the court located?

The addresses and phone numbers of the local Family Courts appear below. Please go to the Family Court in the county in which you reside.



Allegany County Family Court
7 Court Street
Belmont, NY 14813
(585) 449-3463

Cattaraugus County Family Court
One Leo Moss Drive
Olean, NY 14760
(716) 379-6616

Chautauqua County Family Court
Chautauqua Municipal Building
2 Academy Street, Suite 5
Mayville, NY 14757
(716) 753-4351

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Need more help? Contact LIFT: 1-800-696-8629 • LIFTonline.org

Erie County Family Court
One Niagara Plaza
Buffalo, NY 14202
(716) 845-7400

Genesee County Family Court
1 West Main Street
Batavia, NY 14020
(585) 201-5717

Niagara County Family Court
Angelo Delsignore Civic Building
775 Third Street
Niagara Falls, NY 14301
(716) 371-4050

Orleans County Family Court
Courthouse Square
1 South Main Street, Suite 3
Albion, NY 14411-1497
(585) 283-6622

Wyoming County Family Court
147 North Main Street
Warsaw, NY 14569
(585) 228-3200

Where do I go when I get to court?

To bring a case regarding any of the topics covered by Family Court, find the location of your local Family Court as set forth above, and go to the Family Court Clerk's office to get started.

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 forms.**
2. 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, 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 may 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.

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 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.

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.

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 the office of the clerk. 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. 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 more **evidence** you have to support your statements, the better. Evidence is the information presented to prove a case. 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.

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.

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, keep a copy of 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?

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.

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