



This Lifeline contains general information, and does not constitute individual legal advice about your situation. You should consult with an attorney for individual legal advice about your situation and to find out how this information applies to your situation. To see if you qualify for free legal services, call the Legal Aid office nearest you.

## Family Court Basics

### Introduction to Family Court:

Family Court is a vital resource for families dealing with legal issues in New York State. Here's a breakdown of what you need to know:

### Types of Cases Heard in Family Court:

- Child Custody/Visitation
- Child/Spousal Support
- Child Neglect and Abuse
- Guardianship
- Paternity
- Adoption
- Family Offenses
- Juvenile Delinquency/PINS (Person in Need of Supervision)

### Starting a Case:

- **Filing a Petition:** Obtain a petition from your local Family Court or online. It's a sworn statement detailing your case's facts and requested relief.
- **Petitioner vs. Respondent:** You're the Petitioner if you file a petition. If someone files against you, you're the Respondent.
- **Notice for Certain Cases:** Matters involving Child Neglect and Abuse and Juvenile Delinquency are initiated by the county, and you'll be notified if involved.

### Legal Representation:

- **Court-Appointed Attorneys:** Available for eligible individuals in various cases, excluding support matters.
- **Eligibility:** Determined based on income. You can request an attorney at any point in the proceedings.
- **Legal Aid Services:** If not eligible for a court-appointed attorney, contact Legal Aid or consider representing yourself (pro se).

### Representation for Children:

- **Attorney for the Child:** Appointed by the court at no cost in cases involving children. Advocates for the child's interests.
- **Role:** Represents the child's wishes to the court. Conversations with the attorney aren't privileged.

## **Court Proceedings:**

- **Appearance:** Attend all scheduled court dates promptly. Failure to appear may result in case dismissal or default judgment.
- **Initial Appearance:** Judge or Support Magistrate ensures parties have necessary documents and may issue a Temporary Order.
- **Pre-Trial Conference:** Encourages settlement; attorneys usually attend, but unrepresented parties may participate.
- **Trial:** Present your case with evidence and witnesses. The judge or support magistrate decides based on trial evidence.

## **Conclusion:**

Understanding Family Court procedures is crucial for navigating legal matters effectively. Whether seeking legal representation or representing yourself, being informed empowers you in the process.

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