



**STEP BY STEP GUIDE  
TO THE FAMILY COURTS  
OF NEW YORK CITY**

**For people applying for custody,  
guardianship, or standby guardianship**

**Prepared by Legal Action Center 1/99**



**STEP BY STEP GUIDE  
TO THE FAMILY COURTS  
OF NEW YORK CITY**

**For people applying for custody,  
guardianship, or standby guardianship**

**BRONX**

**Prepared by Legal Action Center 1/99**

**HOW TO FILE FOR CUSTODY, GUARDIANSHIP  
OR STANDBY GUARDIANSHIP OF A MINOR IN  
BRONX FAMILY COURT**

**Where do I file?**

Bronx Family Court, 900 Sheridan Avenue.  
On Sheridan Avenue near the Corner of 161 Street. It is around the corner from the Criminal Court. Take the #4 train to 161 Street/Yankee Stadium. It is a short walk from there. The C and D trains also stop at Yankee Stadium, depending on the time of day, so be sure to check with the token booth clerk or conductor before boarding either of these trains.

**What are the hours?**

8:00 a.m. to 1:00 p.m. and 2:00 p.m. to 4:30 p.m. Monday - Friday.  
It is closed on all legal holidays.

You should arrive very EARLY in the morning. Applications are taken on a first come, first served basis. People start getting on line before 8:00 a.m. and guards start turning people away from the petition room by 10:00 a.m. Expect to be there all day.

**May I make an appointment?**

No.

**May I bring my children?**

Yes, but....  
Children are allowed in the courthouse but generally not allowed in the courtrooms. There is a nursery in the building. If you are not comfortable leaving your children in the nursery, you should make other arrangements. Also, children under 2 years generally must stay with an adult until the case is called.

**Who should go to the courthouse?**

For custody and guardianship cases, the person seeking custody or guardianship should go to the courthouse. In addition, on the return date (described below) the parent and the child(ren) if over 14 years old, should also go to the courthouse if they are available since the judge may want to speak to them about the reasons for seeking custody or guardianship, and whether they consent to it.

For standby guardianship cases, the proposed standby guardian should go on the first date and must have his/her fingerprints taken. On the return date (described below), the parent, proposed standby guardian, and child(ren) — if over 14 years old — should attend. If the parent is too ill to go to the courthouse, the proposed standby guardian may bring a notarized letter from the parent stating that s/he is too ill to attend.

**What documents or**

You will need to answer questions about the name, age, address, marital

**information will I need?**

status, and prior Family Court involvement of everyone involved. You should bring with you any documents you will need to help you answer these questions. For example:

- certified copy of the birth certificate of the minor(s)
- all death certificates
- all marriage certificates
- any separation or divorce agreements
- any paternity agreements, orders of filiation or declarations of paternity
- any prior orders of custody, visitation or guardianship
- documentation proving the address of the person seeking custody or guardianship (i.e., lease, electric or phone bill with person's name on it)
- addresses of anyone involved who was not available to come to the courthouse

**Whom can I call if I have questions?**

The petition clerk at 718-590-3285, or the clerk's office at 718-590-3318 or -3321

**What happens when I go to the courthouse?**

**Custody**

1. When you enter the building you will walk through a metal detector, and the guards will check your bags. Tell the guards you want to file for custody. Take the elevator to the petition room (Room 7-70).

2. Tell the clerk you are there to file for custody. S/he will give you a form to fill out. After you fill out the form, return it to the clerk. You will have to wait while your records are checked for any previous Family Court cases. This could take more than an hour.

3. After your records have been checked, you will be called by a petition clerk. The clerk will fill out the petition for custody with you.

4. You will then be sent to a large area outside the courtroom to wait until a judge can see you. This could also take several hours.

5. When you are called before the judge s/he will ask why you are seeking custody and if everyone involved consents. The judge will not make a decision on this first day in court. Instead you will be given a "return date," usually 4-6 weeks later, when you must come back. If parents, or the child(ren) — if over 14years old — did not come with you

on this first day, the judge will probably issue a summons requiring them to appear in court on the return date. The judge may order an investigation of your home. The judge will usually sign a document for a search of the State Child Abuse and Neglect Registry for the proposed custodian or guardian.

If you need temporary custody until your return date, tell the judge and tell him or her why. The judge will decide whether to grant you temporary custody.

6. On your return date, you should arrive early at the waiting area outside the assigned courtroom. There is usually a list posted there of the cases the judge will hear that day. Check that list for the number of your case. Give that number and your case's name (usually the child(ren)'s name) to the court officer assigned to that courtroom. If you do not see the child's name, tell the court officer you were supposed to be heard, and s/he will tell you where to go. If you have the little paper telling you what date and court "Part" and the "Docket Number," it is helpful to show that to the court officer too. You must listen because the court officer calls out your case to be heard when the judge is ready to hear it. When your case is called the judge will decide whether to grant you custody. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Guardianship**

1. When you enter the building you will walk through a metal detector, and the guards will check your bags. Tell the guards you want to file for guardianship. Take the elevator to the petition room (Room 7-70).

2. Tell the clerk you are there to file for guardianship. S/he will give a form to fill out. After you fill out the form, return it to the clerk. You will have to wait while your records are checked for any previous Family Court cases. This could take more than an hour.

3. After your records have been checked, you will be called back to the petition room. The clerk will fill out the petition for guardianship with you. You will also be fingerprinted.

4. You will then be sent to a large area outside of the courtroom to wait until a judge can see you. This could also take several hours.

5. When you are called before the judge s/he will ask why you are seeking guardianship and if everyone involved consents. The judge will not make a decision on this first day in court. Instead you will be given a

“return date,” usually 4-6 weeks later, when you must come back. The judge must wait for a search of the State Child Abuse and Maltreatment Registry to see if anyone involved in your case has been accused of child abuse or neglect. The judge also must wait for the results of your fingerprint check. If parents, or the child(ren) — if over 14 years old — did not come with you on this first day, the judge will probably issue a summons requiring them to appear in court on the return date. The judge may order an investigation of your home.

If you need temporary guardianship until your return date, tell the judge and tell him or her why. The judge will decide whether to grant you temporary guardianship.

6. On your return date, you should arrive early at the waiting area outside the assigned courtroom. There is usually a list posted there of the cases the judge will hear that day. Check that list for the number of your case. Give that number and your case’s name (usually the child(ren)’s name) to the court officer assigned to that courtroom. If you do not see the child’s name, tell the court officer you were supposed to be heard, and s/he will tell you where to go. If you have the little paper telling you what date and court “Part” and the “Docket Number,” it is helpful to show that to the court officer too. When your case is called the judge will decide whether to grant you guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Standby Guardianship**

1. When you enter the building you will walk through a metal detector, and the guards will check your bags. Tell the guards you want to file for standby guardianship. Take the elevator to the petition room (Room 7-70).

2. Tell the clerk you are there to file for standby guardianship. S/he will give a form to fill out. After you fill out the form, return it to the clerk. You will have to wait while your records are checked for any previous family cases. This could take more than an hour.

3. After your records have been checked, you will be called back to the petition room. The clerk will fill out the petition for standby guardianship with you. The proposed guardian will also be fingerprinted.

4. You will then be sent to a large area outside the courtroom to wait until a judge can see you. This could also take several hours.

When you are called before the judge s/he will ask why you are seeking standby guardianship and if everyone involved consents.

5. The judge will not make a decision on this first day in court. Instead you will be given a "return date," usually 4-6 weeks later, when you must come back. The judge must wait for a search of the Child Abuse and Maltreatment Registry to see if anyone involved in your case has been involved in child abuse or neglect proceedings. The judge also must wait for the results of a fingerprint check on the proposed guardian. If parents, or the child(ren) — if over 14 — could not come, the judge will probably issue a summons requiring them to appear in court on the same day. The judge may waive the appearance of a parent or prior guardian too sick to attend if you have that person's notarized consent and some medical statement that s/he is too sick to come to court. The judge may order on an investigation of your home.

6. On your return date, you should arrive early at the waiting area outside the assigned courtroom. There is usually a list posted there of the cases the judge will hear that day. Check that list for the number of your case. Give that number and your case's name (usually the child(ren)'s name) to the court officer assigned to that courtroom. If you do not see the child's name, tell the court officer you were supposed to be heard, and s/he will tell you where to go. If you have the little paper telling you what date and court "Part" and the "Docket Number," it is helpful to show that to the court officer too. You must listen when the clerk calls out the cases to be heard for the day. If you do not hear your name, tell the clerk you were supposed to be heard and s/he will tell you where to go. When your case is called the judge will decide whether to grant you standby guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

7. The standby guardian must return to court when the parent dies, becomes incapacitated or the parent consents to their becoming guardian of the child. The standby guardian must bring the original Order of the judge granting standby guardianship and a death certificate, doctor's note, or notarized written consent of the parent. The judge will then make the final appointment of guardianship.



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**For people applying for custody,  
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**BROOKLYN**

**Prepared by Legal Action Center 1/99**

**HOW TO FILE FOR CUSTODY, GUARDIANSHIP  
OR STANDBY GUARDIANSHIP OF A MINOR IN  
BROOKLYN FAMILY COURT**

**Where do I file?**

Brooklyn Family Court, 283 Adams Street.  
The Court is a short walk from the Borough Hall stop of A, C, 2, 3, N or R trains. It is a few blocks from the Brooklyn Bridge.

**What are the hours?**

8:30 a.m. to 1:00 p.m. and 2:00 p.m. to 5:00 p.m. Monday - Friday. The court is also open from 5:30 p.m. to 9:30 p.m. on Tuesday and Thursday for limited purposes. Call to check if you can go during night hours. It is closed on all legal holidays.

You should arrive very EARLY in the morning. Applications are taken on a first come, first served basis. People start getting on line before 8:30 a.m. and guards have sometimes turned people away after 10:00 a.m. Expect to be there all day.

**May I make an appointment?**

No.

**May I bring my children?**

Yes, but....  
Children are allowed in the courthouse but generally not allowed in the courtrooms. There is a nursery in the building. If you are not comfortable leaving your children in the nursery, you should make other arrangements for their care.

**Who should go to the courthouse?**

For custody and guardianship cases, the person seeking custody or guardianship. The judge will issue a summons requiring the parents and other interested persons (including any opposing parties) to appear in court on a later date. The person seeking custody or guardianship will also have to return to court on that date.

For standby guardianship and regular guardianship cases, the parent of the minor child and the proposed standby guardian or guardian. If the parent is too sick to go to the courthouse, the proposed standby guardian or guardian may bring a notarized letter from the parent stating that s/he is too ill to attend.

**What documents or information will I need?**

You will need to answer questions about the name, age, residency, marital status, and prior Family Court involvement of everyone involved. You should bring with you any documents that will help you answer these questions. For example:

- original birth certificate of the minor(s)
- all death certificates

- all marriage certificates
- any separation or divorce agreements
- any paternity agreements or orders of filiation
- any prior awards of custody, visitation or guardianship
- documentation proving the residence of the person seeking custody or guardianship (i.e., lease, electric or phone bill with person's name on it)
- addresses of anyone involved who was not available to come to the courthouse
- If possible you should also bring notarized letters from parents, the child(ren) if over 14 years old, and other relatives who might claim custody, stating that they consent to your having custody or guardianship.

**Whom can I call if I have questions?**

The petition room at 718-643-3603 or 8895, between 3:00 and 5:00 p.m. If you are having problems, ask for the supervisor, Mike Williams, at 718-643-8894

**What happens when I go to the courthouse?**

**Custody**

1. When you enter the courthouse, you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for custody.
2. Take the elevator to the third floor and go to the Petition Room (Room 318). Go up to one of the windows and tell the clerk that you want to file for custody. The clerk will take your name and ask you to sit down. You must wait until a clerk calls your name.
3. When the clerk calls your name, s/he will fill out the petition for custody for you. You must then wait while the clerk checks the records for any prior Family Court cases you or the minor have been involved with.
4. After the records are checked, you will sign the petition and it will be sent to the judge. You must then wait to be called before the judge. This could take a few hours.
5. When you are called before the judge, s/he will ask you why you are seeking custody and if everyone involved consents. The judge will not make a decision on this first day in court. Instead, the judge will give you a "return date," on which you and other interested persons must appear in court. This will usually be in several weeks. If your custody case is an emergency, tell the judge and ask for temporary custody.

6. On your return date, you should arrive early at the waiting area outside the assigned courtroom. You should check in with the court officer in that courtroom. When your case is called the judge will decide whether to grant you custody. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search (and/or the fingerprint check, if the judge ordered one), your case will most likely be postponed and you will be given another court date.

## **Guardianship**

1. When you enter the courthouse, you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for guardianship.

2. Take the elevator to the third floor and go to the Petition Room (Room 318). Go up to one of the windows and tell the clerk that you want to file for guardianship. The clerk will take your name and ask you to sit down. You must wait until a clerk calls your name.

3. When the clerk calls your name, s/he will fill out the petition for guardianship with you. You might also be fingerprinted. You must then wait while the clerk checks the records for any prior Family Court cases you or the minor have been involved with. This could take an hour or longer.

4. After the records are checked, you will sign the petition and it will be sent to the judge. You must then wait to be called before the judge. This could take a few hours.

5. When you are called before the judge, s/he will ask you why you are seeking guardianship and if everyone involved consents.

6. The judge will not make a decision on this first day in court. Instead the judge will give you a "return date," usually in about 6-8 weeks, on which you must come back to court. The judge must wait for a report from the New York State Child Abuse and Maltreatment Register about whether any of the parties have been involved in child abuse or neglect cases. If you did not bring notarized letters of consent from the parent or other interested parties, or the judge has questions, s/he will issue a summons requiring other interested person(s) to appear in court on the return date. The judge is likely to order an investigation of your home. If your case is an emergency, tell the judge and ask for temporary guardianship.

7. On your return date, you should arrive early at the waiting area outside the assigned courtroom. Check in with the court officer for that courtroom. When your case is called, the judge will decide whether to grant you guardianship. However, if the judge has not received the results

of the Child Abuse and Maltreatment Registry search (and/or the fingerprint check, if the judge ordered one), your case will most likely be postponed and you will be given another court date.

## **Standby Guardianship**

1. When you enter the courthouse you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for standby guardianship.

2. Take the elevator to the third floor and go to the Petition Room (Room 318). Go up to one of the windows and tell the clerk that you want to file for standby guardianship. The clerk will take your name and ask you to sit down. You must wait until a clerk calls your name.

3. When the clerk calls your name, s/he will fill out the petition with you. You might also be fingerprinted. You must then wait while the clerk checks the records for any prior Family Court cases you or the minor have been involved with. This could take an hour or longer.

4. After the records are checked, you will sign the petition and it will be sent to the judge. You must then wait to be called before the judge. This could take a few hours.

5. When you are called before the judge, s/he will ask you why you are seeking standby guardianship and if everyone involved consents.

6. The judge will not make a decision on this first day in court. Instead the judge will give you a "return date," usually in about 6-8 weeks, on which you must come back to court. The judge must wait for a report from the New York State Child Abuse and Maltreatment Register about whether any of the parties have been involved in child abuse or neglect cases. If you did not bring notarized letters of consent from the other parent or interested party, or the judge has questions, s/he will issue a summons requiring other interested persons to appear in court on the return date. The judge is likely to order an investigation of your home.

7. On your return date, you should arrive early at the waiting area outside the assigned courtroom. You should check in with the court officer for that courtroom. When your case is called the judge will decide whether to grant you standby guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment registry search (and/or the fingerprint check, if the judge ordered one), your case will

most likely be postponed and you will be given another court date.

8. The standby guardian must return to court when the parent dies, becomes incapacitated or the parent consents to their becoming guardian of the child. The standby guardian must bring the original Order of the judge granting standby guardianship and a death certificate, doctor's note, or notarized written consent of the parent. The judge will then make the final appointment of guardianship.



**STEP BY STEP GUIDE  
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OF NEW YORK CITY**

**For people applying for custody,  
guardianship, or standby guardianship**

**MANHATTAN**

**Prepared by Legal Action Center 1/99**

**HOW TO FILE FOR CUSTODY, GUARDIANSHIP  
OR STANDBY GUARDIANSHIP OF A MINOR IN  
MANHATTAN FAMILY COURT**

**Where do I file?**

Manhattan Family Court at 60 Lafayette Street.

The courthouse is at the corner of Leonard and Lafayette Streets, about 4 blocks north of City Hall. Take the 4,5,6, J, M or Z train to city hall. Or Take the N, R, J, M, Z or 6 train to Canal Street. From there it is a few blocks to the south or take the 1 or 9 to Franklin Street, and walk east on Franklin for 3 blocks and make a right on Lafayette Street.

**What are the hours?**

8:30 a.m. to 1:00 p.m. and 2:00 p.m. to 5:30 p.m. Monday - Friday.  
It is closed on all legal holidays.

You should arrive EARLY in the morning, because applications are taken on a first come, first served basis. People start lining up before 8:30 a.m. and the guards start turning people away as early as 10:00 a.m. You can expect to be there all day.

**May I make an appointment?**

No.

**May I bring my children?**

Yes, but....

Children are allowed in the courthouse but generally not allowed in the courtrooms. There is a nursery for children 3 weeks and older. If you are not comfortable leaving your children in the nursery, you may want to make other arrangements for the day.

**Who should go to the courthouse?**

For custody and guardianship cases, the person seeking custody or guardianship should go to the courthouse. In addition, the parent and the child(ren) if over 14 years old, should also go to the courthouse if they are available since the judge may want to speak to them about the reasons for seeking custody or guardianship, and whether they consent to it.

For standby guardianship cases, the parent and proposed standby guardian should attend. If the parent is too ill to go to the courthouse, the proposed standby guardian may bring a notarized letter from the parent stating that s/he is too ill to attend.

**What documents or information will I Need?**

You will need to answer questions about the name, age, residency, marital status, and prior Family Court involvement of everyone involved. You should bring with you any documents you will need to help you answer these questions. For example:

- original birth certificate of minor
- all death certificates
- all marriage certificates

- any separation or divorce agreements
- any paternity agreements or orders of filiation
- any prior awards of custody, visitation or guardianship
- documentation proving the residence of the person seeking custody or guardianship (i.e., lease, electric or phone bill with person's name on it)
- addresses of anyone involved who was not available to come to the courthouse

**Whom can I call If I have questions?**

The petition clerk at 212-374-8784,  
or the record room at 212-374-8788.

**What happens when I go to the courthouse?**

**Custody**

1. When you enter the courthouse you will pass through a metal detector and the guard will check your bags. Tell the guard you want to file for custody. Then take the elevator to the 7th floor.

2. Go to the Record Room (7C9). The clerk will give you a form which you must fill out and return to them.

3. You will then be sent to the Petition Room on the fifth floor (Room 5D1). Go up to the petition counter and tell the clerk that you are there to file for custody. You will have to wait while the records are checked to see if anyone involved in your case has been involved in prior Family Court cases. This could take more than an hour.

4. The petition clerk will call you back to the window and fill out the custody petition with you.

5. You will then have to wait to see the judge. This could take a few hours.

6. When you go before the judge s/he will ask you why you are seeking custody and if everyone involved consents. If the parents and the child(ren) — if over 14 years old — are present, the judge may make a decision that day.

If a parent, or the child, is not there, you will be given a "return date," on which they and you must come back to court. The judge may also order an investigation of your home, and give you a return date after the investigation. The return date is usually 6-8 weeks later.

7. On your return date you should arrive early at the waiting area outside the assigned courtroom. This will usually be the same courtroom where you first saw the judge. You must listen when the court officer calls out the cases for the day to make sure your name is called. If you do not

hear your name, tell the court officer that your case is supposed to be heard. S/he will tell you where to go.

When your case is called, the judge will decide whether to grant you custody. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Guardianship**

1. When you enter the courthouse you will pass through a metal detector and the guard will check your bags. Tell the guard you want to file for guardianship. Then take the elevator to the 7th floor.

2. Go to the Record Room (7C9). The clerk will give you a form which you must fill out and return to them.

3. You will then be sent to the Petition Room on the fifth floor (Room 5D1). Go up to the petition counter and tell the clerk that you are there to file for guardianship. You will have to wait while the records are checked to see if anyone involved in your case has been involved in prior Family Court cases. This could take more than an hour.

4. The petition clerk will call you back to the window and fill out the guardianship petition with you. You will also be fingerprinted.

5. You will then have to wait to see the judge. This could take a few hours.

6. When you go before the judge s/he will ask you why you are seeking guardianship and if everyone involved consents. The judge will not make a decision on this first day in court. Instead you will be given a "return date," usually in 6-8 weeks, when you must come back to the courthouse. The judge must wait for a search of the Child Abuse and Maltreatment Register to see if anyone involved in your case has been involved in child abuse or neglect proceedings. The judge must also wait for the results of your fingerprint check. The judge may also order an investigation of your home.

If you need temporary guardianship until your return date, you must ask the judge and tell him or her why. The judge will then decide whether to grant you temporary guardianship.

7. On your return date you should arrive early at the waiting area outside the assigned courtroom. This will usually be the same courtroom where you first saw the judge. You must listen when the court officer calls out

the cases for the day to make sure your name is called. If you do not hear your name, tell the court officer that your case is supposed to be heard. S/he will tell you where to go. When your case is called, the judge will decide whether to grant you guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Standby Guardianship**

1. When you enter the courthouse you will pass through a metal detector and the guard will check your bags. Tell the guard you want to file for standby guardianship. Then take the elevator to the 7th floor.
2. Go to the Record Room (7C9). The clerk will give you a form which you must fill out and return to them.
3. You will then be sent to the Petition Room on the fifth floor (Room 5D1). Go up to the petition counter and tell the clerk that you are there to file for standby guardianship. You will have to wait while the records are checked to see if anyone involved in your case has been involved in prior Family Court cases. This could take more than an hour.
4. The petition clerk will call you back to the window and fill out the standby guardianship petition with you. You will also be fingerprinted.
5. You will then have to wait to see the judge. This could take a few hours.
6. When you go before the judge s/he will ask you why you are seeking guardianship and if everyone involved consents. The judge will not make a decision on this first day in court. Instead you will be given a "return date," usually in 6-8 weeks, when you must come back to the courthouse. The judge must wait for a search of the Child Abuse and Maltreatment Register to see if anyone involved in your case has been involved in child abuse or neglect proceedings. The judge must also wait for the results of the proposed standby guardian's fingerprint check. The judge may also order an investigation of the proposed standby guardian's home.
7. On your return date you should arrive early at the waiting area outside the assigned courtroom. This will usually be the same courtroom where you first saw the judge. You must listen when the court officer calls out the cases for the day to make sure your name is called. If you do not hear your name, tell the court officer that your case is supposed to be heard. S/he will tell you where to go.

When your case is called, the judge will decide whether to grant you standby guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

8. The standby guardian must return to court when the parent dies, becomes incapacitated or the parent consents to their becoming guardian of the child. The standby guardian must bring the original Order of the judge granting standby guardianship and a death certificate, doctor's note, or notarized written consent of the parent. The judge will then make the final appointment of standby guardianship.



**STEP BY STEP GUIDE  
TO THE FAMILY COURTS  
OF NEW YORK CITY**

**For people applying for custody,  
guardianship, or standby guardianship**

**QUEENS**

**Prepared by Legal Action Center 1/99**

**HOW TO FILE FOR CUSTODY, GUARDIANSHIP  
OR STANDBY GUARDIANSHIP OF A MINOR IN  
QUEENS FAMILY COURT**

**Where do I file?**

Queens Family Court at 89-14 Parsons Boulevard.  
The Court is Between Jamaica and Hillside Avenues. The E train stops at Jamaica Center and the F train stops at Parsons Boulevard. Both stops are close to the courthouse.

**What are the hours?**

8:30 a.m. to 1:00 p.m. and 2:00 p.m. to 5:00 p.m., Monday — Friday.  
It is closed on all legal holidays.

You should arrive as early in the morning as possible because applications are taken on a first come, first served basis. People start getting on line as early as 7:30 a.m., and often all the day's appointments are taken as early as 9:15 a.m.. You can expect to be there the whole day.

**May I make an appointment?**

No.

**May I bring my children?**

Yes, but...

Children are allowed in the courthouse but generally not allowed in the courtrooms. There is a nursery where children may stay while parents are in the courthouse. If you do not feel comfortable leaving your children in the nursery, you may want to make other arrangements for the day.

**Who should go to the courthouse?**

For custody and guardianship cases, the person seeking custody or guardianship should go to the courthouse. In addition, the parent and the child(ren) if over 14 years old, should also go to the courthouse if they are available since the judge may want to speak to them about the reasons for seeking custody or guardianship, and whether they consent to it.

For custody cases, if the parent is not available, the person seeking custody can bring in a notarized letter from the parent stating that s/he consents to the change in custody.

For standby guardianship cases, if the parent is too sick to go to the courthouse, the proposed standby guardian may bring a notarized letter from the parent stating that s/he is too ill to attend.

**What documents or information will I need?**

You will need to answer questions about the name, age, residency, marital status, and prior Family Court involvement of everyone involved. You should bring with you any documents you will need to help you answer these questions. For example: ● original birth certificate of

- the minor(s)
- all death certificates
- all marriage certificates
- any separation or divorce agreements
- any paternity agreements or orders of filiation
- any prior awards of custody, visitation or guardianship
- documentation proving the residence of the person seeking custody or guardianship (i.e., lease, electric or phone bill with person's name on it)
- addresses of anyone involved who was not available to come to the courthouse

**Whom can I call If I have questions?**

The court clerk at 718-520-3994, or information at 718-520-3891, 3892 or 3890.

**What happens when I go to the courthouse?**

**Custody**

1. When you enter the courthouse, you will pass through a metal detector and the guard will check your bags. Just around the corner from the guard desk, go to the fourth window, where you will need to take a number.

2. When your number is called, the clerk will give you some forms to fill out. Tell the clerk that you want to file for custody. The forms will ask for general information, such as addresses and names of the parties involved.

3. Then you will be sent to the Record Room to have your records checked for prior Family Court cases. This could take more than an hour.

4. After the records are checked, a clerk will call you to fill out the custody petition with you. Once the petition has been prepared, you will wait to see the judge. You will probably have to wait a few hours.

5. When you go before the judge, s/he will want to know why you are filing for custody and if all parties give their consent. The judge needs to know this because the decision to grant custody must be in the best interests of the child.

6. If everyone involved is present, and all consent, the judge may make a decision on the same day.

7. However, if other parties are unavailable, the judge has any

questions, or the judge orders an investigation, you will have to return to court at a later date. If that happens, the judge will give you a "return date," usually 6-8 weeks later, when you must come back to the courthouse. You also will get a piece of paper telling you which courtroom ("Part") to come to on your "return date."

8. On your return date, you should arrive early and go to the waiting area outside the assigned courtroom ("Part"). This probably will not be the same courtroom where you were first heard by the judge. You must listen when the court officer calls out your Part, and then line up and check in with the officer. When your case is heard, the judge will decide whether to grant you custody. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Guardianship**

1. When you enter the courthouse, you will pass through a metal detector and the guard will check your bags. Just around the corner from the guard desk, go to the fourth window where you will need to take a number.

2. When your number is called, the clerk will give you some forms to fill out. Tell the clerk that you want to file for guardianship. The forms will ask for general information, such as addresses and names of the parties involved.

3. Then you will be sent to the Record Room to have your records checked for prior Family Court cases. This could take more than an hour.

4. After the records are checked, a clerk will call you to fill out guardianship petition forms with you. You will also be fingerprinted. Once the petition has been prepared, you will wait to see the judge. You will probably have to wait for a few hours.

5. When you go before the judge, s/he will want to know why you are filing for guardianship and if all parties give their consent. The judge needs to know this, because the decision to grant guardianship must be in the best interests of the child.

6. The judge will not be able to make a decision on this first day in court. Instead you will be given a "return date," usually in about 6-8 weeks, on which you must come back to court. Most judges will wait for a report from the New York State Child Abuse and Maltreatment Register on whether any of the parties have been involved in child abuse or neglect cases, and also will wait for the proposed guardian's fingerprints to be checked in Albany.

If you need temporary guardianship until your return date, ask the judge and explain why you need temporary guardianship. The judge will then decide if temporary guardianship is appropriate.

7. On your return date, you should go to the courthouse early and go to the waiting area outside the assigned courtroom (also called a "Part"). This probably will not be the same courtroom where you first saw the judge. You must listen when the court officer calls out your Part, and then line up and check in with the officer. When your case is heard, the judge will decide whether to grant you guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

### **Standby Guardianship**

1. When you enter the courthouse, you will pass through a metal detector and the guard will check your bags. Just around the corner from the guard desk, go to the fourth window where you will need to take a number.

2. When your number is called, the clerk will give you some forms to fill out. Tell the clerk that you want to file for standby guardianship. The forms will ask for general information, such as addresses and names of the parties involved.

3. Then you will be sent to the Record Room to have your records checked for prior Family Court cases. This could take more than an hour.

4. After the records are checked, a clerk will call you to fill out standby guardianship petition forms with you. The proposed standby guardian will also be fingerprinted. Once the petition has been prepared, you will wait to see the judge. You will probably have to wait for a few hours.

5. When you go before the judge, s/he will ask why you are filing for standby guardianship and if all parties give their consent.

6. The judge will not make a decision on this first day in court. Instead, you will be given a "return date," usually 6-8 weeks later, when you must come back to the courthouse. The judge must wait for a report from the New York State Child Abuse and Maltreatment Register about whether any of the parties have been involved in child abuse or neglect cases. The judge also needs the results of the fingerprint check on the proposed standby guardian.

7. On your return date, you should go to the courthouse early and go to the waiting area outside the assigned courtroom (also called a "Part"). This will be a different courtroom than the one where you first saw the judge. You must listen when the court officer calls out your Part, and then line up and check in with the officer. When your case is heard, the judge will decide whether to grant you standby guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

8. The standby guardian must return to court when the parent dies, becomes incapacitated or the parent consents to their becoming guardian of the child. The standby guardian must bring the original Order of the judge granting standby guardianship and a death certificate, doctor's note, or notarized written consent of the parent. The judge will then make the final appointment of guardianship, and an order or "letters of guardianship" will be issued to the guardian



**STEP BY STEP GUIDE  
TO THE FAMILY COURTS  
OF NEW YORK CITY**

**For people applying for custody,  
guardianship, or standby guardianship**

**STATEN ISLAND**

**Prepared by Legal Action Center 1/99**

**HOW TO FILE FOR CUSTODY, GUARDIANSHIP  
OR STANDBY GUARDIANSHIP OF A MINOR IN  
STATEN ISLAND FAMILY COURT**

**Where do I file?**

Staten Island Family Court, 100 Richmond Terrace.

The building is a short walk from the ferry station. As you exit the ferry terminal, turn right and walk about 3 blocks. The Court is between Wall Street and Hamilton Avenue.

**What are the hours?**

9:00 a.m. to 5:00 p.m., Monday - Friday.

It is closed on all legal holidays.

You should arrive as EARLY as possible in the morning. Applications are taken on a first come, first served basis, and the guards may start turning people away by mid morning. The doors open at 8:45 a.m. and it is best to get on line before that. Expect to be there all day.

**May I make an appointment?**

No.

**May I bring my children?**

Yes, but...

Children are allowed into the building but not into the courtrooms. There is a nursery, but it is not in the same building as the courthouse. If the judge does not grant special permission, you will have to leave your children in the nursery or the waiting room. If you are not comfortable leaving your children in the nursery, you may want to make other arrangements for the day.

**Who should go to the courthouse?**

For custody and guardianship cases, the person seeking custody or guardianship should go to the courthouse. In addition, the parent and the child(ren) if over 14 years old, should also go to the courthouse if they are available since the judge may want to speak to them about the reasons for seeking custody or guardianship, and whether they consent to it.

For custody cases, if the parent is not present, the person seeking custody can bring in a notarized letter from the parent stating that s/he consents to the change in custody.

For guardianship cases, if everyone is not available, the court will issue a summons to the parents and child(ren) — if over 14 years old — requiring them to appear in court on a later date.

For standby guardianship cases, if the parent is too sick to go to the courthouse, the proposed standby guardian may bring a notarized letter from the parent stating that s/he is too ill to attend.

**What Documents Or information Will I Need?**

You will need to answer questions about the name, age, residency, marital status, and prior Family Court involvement of everyone involved. You

should bring with you any documents you will need to help you answer these questions. For example:

- original birth certificate of minor
- all death certificates
- all marriage certificates
- any separation or divorce agreements
- any paternity agreements or orders of filiation
- any prior awards of custody, visitation or guardianship
- documentation proving the residence of the person seeking custody or guardianship (i.e., lease, electric or phone bill with person's name on it)
- addresses of anyone involved who was not available to come to the courthouse

**Whom Can I Call If I Have Questions?**

The court clerk at 718-390-5466,  
or the record room at 718-390 5460 or 5461.

**What happens when I go to the courthouse?**

**Custody**

1. When you enter the courthouse, you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for custody. The guard will give you an application form that you need to fill out and return to a basket near the Information Window of the Record Room. He will direct you to the window.

2. The Record Room clerks will review your application and check for any prior Family Court cases you may have been involved in. This could take more than an hour.

3. After your records have been checked, your application will be sent to the petition clerk. When the petition clerk calls you, s/he will fill out the petition for custody with you. The petition will be sent to the judge.

4. You must then wait to be called by the judge. This will probably take a few hours. The judge will ask you why you are filing for custody and if all the parties give their consent. The judge needs to know this, because the decision to grant custody must be in the best interests of the child.

5. If everyone concerned is at the courthouse, and consents, the judge may decide to grant custody on the same day.

6. If parents, the child(ren) — if over 14 years old — or other interested persons are not there, or if the judge decides to order an investigation, s/he will adjourn the case and give you a “return date,” when you must come back to court. The judge will issue a summons requiring the absent persons to appear on the same day.

7. If the case is adjourned, you should go to courthouse early on the return date. Go to the waiting area outside the assigned courtroom — usually the courtroom where the judge first heard you — and wait for the clerk to call out the cases for the day. If you do not hear your name, tell the clerk that you were supposed to be heard and s/he will tell you where to go. When your case is heard the judge will decide whether to grant you custody. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or fingerprint check, your case will most likely be postponed and you will be given another court date.

## **Guardianship**

1. When you enter the courthouse, you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for guardianship. The guard will give you an application form that you need to fill out and return to a basket near the Information Window of the Record Room. He will direct you to the window.

2. The Record Room clerks will review your application and check for any prior Family Court cases you may have been involved in. This may take an hour or more.

3. After your records have been checked, your application will be sent to the petition clerk. When the petition clerk calls you, s/he will fill out the petition for guardianship with you. The petition will be sent to the judge. The clerk will also take the fingerprints of the person seeking guardianship.

4. You must then wait to be called by the judge. This may take a few hours. The judge will ask you why you are filing for guardianship and if all the parties give their consent. The judge needs to know this, because the decision to grant guardianship must be in the best interests of the child.

5. The judge will not make a decision on this first day in court. Instead, you will be given a "return date," usually 6-8 weeks later, when you must come back to the courthouse. The judge must wait for a report from the New York State Child Abuse and Maltreatment Register about whether any of the parties have been involved in child abuse or neglect cases. The judge also needs the results of the fingerprint check on the

proposed guardian. If the parents are unable to attend, the judge will also issue a summons requiring them to appear in court on the return date.

If you need temporary guardianship until your return date, ask the judge and explain why you need temporary guardianship. The judge will then decide if temporary guardianship is appropriate.

6. On your return date, you should go to the courthouse early and go to the waiting area outside the assigned courtroom. This will usually be the same courtroom where you first saw the judge. You must listen when the court officer calls out the cases listed for the day and make sure your name is called. If you do not hear your name, tell the court officer your case is supposed to be heard, and s/he will tell you where to go. When your case is heard, the judge will decide whether to grant you guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

### **Standby Guardianship**

1. When you enter the courthouse, you will walk through a metal detector and the guard will check your bags. Tell the guard that you want to file for standby guardianship. The guard will give you an application form that you need to fill out and return to a basket near the Information Window of the Record Room. He will direct you to the window.

2. The Record Room clerks will review your application and check for any prior Family Court cases you may have been involved in. This may take an hour or more.

3. After your records have been checked, your application will be sent to the petition clerk. When the petition clerk calls you, s/he will fill out the standby guardianship petition with you. If you filled out the packet in advance, the clerk will review the forms with you. The petition will be sent to the judge. The clerk will also take the fingerprints of the person seeking guardianship.

4. You must then wait to be called by the judge. This may take a few hours. The judge will ask you why you are filing for guardianship and if all the parties give their consent. The judge needs to know this, because the decision to grant guardianship must be in the best interests of the child.

5. The judge will not make a decision on this first day in court. Instead, you will be given a "return date," usually 6-8 weeks later, when

you must come back to the courthouse. The judge must wait for a report from the New York State Child Abuse and Maltreatment Register about whether any of the parties have been involved in child abuse or neglect cases. The judge also needs the results of the fingerprint check on the proposed guardian.

6. On your return date, you should go to the courthouse early and go to the waiting area outside the assigned courtroom. This will usually be the same courtroom where you first saw the judge. You must listen when the court officer calls out the cases listed for the day and make sure your name is called. If you do not hear your name, tell the court officer your case is supposed to be heard, and s/he will tell you where to go. When your case is heard, the judge will decide whether to grant you guardianship. However, if the judge has not received the results of the Child Abuse and Maltreatment Registry search and/or the fingerprint check, your case will most likely be postponed and you will be given another court date.

7. The standby guardian must return to court when the parent dies, becomes incapacitated or the parent consents to their becoming guardian of the child. The standby guardian must bring the original Order of the judge granting standby guardianship and a death certificate, doctor's note, or notarized written consent of the parent. The judge will then make the final appointment of guardianship.