

This material is provided to answer general questions about the law in New York State. The information and forms were created to assist readers with general issues and not specific situations, and, as such, does not replace the legal advice or representation of an attorney. Because of this and because of unanticipated changes in the law, the Rural Law Center of New York (RLC) makes no claim that this information will achieve the results you desire. Also, the RLC disclaims any responsibility for actions taken based on this material. If you are seeking advice about a specific legal issue, you should contact an attorney licensed to practice in New York State.

## **Rural Law Center of New York, Inc.**

### **HOW TO RESPOND TO A FAMILY COURT SCHEDULING ORDER**

**In some New York counties, at the beginning of a Family Court case, the judge will issue a Scheduling Order. Before we address how to respond to a Court's Scheduling Order, it is important that you understand that it is best if you can have an attorney represent you in Family Court. You have the right to apply for a free attorney, if you feel you cannot afford one. If you are denied a free attorney because of your income or assets, then you should hire a lawyer. If you absolutely cannot afford an attorney, and you are going to proceed by representing yourself, then learn all you can about how to prepare for the process.**

If you are involved in a Family Court matter, and you have been to court once at something called an "Initial Appearance," you may receive a **"Scheduling Order,"** signed by the Family Court Judge. **A Scheduling Order is written by the Family Court Judge to give the parties a timeline of how the case will proceed, and what he or she expects the parties to do before trial.** It is very important that you write a written Response to that order, and that you file it with the court, and serve it (mail it) to the other party (or his or her attorney) and the Law Guardian.

We're attaching a **blank "Response to a Scheduling Order" for you to complete and a sample "Response to a Scheduling Order"** so you can see what one might look like. The Guide below explains how the form might be completed. We have divided the form into sections A through G with an explanation for each section.

#### **SECTION A**

Complete this section by looking at the Scheduling Order's Caption and filling in the blanks just as it is in the Scheduling Order. Be sure you put your name in as either the Petitioner (if you are the Petitioner) or the Respondent (if you are the Respondent) and put the other party's name in

their respective space, and fill in the Docket Number and FUN (Family Unit Number) as it is on the Scheduling Order.

## **SECTION B**

**Circle whether you are the Petitioner or the Respondent** and then write your name in, to say that you are responding to the Scheduling Order.

## **SECTION C**

**Witness List.** List all of the people you intend to call as witnesses. (If you have an expert witness, then ask that person for a resume and attach it at the end of your response.) Remember, **if you do not list a witness here, you may not be able to call them to testify at the trial.**

## **SECTION D**

**Exhibit List.** List all of the documents you want to show to the judge at the hearing.

## **SECTION E**

**Statement of Particulars.** This is the section of the Response where you specify exactly what you intend to prove at trial. For example, if there was a trial, you could not just stand and say, "It is in Johnny's best interest" to be in my custody. Instead, you want to show **WHY** it is in Johnny's best interest, so this is where you put in the particular allegations you will prove at trial. Look at the list of sample items we have listed and then think about what statements **YOU** want to prove at trial. Remember that it is most important to stress that you are the better parent and that it would be in the child's best interest to be placed with you.

## **SECTION F**

### **SIGN AND DATE THE RESPONSE IN FRONT OF A NOTARY**

**DATE.** This is the day you sign the Scheduling Response.

**SIGN AND PRINT YOUR NAME WITH YOUR ADDRESS AND TELEPHONE NUMBER.**

**TO: NAME THE OPPOSING PARTY (OR HIS/HER ATTORNEY)  
NAME THE LAW GUARDIAN**

**SECTION G**

**VERIFICATION** – Sign the Verification in front of a Notary

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Now, take or mail the response to the Family Court and serve the other party (or that party's attorney, as well as the law guardian). Always keep a copy for yourself.