

Albany County Bar Association
Guidelines for Parents and Guardians

When families are in crisis they turn to Family Court for assistance in addressing their problems. It is a very stressful time and the experience can be very emotional, overwhelming and sometimes painful. Family Court has developed written guidelines in order to alleviate this stress on parents and guardians. These guidelines are attached to each and every petition that is filed in Family Court.

1. Civility: You have the right to be treated with dignity and courtesy. If any attorney, caseworker or employee of the Court does not treat you in a courteous and helpful manner, you should report that to the Chief Clerk immediately. Also, you should likewise treat our staff with courtesy.

2. Scheduling: We will try to schedule a court date and time that is convenient to you. This is difficult because we must also accommodate lawyer and caseworker schedules, and we work 9-5 , Monday-Friday, as most of you do. But, you should still speak up and let us know what dates or time is best for you.

3. Calling of Cases: We will try to call your case as close as possible to your appointment time. This is also difficult because of the very crowded court calendars, cases that must be heard on an emergency basis and the wait for lawyers with cases before other Judges. However, the primary cause of delay is people who do not come to court on time. So, even though you may have to wait, please be on time.

4. Preparation for Court: to make your court appearance productive there are some things you must do. You and your lawyer must come to Court on time. This means arriving early enough so that you and your lawyer can discuss your case with the other parent, his or her attorney and the Law Guardian. You should bring to Court any papers that relate to your case. You should be in touch with your attorney or the Law Guardian between Court dates to keep everyone fully informed about the case. You also need to keep all of your appointments between Court dates.

5. Adjournments and Communications with the Judge: Rules of the Judicial Conduct prohibit you from speaking alone with the Judge about the merits of your case, nor can you write a letter just to the Judge. So, if you write to the Judge you must also send a copy to the other party and all of the lawyers. If you need to adjourn your case for some important reason, you must first try to get consent from the other side and the Law Guardian. Only then should you request an adjournment from the Court. If you are

granted an adjournment, it is your responsibility to notify everyone else of the new Court date.

6. The Children Come First: You must remember that Family Court is not here to determine a winner or loser. We are here first to help parents make difficult decisions together, which will be in their children's best interest. If you as parents cannot decide together, then the Court must decide. We will try to help you reach a mutual agreement that is in your children's best interest. In other words you will have to compromise and sometimes you will go to mediation to assist you with the compromise.

7. Looking Forward: Finally, you must remember that there is nothing Family Court, or anyone for that matter, can do to change the water that has already passed under the bridge. Continuing forward with the animosity that you have brought to Court will surely have a corrosive affect on your children. Above all, you must work together to ensure your children's best interest. This often requires a fair amount of accommodation, a lot of understanding and sometimes forgiveness.

Hopefully the parents and guardians will consider these guidelines in seeking a resolution without a trial. Experts have told us that when parents are invested in settling their custody disputes without a trial it is a win win situation for the children.