

Assisting with Family Offense Petitions during COVID-19

When a Family Court Volunteer is On-Call:

The Family Court On-Call Calendar is found in the James Street Staffing Schedule.

1. The Support Line Call Taker will assess for the need for the drafting of a Family Offense Petition.
 2. The Support Line Call Taker will let the victim/survivor know that there is a Family Court Volunteer available to assist in drafting the Family Offense Petition.
 3. The Support Line Call Taker will then let the victim/survivor know they will be forwarding the call to the Family Court Volunteer. This will be done using the call forwarding instructions found in the **Crisis Calls Protocol COVID-19**.
- *If the Family Court Volunteer does not answer the phone, the Support Line Call Taker will follow the below steps to draft the petition.**
4. Assess whether there are extenuating circumstances that would permit the court to hold a remote hearing, e.g. the victim/survivor is unable to physically leave their home, does not have transportation to the courthouse and/or to James Street to pick up the papers, is under a quarantine order or has a COVID-19 diagnosis or is caring for someone who has one. (This not an exhaustive list.)
 5. Complete the fillable PDFs—"Family Protection Registry" and "Instructions for Filing a Petition in Family Court—Family Offense" and save them.
 6. Draft the petition. Read the narrative portion of the petition aloud to the victim/survivor to make sure that it is accurate and complete.
 7. Save the petition as a PDF and email the petition and the forms to Jolie Moran (jmoran@verahouse.org) and Olivia Stroman (ostroman@verahouse.org) along with instructions about whether 1) the victim/survivor wants to come to James Street to pick up printed copies or 2) if the victim/survivor wants the PDFs emailed to them (if they have a safe email and a printer). If the victim/survivor is requesting a remote hearing the court would need to know why. Judges are requiring victim/survivor to appear in person at Family Courthouse with paperwork unless there are extenuating circumstances as to why they cannot appear. If there are extenuating circumstances (ex: has no child care and child is present) we can request a remote appearance and await approval from the court. Provide the victim/survivor's phone number and email address if applicable.
 8. E-file the petition.
 - **If the petition is being emailed to the victim/survivor:**

Jolie or Olivia will email the victim/survivor, attaching the three completed forms: petition, Family Protection Registry form, and Instructions for Filing a Petition in Family Court—Family Offense form.
 - **If the petition is being picked up at the James Street Office by the victim/survivor:**

Jolie or Olivia will print copies of the three completed forms for pickup by the victim/survivor.

*The webpage from which you will start the petition is:

https://www.probono.net/ny/family/fop_project/

**If you do not already have a Probono.net login and password, you can use:

Email: dbarracohetnar@verahouse.org

Password: fcadvocate

Scroll down to Start the Program and click on "Go to the Family Offense Petition Advocate Program."

Sign into lawhelpinteractive.org and click "Get Started"

**If you do not already have a Probono.net login and password, you can use:

Username: dhethnar

Password: fcadvocate

When a Family Court Volunteer is not On-Call:

1. The Support Line Call Taker will assess for the need for the drafting of a Family Offense Petition, and immediately offer to assist in the drafting of the Family Offense Petition.
2. Assess whether there are extenuating circumstances that would permit the court to hold a remote hearing, e.g. the victim/survivor is unable to physically leave their home, does not have transportation, is under a quarantine order or has a COVID-19 diagnosis or is caring for someone who has one. (This not an exhaustive list.)
3. Complete the fillable PDFs—"Family Protection Registry" and "Instructions for Filing a Petition in Family Court—Family Offense".
4. Draft the petition. Read the narrative portion of the petition aloud to the victim/survivor to make sure that it is accurate and complete.

Save the petition as a PDF and email the petition and the forms to Jolie Moran (jmoran@verahouse.org) and Olivia Stroman (ostroman@verahouse.org) along with instructions about whether 1) the victim/survivor wants to come to James Street to pick up printed copies or 2) if the victim/survivor wants the PDFs emailed to them (if they have a safe email and a printer) or 3) the victim/survivor is requesting a remote hearing. Provide the victim/survivor's phone number and email address if applicable.

5. E-file the petition.

- If the petition is being emailed to the victim/survivor:

Jolie or Olivia will email the victim/survivor, attaching the three completed forms: petition, Family Protection Registry form, and Instructions for Filing a Petition in Family Court—Family Offense form. This email will also include instructions including the information below in “Preparing for the Hearing and What Happens Next.”

- If the petition is being picked up at the James Street Office by the victim/survivor:

Jolie, Olivia or Wyatt will print copies of the three completed forms for pickup by the victim/survivor.

*The webpage from which you will start the petition is: <https://www.probono.net/ny/family/>

**If you do not already have a Probono.net login and password, you can use:

User: dhetnar

Password: fcadvocate

Preparing for the Hearing and What Happens Next:

1. Within 72 hours, the victim/survivor can go to the Onondaga County Courthouse (401 Montgomery Street, Syracuse). At this time they cannot bring anyone else with them. If they have drafted a petition electronically, they will need to bring a paper copy of the petition as well as paper copies of the two other forms.
2. At the Onondaga County Courthouse, they will be greeted by someone at the door who will ask “Is this in regards to an emergency?” The victim/survivor will need to respond “Yes,” and explain that they need to be seen for a Family Offense Petition.
3. The victim/survivor will then be escorted to a room in the courthouse where they will then conduct a hearing via Skype with the Judge, who will be in a different room.
4. The victim/survivor may ask the Judge for permission to have another person virtually accompany them via Skype, Facetime, phone or other technology. This request will be considered by the individual Judge and is not guaranteed.
5. The Judge will ask if the victim/survivor has an attorney or whether they would like the court to assign an attorney. Unless that victim/survivor has signed a retainer agreement with an attorney for that matter, they can request to be assigned an attorney.
6. Victims/Survivors may be given a court date to return. They need to know that if they do not show up to the next court date, whenever it is scheduled, their order could be vacated and their petition dismissed.

7. If an order is issued, the Sheriff's Department is prioritizing serving these orders. Victims/Survivors can still sign up for the sheriff service notification service at: <https://oopalert.ny.gov/oopalert/>
8. A Referral to Legal Project (315-425-0818 x 2267 or email legal@verahouse.org) can be made if victims/survivors have questions about what happens next with the family offense, or if they have questions about existing custody orders, or what to do about custody concerns right now. Or the victim/survivor can email or call Bryn themselves. A referral to an advocate can also be made to assist the victim/survivor with emotional support and safety planning during this time.
9. All other Vera House services are still functional at this time: Shelter, Advocacy, Support Line, and Clinical services. Let the victim/survivor know they can call the Support Line 24 hours a day for help.

Facilitation of a Remote Session (only in a case of extenuating circumstances):

If the remote appearance will happen at the James Street Offices:

1. The Advocate will reach out to victim/survivor to assess a time that will work for the remote appearance at the James Street Offices.
2. The Advocate will then email both Dave Primo (dprimo@nycourts.gov) and Tonya Younis (tyounis@nycourts.gov) to coordinate a mutual time to complete the remote appearance with the Judge. Within the request list the first initial and last name of the petitioner. A copy of the Family Offense Petition, and the Family Protection Registry, and Information Sheet should also be attached to this email.

***If someone is filing multiple petitions against multiple abusers a separate email must be sent for each individual petition.**

3. Tonya or Dave will then send a calendar invite/ Skype Invitation for a time to complete the remote appearance with the Judge to the Advocate.
4. The Advocate will then set up the appearance via Skype in the Large Conference Room at the James Street Offices with the victim/survivor present.

If the remote appearance will happen somewhere other than at the James Street Offices:

1. The Advocate will reach out to victim/survivor to assess the safety of doing the remote appearance at their home.
2. The Advocate will then email both Dave Primo (dprimo@nycourts.gov) and Tonya Younis (tyounis@nycourts.gov) to coordinate a mutual time to complete the remote appearance with the Judge. Within the request list the first initial and last name of the petitioner. A copy of the Family Offense Petition, and the Family Protection Registry, and Information Sheet should also be attached to this email. Additionally, the victim's/survivor's email address will be shared at this time.
***If someone is filing multiple petitions against multiple abusers a separate email must be sent for each individual petition.**
3. Tonya or Dave will then send a calendar invite/ Skype Invitation for a time to complete the remote appearance with the Judge to the Advocate and the victim/survivor.
4. The Advocate and the victim/survivor will follow the directions sent by the court to set up the appearance with the Judge.