

## NASSAU COUNTY FAMILY COURT

### Virtual Hearings

1. At a hearing, whether virtual or in person, a petitioner (the person requesting relief) has the burden to meet the legal standard necessary for the relief requested to be granted. In addition to sworn testimony, exhibits, such as documents or photos, may be proposed to be entered into evidence to support the applicable legal standard. The other parties also have the right to propose evidence in opposition. During the hearing, each party has their turn to request, one exhibit at a time, to have their exhibits entered into evidence, subject to the rules of evidence under New York State law. Exhibits that are proposed to be entered into evidence must be reviewed by the other parties who have the right to object before the presiding judge, support magistrate, or referee permits the evidence to be entered. For virtual hearings, proposed evidence must be submitted in advance of the hearing.
2. Virtual hearings will be conducted through the Microsoft Teams program or over the phone. Ideally, all parties, attorneys, and witnesses will appear by both video and audio via Microsoft Teams. Appearing only by phone or audio, and not video, must be approved in advance by the presiding judge, support magistrate, or referee.
3. All proposed evidence must be submitted to the Clerk's Office at least 10 days in advance of the hearing date.
4. Each judge, support magistrate or referee may have their own procedure for virtual hearings in addition to, or in place of, these procedures.

### How to submit Proposed Evidence for Virtual Hearings

1. Proposed evidence should be submitted so it is received by the Clerk's Office at least 10 days in advance of the hearing date. The evidence should also be shared with the other parties/attorneys in advance of the hearing date. If all parties consent, rather than object, to individual exhibits being entered into evidence, this will save time during the hearing.
2. Each proposed document exhibit should be submitted separately in digital format as a PDF (portable document format). This is preferred over paper documents. Paper documents will be accepted, but there may be a delay in making them available for the hearing.
3. Each individual document exhibit (whether digital or paper) should be identified with the following information in the upper right-hand corner on the first page of each exhibit:
  - a. The name of the party proposing the evidence
  - b. The master file number of the case,
  - c. The name of the judge, support magistrate, or referee presiding over the case
  - d. A separate number or letter identifying the exhibit according to the following protocols

- i. If you are the petitioner, or the person who filed the first petition, the documents should be numbered. For example, "Petitioner's Proposed Exhibit 1" followed by "Petitioner's Proposed Exhibit 2" and so on for each additional exhibit.
    - ii. If you are the respondent, the documents should be lettered. For example, "Respondent's Proposed Exhibit A" followed by "Respondent's Proposed Exhibit B" and so on for each additional exhibit.
    - iii. If you are the attorney for child, the documents should be numbered. For example, "AFC's Proposed Exhibit 1" and so on.
  - e. If the individual exhibit is more than one page, each page should be identified with the page number in the upper right-hand corner of each page, for example,
    - i. "page 1 of ....." (filling in the total number of pages of the exhibit), then
    - ii. "page 2 of ....." and so on for all pages of the exhibit
4. Each individual digital exhibit, whether a PDF document, or picture, audio, or video file, should be submitted with a unique file name according to the identification protocols in 3d above.
5. If an exhibit cannot be presented in digital format, such as a physical object, it should be placed in a clear, resealable plastic bag and labelled with the information in 3a-d above.
6. Proposed evidence in digital format may be submitted by
  - a. Emailing the exhibits to [nasfamily@nycourts.gov](mailto:nasfamily@nycourts.gov) with each exhibit attached separately. Depending upon the size of the exhibits and the capacity of the email program, more than one email may be required. For exhibits that are too large to be emailed, see 6b and 6c below.
  - b. Mailing a USB drive with each exhibit saved separately, to Nassau County Family Court, 1200 Old Country Road, Westbury, NY 11590, Attn: Proposed Evidence Clerk
  - c. Submitting a USB drive with each exhibit saved separately, in person, to Room 108 of the Family Court  
Please note that USB drives will **not** be returned upon conclusion of the hearing.
7. Proposed evidence, in other than digital format, may be submitted by
  - a. Mailing the exhibits to Nassau County Family Court, 1200 Old Country Road, Westbury, NY 11590, Attn: Proposed Evidence Clerk
  - b. Dropping the exhibits off, in person, to Room 108 of the Family Court  
Please note, if you are requesting to have proposed evidence, in other than digital format, returned to you, you must submit a letter along with the proposed evidence, including your name, address, and telephone number(s), and the identifying information for the exhibits you want returned.
8. For support-related cases only, the following documents are automatically considered by the support magistrate in their decision to grant or deny the relief requested, unless he or she specifically directs otherwise, and therefore do not need to be proposed as evidence:
  - a. the petition
  - b. prior court orders
  - c. statutorily required financial disclosure affidavits
  - d. pay stubs
  - e. income tax documents; and

f. health insurance documents.

9. Proposed evidence is maintained by the Clerk's Office and is not seen by the judge, support magistrate, or referee until it has been entered into evidence. If an exhibit is not entered into evidence, it will not be considered by the judge, support magistrate, or referee in their decision to grant or deny the relief requested.
10. If proposed evidence is accessible only through a subpoena returnable to the court, the party or attorney preparing the subpoena should include the following statement on the subpoena:

"Documents produced in compliance with this subpoena shall be produced in digital PDF format and either (1) emailed to [nasfamily@nycourts.gov](mailto:nasfamily@nycourts.gov); or (2) mailed or delivered to the court on a USB memory device."