



**THE BASICS**  
**The Courts in New York City**

This is one of 11 booklets in *The Basics Series*. The booklets in this series are designed as basic self-help guides for individuals who need access to legal information and the courts in order to address family law and related issues.

**All booklets in *The Basics Series*, in English and Spanish, can be downloaded using either of the following two web site links:**

- [www.lawhelp.org](http://www.lawhelp.org)
- [www.brooklynbar.org/vlp](http://www.brooklynbar.org/vlp)

**Here is current contact information for the two organizations that produced *The Basics Series* in 2002:**

Brooklyn Bar Association Volunteer Lawyers Project  
718-624-3894  
[www.brooklynbar.org/vlp](http://www.brooklynbar.org/vlp)

inMotion  
718-562-8181 (Bronx)  
or 212-695-3800  
[www.inmotiononline.org](http://www.inmotiononline.org)

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People go to court for many reasons. One of the big reasons people go to court is to ask a judge to help them when someone hurts them. Or they may have a disagreement with someone and need a judge to tell them what to do. Or sometimes a person gets in trouble with the police and ends up in court.

There are many different courts located in New York City. Some courts handle only certain kinds of cases. Some kinds of cases can be handled by more than one court. Figuring out which court to go to can be very hard. Even lawyers sometimes have trouble figuring out which court to go to for a certain case.

This booklet explains many types of cases the law deals with and which courts in New York City can handle these cases.

At the end of this booklet is an Appendix with information about the location of the courthouses for the courts discussed in this booklet.

## **WHAT IS A CIVIL CASE?**

There are different kinds of laws. Some are criminal laws and some are not. Laws that are not criminal are called civil laws. For example, if you sign a contract and promise to do something and then do not do it, you have acted unlawfully, but you have not committed a crime.

**A case is civil when a person (or company) breaks a law that is not criminal, and that action harms another person (or company)**

In a civil case, the harmed person who goes to court (the person who sues) is called either the plaintiff or the petitioner, depending upon which court the case is in or what kind of case it is. The person who is being blamed for the harm (the person being sued) is called the defendant or respondent. Together, the plaintiff or petitioner and defendant or respondent are called the parties or litigants.

If the plaintiff wins the case, the Court will order the defendant either to do something or to stop doing something. For example, the Court could order the defendant to pay money (damages) to the plaintiff, deliver something the plaintiff has paid for, finish a job a company was hired by the plaintiff to do, or stop doing specific things that harm the plaintiff.

## **HOW DOES A CIVIL CASE GET STARTED?**

To start a civil case, some paper or papers need to be filed in the clerk's office of the Court. The paper(s) might be called a summons with notice, a summons and complaint or a petition, depending upon which Court is involved. The paper(s) filed tells the Court and the defendant or respondent what the case is about and what the plaintiff or petitioner wants.

Most courts require a person to pay a filing fee to start a civil case. Court fees can be hundreds of dollars. If a person is poor, however, s/he may ask the Judge to waive filing fees.

**If a Judge issues an order waiving filing fees, that means the person does not have to pay the filing fees.**

The paper(s) must then be given to (served upon) the defendant or respondent.

## **WHAT IS A CRIMINAL CASE?**

**A case is criminal when a person or company does something, or fails to do something, that the law says is a crime.**

Criminal cases involve wrongs not only against individual victims but also against society as a whole. Society as a whole is called The People of the State of New York. In a criminal case, the plaintiff is "The People." The victim of the crime may be called to court to be a witness in the case.

The People have their own lawyer in a criminal case. This person is called the District Attorney or D.A. The District Attorney has many assistant

lawyers to help him/her. They are called Assistant District Attorneys or A.D.A.s.

If The People win the criminal case, the defendant may have to go to jail or prison or pay a fine to the State (not to the victim) or perform some act, either as punishment or to make up for what s/he did that was a crime against the State.

**There are 3 kinds of criminal cases: felonies, misdemeanors and violations.**

- A **felony** is a serious crime. A felony is punishable by a prison term of more than one year.
- A **misdemeanor** is a less serious crime. A misdemeanor is punishable by a jail term of one year or less.
- A **violation** is a non-criminal offense. A violation is usually not punishable by a jail term but instead by payment of a small fine or performance of community service.

### **HOW DOES A CRIMINAL CASE GET STARTED?**

The District Attorney's Office starts felony cases by filing an indictment. In felony cases, the D.A.'s Office first must present the case to a grand jury. A grand jury is not the same as the juries we see on television that decide whether the defendant is guilty or not. A grand jury is a group of people who decide whether the D.A.'s Office has presented enough evidence of a felony to bring formal charges against (indict) the defendant.

<p><b>An indictment is a formal written accusation by a grand jury charging a defendant with a crime.</b></p>
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If the defendant waives the indictment (says it is not necessary for the grand jury to look at the evidence), his/her case will go to the Criminal Branch of Supreme Court right away, without being presented to the grand jury.

## WHAT ARE THE TRIAL COURTS IN NEW YORK CITY?

The courts where civil and criminal cases start are called trial courts. These trial courts are described in this booklet:

- Supreme Court, Civil Branch
- Supreme Court, Criminal Branch
- Civil Court, with two specialized parts: Landlord-Tenant Court and Small Claims Court
- Family Court
- Criminal Court
- Surrogate's Court
- Integrated Domestic Violence Court

There are other courts, called appeals courts. These courts do not hold trials. Instead, they review what has been decided in the trial courts to see if there were mistakes made that should be corrected.

## WHAT CASES DOES SUPREME COURT HANDLE?

**The Supreme Court can decide any legal issue.** Supreme Court has two branches: a Civil Branch and a Criminal Branch.

**The Civil Branch is the only Court that can decide cases where the plaintiff wants to get more than \$25,000.** These cases can be about personal property, real property (land and buildings), personal injury and malpractice – to list just a few. Supreme Court is also the only Court that can grant a divorce, a separation or an annulment of a marriage and decide how to divide the husband's and wife's property fairly between them.

In the Civil Branch, the person who starts the case is called the plaintiff. The plaintiff starts a case by buying an index number for \$210 and filing a paper

briefly telling the Court and the defendant what the case is about and what the plaintiff wants.

**The index number identifies the case in the same way that a social security number or driver's license identifies a person.**

This paper could be a summons with notice, a summons and complaint or a petition in a special proceeding. Later, when the case is assigned to a Judge, there is another fee of \$95, called the RJI fee.

**RJI stands for request for judicial intervention.**

And, if the case goes all the way to trial, there is another fee to put the case on the trial calendar. If a person is too poor to pay, however, s/he may request that the Judge waive these fees.

Sometimes Supreme Court will send a case to a “lower” court because the case doesn't involve enough money for Supreme Court to handle. For example, if a case filed in Supreme Court really is worth less than \$25,000, Supreme Court may send it to Civil Court.

Sometimes a case will start in a lower court, but be appealed to Supreme Court by the losing party.

**An appeal is when one party does not agree with the outcome and wants a higher court to decide if the lower court made the right decision**

Supreme Court has many rules about how to make a case. These rules deal with what information can be presented and how it must be presented to the Court. The rules can be hard to understand. It is always better to have a lawyer in Supreme Court. Although any person has a right to go to Court without a lawyer (going pro se), some Supreme Court judges and clerks can be very impatient with someone who does not have a lawyer.

**When a person represents himself/herself, without the help of a lawyer, it is called going pro se.**

In New York County (Manhattan), Queens County (Queens), and Kings County (Brooklyn), the Supreme Court has an Office for the Self-Represented. The clerks in this office are there to give helpful information to people who do not have lawyers and who want to start a case in Supreme Court.

**The Criminal Branch of the Supreme Court is the only Court that can decide felony cases.**

Most people are indicted for criminal violations in Criminal Court, which is a lower court. But if the person is indicted on a felony charge, any pretrial proceedings, guilty pleas, trial and sentencing must take place in the Criminal Branch of the Supreme Court and not in Criminal Court. (There is a section on Criminal Court later in this booklet.)

## **WHAT CASES DOES CIVIL COURT HANDLE?**

**Civil Court handles many of the same kinds of civil cases as Supreme Court, but only those that are worth less than \$25,000.** Some examples are cases involving personal injury or enforcement of contracts.

If a company fails to deliver something the plaintiff paid for, delivers goods that are damaged, sells something that breaks right away, drives over someone's property and knocks down a fence, or drops a brick and injures someone - all these cases can be brought in Civil Court as long as the plaintiff claims no more than \$25,000. If the plaintiff asks for more than \$25,000, s/he cannot get it in Civil Court. That case would have to be handled in Supreme Court.

Civil Court handles cases involving real property (land and buildings) located within the City of New York where the value of the property or claim against the property is not more than \$25,000. These include cases:

- to divide real property between parties.
- to foreclose on a home when the owner has not paid the mortgage.
- to require the sale of real property, when there is a contract of sale.

- to decide who owns a parcel of real property.
- to evict a person unlawfully using someone else's real property.

**Civil Court also handles certain housing cases even if the amount in question is more than \$25,000, including:**

- violations of New York City housing, building and health codes.
- removal of unsafe buildings.
- enforcement of housing standards.

**Civil Court also has specialized parts.** Two of these specialized parts are Landlord-Tenant Court and Small Claims Court.

**Landlord-Tenant Court handles relatively quick cases dealing with real property located within the City of New York.** Landlords who want to evict their tenants for not paying rent and tenants who need their landlords to fix dangerous conditions bring their cases to this part of Civil Court. Landlord-Tenant Court handles these cases even though the unpaid rent or cost of necessary repairs may be greater than \$25,000.

**Small Claims Court handles very small cases, cases worth no more than \$3,000.** Small Claims Court is open in the evening as well as during the day. Small Claims Court is designed for people who are not represented by lawyers. Small Claims Court does not have many of the procedural rules used by more formal courts. It is a relatively informal place where people can get quick decisions.

To start a case in Small Claims Court, the plaintiff must pay a fee (\$10 for claims worth \$1,000 or less, or \$15 for claims worth more than \$1,000) and give the clerk a short statement (claim form) of what the case is about. The clerk then summarizes the case and puts it on the Court's list of cases (the docket). The claim form is then mailed to the defendant. The form tells the parties when to come to Small Claims Court to have the case heard (the return date). Small Claims Court has many written instruction sheets to help people without lawyers with different parts of their cases.

On the return date, the parties are given a choice of having the case heard by an arbitrator or by a Judge.

**An arbitrator is a person who listens to all of the facts and decides the outcome, but is not a Judge.**

An arbitrator usually will decide the case that same day or evening. The arbitrator's decision is final. If the parties do not like the arbitrator's decision, there is nothing they can do about it because there is no right to appeal.

If the parties want a Judge to hear the case, they usually have to come back several times before a Judge is available. If either party does not like the Judge's decision, however, s/he can appeal it.

Small Claims Court is where individuals can bring cases against, for example, dry cleaning stores for ruining their clothes, a garage mechanic for not properly fixing their car, or a store for selling them things that don't work—just as long as the plaintiff asks for no more than \$3,000.

## **WHAT CASES DOES FAMILY COURT HANDLE?**

**Family Court handles most cases that affect families and children.** The only cases affecting families and children that Family Court cannot handle are divorces, separations or annulments of marriages, which can only be handled in Supreme Court.

**In Family Court, a family member means someone related to you because of a current or past marriage (your husband/wife), by blood (your parent/child) or by your having a child in common (the other parent of your child).**

**Family Court handles all of these kinds of cases:**

- **Order of Protection:** A person can go to Family Court for an order of protection if the abuser is a family member. If the abuser is not a family member of the abused person, that case must go to Criminal Court.
- **Child Support, Spousal Support and Spousal Maintenance:** A person can go to Family Court for child support from a parent, spousal support from a current husband or wife or spousal maintenance from a former husband or wife, as long as there is no divorce judgment from Supreme Court that specifically says this matter cannot be handled in Family Court.
- **Custody and Visitation:** A person can go to Family Court to get legal custody of a child, and to have the Court decide whether the other parent or another relative of the child can visit with the child and, if so, when and how often.
- **Juvenile Delinquency:** Family Court decides whether a person under the age of 18 has committed a crime unless the crime is very serious. (If a person accused of committing a crime is age 18 or older, Criminal Court will handle it.)
- **Persons in Need of Supervision (PINS):** Family Court can declare that a young person under the age of 16 needs supervision by someone other than his/her parents. This typically occurs when a young person:
  - refuses to go to school.
  - constantly shows out-of-control behavior.
  - often and seriously disobeys parents, guardians and/or teachers.
  - is in possession of marijuana.
  - runs away or stays out late.

If a parent or guardian files a PINS petition, first the case is sent to a social services agency or a probation officer. They try to solve the problem before it needs to be decided by the Court. If the problem cannot be solved, the Judge can send a young person to live with another relative or place him/her in a facility. The Judge will consider whether that young person may be a threat to himself/herself or others.

- **Child Abuse and Neglect:** Family Court determines whether a parent or guardian has abused or neglected a child for whom that parent or guardian is responsible. The Court can order the Administration for Children's Services to monitor how the parent is caring for the child and/or to put the child in foster care. If the abuse or neglect is serious enough, the Court can terminate the guardianship or the parent's parental rights and order the child put up for adoption.
- **Adoption and Foster Care:** A person can go to Family Court to get an order allowing him/her to adopt a child. The Family Court also makes orders for children to be placed in foster care.
- **Paternity:** In this kind of case, the biological father is declared the legal father. This is necessary when the child's parents were not married at the time the child was born and if an acknowledgment of paternity was not signed by the father. If the mother wants child support from the father, he must be declared the legal father before the Court can order permanent child support.
- **Guardianship:** If a parent cannot make decisions for a child, s/he can name a guardian to make decisions for that child, such as where the child will live, what school the child will go to, and what medical care the child will receive. Family Court can issue an order appointing a guardian.

While it always is best to have a lawyer for any court case, Family Court is set up for people who do not have lawyers. The person who starts a case in Family Court (the petitioner) first must file a petition. Family Court has special petition clerks to help petitioners fill out the correct forms. There are no filing fees. In certain cases, such as custody or paternity cases, if a person cannot afford a lawyer, Family Court will appoint one for him/her for free.

Family Court also uses the services of many individuals and agencies to help it resolve cases. For example, it can order home visits by social workers and refer people for drug/alcohol treatment or for mental health evaluation and counseling.

## **WHAT CASES DOES CRIMINAL COURT HANDLE?**

**Criminal Court handles only criminal cases.** A criminal case usually begins with someone's arrest. The arrested person (or defendant) then must be brought to Criminal Court to be arraigned on the charge within 24 hours.

**At the arraignment, The People, represented by the District Attorney, tell the defendant what s/he is accused of.**

At the arraignment, the defendant must enter a plea of guilty or not guilty. If the case is not resolved (ended) at the arraignment, the defendant will need to come back to court on a later date(s). If the person does not show up in Criminal Court when s/he is supposed to, the police will arrest him/her.

In a criminal case, if a defendant cannot afford to pay for an attorney, the Criminal Court will appoint a lawyer to represent him/her free of charge. The defendant also can waive (give up) his/her right to an attorney and represent himself/herself. In certain cases involving misdemeanors, the victim first must file a criminal complaint.

The D.A.'s Office then decides whether to prosecute (bring a case against) the defendant or not. Criminal Court handles misdemeanors from start to finish. This means that all pretrial proceedings, guilty pleas, trials and sentencing in misdemeanor cases take place in Criminal Court.

If a criminal case goes to trial and the defendant is found not guilty, the defendant goes free. If the defendant is found guilty, s/he will be sentenced. After sentencing, the defendant has the right to appeal.

**When a person appeals his/her sentence, that person asks a higher court to decide that the lower court made a mistake.**

## WHAT CASES DOES SURROGATE'S COURT HANDLE?

**The Surrogate's Court decides what happens to a person's property when that person dies.**

**The person who died is called the decedent and that person's property is called the estate.**

If a person dies without making a will, Surrogate's Court will decide who will receive which parts of the decedent's estate.

If a decedent has a will, Surrogate's Court first must decide if the will is valid (properly signed and witnessed) and expresses the true wishes of that person. If the will is valid, but the person's wishes are not clearly stated in the will, Surrogate's Court will decide what the will really means. And Surrogate's Court oversees the distribution of the decedent's estate and the payment of the decedent's expenses according to what the will says.

Sometimes relatives (heirs) of the decedent contest the will.

**If a person contests a will, that person argues that the written instructions of the decedent should not be followed.**

For example, if a married person dies and leaves nothing to his/her spouse, the surviving spouse can contest the will. This is because the law says a surviving spouse must inherit at least some of the decedent's estate. Or someone who expected to inherit property may argue that the decedent was wrongly influenced by another person when making his/her will. In these cases, Surrogate's Court decides the outcome.

To start a case in Surrogate's Court involving a will, the executor named in the will must file the will for probate and pay a filing fee.

**An executor is the person who the decedent puts in charge of his/her estate after s/he dies. Probate is the process a will goes through in the Court to make sure it is valid and that the estate is distributed correctly.**

If the decedent died without making a will (intestate), an interested person may ask Surrogate's Court to appoint him/her as the administrator of the decedent's estate. This interested person is usually the decedent's husband/wife or other close family member/friend.

Surrogate's Court also handles adoption cases and cases where someone wishes to appoint guardians of people or property. A person starts an adoption or guardianship case by filing a petition.

### **WHAT CASES DOES THE INTEGRATED DOMESTIC VIOLENCE COURT HANDLE?**

The Integrated Domestic Violence (IDV) Court located in the Bronx, opened in 2001 and locations in Queens and Staten Island, opened in 2003. **IDV Court handles all cases connected to incidents of domestic violence in one family in one court, before one judge. It is designed to assist families in crisis.**

IDV Court can handle civil order of protection cases, criminal order of protection cases, and divorces, separations and annulments, including division of property of the marriage. It can issue orders covering spousal support and maintenance, child support, and custody and visitation.

IDV Court has access to many social services and agencies to help family members. IDV Court monitors these cases very closely and requires the parties to return on a regular basis, if this is necessary to ensure safety for family members.

Without IDV Court, litigants involved in domestic violence cases are often forced to go to many different courts (for example, Family Court, Criminal Court and Supreme Court) during the same time period to get the results they need. This can be very time consuming. It can take a year or more. It can also be frustrating and confusing. With different courts handling the same family's issues, an order from one court may directly contradict an order from another court.

**APPENDIX**

**Contact Information for Courts in New York City**

**General information for all boroughs: (212) 428-2700**

**SUPREME COURT**

**Bronx:**

Supreme Court, Bronx County  
851 Grand Concourse  
Bronx, NY 10451

Civil Branch (718) 590-3722  
Criminal Branch (718) 590-3803/3804

**Brooklyn:**

Supreme Court, Kings County  
360 Adams Street  
Brooklyn, NY 11201  
(718) 643-5770, (718) 643-7048 or (718) 643-8076/8077

**Manhattan:**

Supreme Court, New York County  
60 Centre Street  
New York, NY 10007

Civil Branch: (212) 374-4585

Criminal Branch: (212) 374-4984

**Queens:**

Supreme Court, Queens County  
88-11 Sutphin Boulevard  
Jamaica, NY 11435  
(718) 520-3136, (718) 520-3713, (718) 520-3595, or  
(718) 520-3469

**Staten Island:**

Supreme Court, Richmond County  
18 Richmond Terrace  
Staten Island, NY 10304

Civil Branch: (718) 390-5201

Criminal Branch: (718) 390-5354

**CIVIL COURT**

**General information for all boroughs: (212) 791-6000**

**Bronx:**

Civil Court, Bronx County  
851 Grand Concourse  
Bronx, NY 10451

**Brooklyn:**

Civil Court, Kings County  
141 Livingston Street  
Brooklyn, NY 11201

**Manhattan:**

Civil Court, New York County  
111 Centre Street  
New York, NY 10013

**Queens:**

Civil Court, Queens County  
89-17 Sutphin Boulevard  
Jamaica, NY 11435

**Staten Island:**

Civil Court, Richmond County  
927 Castleton Avenue  
Staten Island, NY 10310

**FAMILY COURT**

**Bronx:**

Family Court, Bronx County  
900 Sheridan Avenue  
Bronx, NY 10451  
(718) 590-3318  
Monday and Friday 8:00am-5:00pm  
Tuesday, Wednesday and Thursday 8:00am-9:00pm

\*Night Court on Tuesday, Wednesday, and Thursday; petitions are filed beginning at 4:00pm. Support Magistrate night sessions are available on Tuesday and Thursday night only.

**Brooklyn:**

Family Court, Kings County  
380 Jay Street  
Brooklyn, NY 11201  
(347) 401-9600  
Monday and Friday 8:30am-5:00pm  
Tuesday, Wednesday, and Thursday 8:30am-9:00pm

**Manhattan:**

Family Court, New York County  
60 Lafayette Street  
New York, NY 10013  
(646) 386-5206  
Monday-Friday 8:30am-5:00pm

\*Night Court on Tuesday and Wednesday from 5:00pm-8:00pm. Parties may file petitions for the following case types: Family Offense, Custody/Visitation, Guardianship, and Paternity and Support.

**Queens:**

Family Court, Queens County  
151-20 Jamaica Avenue  
Jamaica, NY 11432  
(718) 298-0197  
Monday-Friday 8:30am-5:00pm  
Tuesday, Wednesday, and Thursday petitions can be filed until 6:30pm

**Staten Island:**

Family Court, Richmond County  
100 Richmond Terrace  
Staten Island, NY 10301  
(718) 390-5460, 5353, 5466  
Monday-Friday 9:00am-5:00pm

## **CRIMINAL COURT**

**General information for all boroughs: (212) 374-5880**

### **Bronx:**

Criminal Court, Bronx County  
215 East 161st Street (near Sherman and Sheridan Avenues)  
Bronx, NY 10451  
(718) 590-2865

### **Brooklyn:**

Criminal Court, Kings County  
120 Schermerhorn Street  
Brooklyn, NY 11201  
(718) 643-4044/4045/4046 or  
(718) 643-5675/5678/7525 after business hours

### **Manhattan:**

New York County Criminal Court has two locations:  
100 Centre Street (near Leonard and Franklin Streets)  
New York, NY 10013  
(212) 374-6216  
and  
346 Broadway (between Worth and Leonard Streets)  
New York, NY 10013  
(212) 374-5880

Both Courts are approximately three blocks south of Canal Street.

### **Queens:**

Criminal Court, Queens County  
125-01 Queens Boulevard  
Kew Gardens, NY 10304  
(718) 520-3595/3597

**Staten Island:**

Criminal Court, Richmond County  
67 Targee Street (between Freen and Purroy Streets)  
Staten Island, NY 10304  
(718) 390-8410

**SURROGATE'S COURT**

**Bronx:**

Surrogate's Court, Bronx County  
851 Grand Concourse, Rm. 326  
Bronx, NY 10451  
(718) 590-4515

**Brooklyn:**

Surrogate's Court, Kings County  
2 Johnson Street  
Brooklyn, NY 11201  
(718) 643-5262

**Queens:**

Surrogate's Court, Queens County  
88-11 Sutphin Boulevard  
Jamaica, NY 11435  
(718) 520-3132

**Manhattan:**

Surrogate's Court, New York County  
31 Chambers Street  
New York, NY 10007  
(212) 374-8233

**Staten Island:**

Surrogate's Court, Richmond County  
18 Richmond Terrace, Room 201  
Staten Island, NY 10301  
(718) 390-5400

**INTEGRATED DOMESTIC VIOLENCE COURT:**

**Bronx:**

Integrated Domestic Violence Court, Bronx County  
215 East 161<sup>st</sup> Street  
Lower-Main 5A  
Bronx, NY 10451  
(718) 590-2830

**Queens:**

Integrated Domestic Violence Court, Queens County  
125-01 Queens Blvd.  
Kew Gardens, NY 11415  
(718) 520-2846

**Staten Island:**

Integrated Domestic Violence Court, Richmond County  
18 Richmond Terrace  
Staten Island, NY 10304  
(718) 390-8645

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