

# **Family Division Motion Court Procedure**

## **EFFECTIVE IMMEDIATELY\***

### **1. Assigned Judges:**

Judge Robinson and Judge Palumbi are currently assigned to the Court's Family Division. Cases are assigned to them alphabetically, based upon the first letter of the male party's last name. Cases in which both parties are of the same sex, will be assigned based upon the first letter of the Defendant's last name. Cases are assigned as follows:

**Judge Palumbi – A-H**

**Judge Robinson – I-Z**

### **2. Motion Court Cover Sheet:**

ALL MOTIONS/PETITIONS MUST HAVE A COMPLETED COVER SHEET ATTACHED TO THEM.

Attorneys/self-represented parties must attempt to communicate with the opposing attorney/self-represented party about the issue(s) raised in the Motion/Petition and determine whether the relief requested can be agreed upon and check the appropriate box on the cover sheet.

### **3. Consented-to Motions/Petitions and Proposed Consent Orders:**

Consented-to Motions/Petitions and proposed Consent Orders, can be filed with the court in several ways: They can be (1) presented to the assigned judge in that judge's motion court; (2) mailed to the assigned judge's chambers, or (3) filed with the appropriate filing office, such as the Prothonotary or Domestic Relations Office. A proposed consent order must have a motion attached to it, explaining the reason for the proposed order.

### **4. Opposed Motions/Petitions:**

Opposed Motions/Petitions must be presented to the assigned judge in Motion Court. If a Motion/Petition is not consented-to, a copy of the Motion/Petition must be provided to the opposing attorney/self-represented party. This must be done five (5) business days prior to the day that the Motion/Petition will be presented to the judge. On the day the Motion/Petition is to be presented to the judge, the attorney/self-represented party must appear with the original Motion/Petition in the assigned judge's courtroom, prior to the

\* The Court's Memorandum of April 26, 2021 regarding Family Division Motions/Petitions, and the Family Court Motion Court Practice (2015) previously set forth on the Prothonotary's web page, are hereby rescinded.

start of the judge's Motion Court. A sign-in sheet will be on one of the counsel tables, along with a container in which to place the Motion/Petition. Please complete the sign-in sheet and place the Motion/Petition in the container. Afterward, please be seated in the gallery portion of the courtroom, until the case is called. Motions/Petitions will be heard in the order they are listed on the sign-in sheet. If you wish to discuss the case with the opposing attorney/self-represented party, please leave the courtroom to do so.

Statements to the judge are to be made from counsel table. Please do not approach the bench, unless requested by the judge to do so.

##### **5. Emergency Motions/Petitions:**

The five (5) business day notice period required, prior to presenting a Motion/Petition to the judge, allows for attorneys/self-represented parties to have a reasonable opportunity to review a Motion or Petition and be prepared to attend court and respond to it. For this reason, an "Emergency" Motion/Petition presented to the judge without providing five (5) business days advance notice of presentation to the opposing attorney/self-represented party must be designated an "Emergency" Motion and will be scrutinized carefully.

To be heard by the judge, an "Emergency" Motion/Petition must state in the Motion/Petition that irreparable harm will, MORE LIKELY THAN NOT, occur unless the judge hears and addresses the Motion/Petition immediately, and prior to the judge's next regularly-scheduled Motion Court.

An "Emergency" Motion/Petition which cannot wait to be presented to the judge in that judge's regularly scheduled Motion Court, must be delivered to the Prothonotary's Office, who will immediately deliver the Motion/Petition to the assigned judge for review. Notice of presentation and a copy of the Motion/Petition must be given in advance, to the opposing attorney/self-represented party and the date, time and manner that this notice was given must be stated on the Motion Court cover sheet. The reason why the matter is an emergency must be stated clearly in the Motion/Petition. Telephone number(s) and email address(es) of the opposing attorney/self-represented party must be stated on the Motion Court cover sheet. The assigned judge will review the Motion/Petition and determine whether it truly appears to be an emergency. If determined by the judge to be an emergency, the judge's staff will arrange for oral argument/hearing on the Motion/Petition, as soon as possible. This may, at the judge's sole discretion, be by telephone or in-person.