

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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GR, Docket No. F-1893-09/10A
Petitioner,
-against- FU #14360
ER, Respondent.
----- x

1 South Main Street, Suite 300
New City, New York 10956
March 4, 2010

B E F O R E:

HON. CATHERINE MIKLITSCH
Support Magistrate

A P P E A R A N C E S:

GR
Appearing Pro Se

ER
Appearing pro Se

SANDY SAUNDERS REPORTING
254 South Main Street
2nd Floor
New City, New York 10956
(845) 634-7561

1 THE COURT: ... R, Docket F-1893-09/ - just
2 remain standing - 10A, 14360.

3 Mr. Carlucci is here. I apologize. I do
4 want to tell you your decision is almost done. We'll
5 try to get it out in the next couple of days. I
6 apologize for the delay.

7 Ms. Galina... I mean Ms. R and Mr. R, will
8 you just raise your right hands, and Officer, if you'll
9 swear them in.

10 COURT OFFICER: Do you swear or affirm to
11 tell the truth in these proceedings?

12 GR: Yes.

13 ER: Yes.

14 THE COURT: Okay. You can be seated.

15 COURT OFFICER: Starting with you, ma'am,
16 please state your name and address.

17 GR: GR, 12 (Address Sanitised), Unit I,
18 Orangeburg, New York 10962.

19 THE COURT: Thank you.

20 COURT OFFICER: Sir, your name and address?

21 ER: ER, 9G (Address Sanitised), Orangeburg,
22 New York-

23 THE COURT: Wait, wait. You have a new
24 address?

25 ER: Yes.

1 THE COURT: All right. 9G?

2 ER: G.

3 THE COURT: (Address Sanitised)?

4 ER: Orangeburg, New York.

5 THE COURT: One second. Yes?

6 ER: 10962.

7 THE COURT: Okay. You may be seated.

8 ER: Your Honor, before you begin, why am I
9 here?

10 THE COURT: Okay, I'm going to tell you why
11 you're here.

12 ER: There is no order dated February 9,
13 2002. Mrs. R applied for child support in 2009. Why is
14 the order of 2002?

15 THE COURT: All right. She states there was
16 an order-

17 GR: July 21.

18 THE COURT: I'm not sure where it says on
19 here what the order is, the date of the order. There
20 was a temporary order dated July 21, '09. She's
21 alleging- And you were ordered to pay 425 a month
22 commencing August 1.

23 ER: Well, I'm sorry, I have summons here
24 that states that I have failed to obey this-

25 THE COURT: Just, sir, can you be seated?

1 Just, can you be seated?

2 COURT OFFICER: Have a seat, sir.

3 THE COURT: I don't know where that February
4 9, 2002 came from.

5 ER: So I wasn't served properly.

6 THE COURT: No, sir, that's not... that would
7 not... is not a defect, sir, that would preclude her
8 from going ahead with this. It would not.

9 ER: Note my objections.

10 THE COURT: And I'm not really sure. Let me
11 just see. I think it made reference to an earlier
12 order, but I will change that and make it July 21, '09.
13 So it should be July 21, 2009. And sir, she's filed
14 this violation petition.

15 ER: And Judge, when I'm-

16 THE COURT: Sir, you can't interrupt me.

17 ER: When I'm served with fictitious
18 information-

19 THE COURT: Sir.

20 ER: -I'm not ready to proceed.

21 THE COURT: Sir, it's not fictitious
22 information, and I'm going to give you a hearing date.
23 You don't have to proceed today. I'm going to read you
24 your rights and I'm going to ask you to be quiet while I
25 do read you your rights. Thank you.

1 She lists her address and your address; she
2 states you were ordered to pay support for Child of \$400
3 a month, but it was actually 425 a month and the court
4 will amend the petition to show that it's 425 a month;
5 and she's alleging that you have failed to comply with
6 that order and that your failure to comply was willful.

7 Now, Mr. Carlucci-

8 MR. CARLUCCI: Yes, Your Honor.

9 THE COURT: -as of today what does SCU claim,
10 if anything, is due and owing on this?

11 MR. CARLUCCI: Okay. Given the fact we
12 haven't received the-

13 THE COURT: I'm just talking about the
14 temporary.

15 MR. CARLUCCI: Okay. Right now we're
16 reflecting a net due deficiency of \$1,275 even.

17 THE COURT: Okay. So I'm just going to
18 allege that as... in the petition, as of 3/4/10, the sum
19 of \$1,275 is due.

20 On any violation the court may consider
21 imposition of a money judgment for any arrears; an
22 income execution may be issued from any temporary or
23 permanent order; an order of... the court can issue an
24 order of sequestration, which is a seizing of any
25 assets; an order for an undertaking, that's when a court

1 orders an amount to be posted with SCU basically as
2 escrow for future support; probation; counsel fees;
3 suspension of a license, that can be a driver's license,
4 business, professional, recreational.

5 Mr. Dimmick, can you just please not keep
6 opening the door?

7 The court can consider placing someone on
8 probation; an award of counsel fees; and the most
9 serious penalty that this court can impose for a willful
10 violation is up to six months in jail.

11 I'm going to enter a denial on your behalf,
12 sir, which means that on your behalf I'm entering a
13 denial that you're not in willful violation. I'm going
14 to put this down for a hearing. If... The permanent
15 order will be mailed out and the court will consider
16 that up to the date of any hearing. So if the permanent
17 order shows a different amount, that's the amount that
18 will have to be paid.

19 ER: Just to verify, you have not issued a
20 permanent order.

21 THE COURT: No, I have not, sir.

22 ER: There was a hearing.

23 THE COURT: Yes, sir. Okay. So I-

24 ER: May I petition the court to obtain the
25 transcript of that hearing?

1 THE COURT: You can. Go to the front desk
2 and there's a form that you just have to fill out.

3 ER: I have no funds to pay for those
4 transcripts.

5 THE COURT: Sir, you would have to make an
6 application to the court requesting that, and then the-
7 I don't have anything to do... I, personally. It's not
8 my job to make a determination about transcripts, you
9 know, so you have to make your application. If you want
10 to make a poor person, then you add it to that; then the
11 court can look at it. But I have to have an
12 application.

13 June 29 at 3 p.m. And do you have any income
14 right now, sir?

15 ER: Zero.

16 THE COURT: Okay. I'm going to assign an
17 attorney. Sir, you need to submit to the court by June
18 29, so I'm going to have it in court by June 18, a
19 financial affidavit. Each time there's a petition I
20 need a new financial affidavit - you're not required to
21 do so because it's a violation - three pay stubs, a
22 complete copy of your 2009 tax return, the federal, the
23 state, all schedules, W2s and 1099s, and a job search.

24 Officer, will you please give him the
25 financial affidavit and job search. You have to show

1 the court you're making a diligent search for work, the
2 date you looked for work, the place, the person
3 contacted, the kind of job, and any responses from
4 employers. That has to be in by 6/18.

5 Now, sir, would you give me a telephone
6 number, please, that I can give to your counsel?

7 ER: Yes, it's my phone number.

8 THE COURT: Okay. That's all I need, sir.

9 ER: XXX-5565.

10 THE COURT: XXX-5565?

11 ER: Yes.

12 THE COURT: Okay, that's it, and both of you
13 are free to go. Officer, if you'll hand them their
14 notices.

15 COURT OFFICER: Okay, folks, please step out.

16 THE COURT: You'll come back for the
17 willfulness hearing. He still has an obligation to pay
18 the support; nothing changes.

19 (End of Proceeding)

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1 STATE OF NEW YORK)
2 COUNTY OF ORANGE)ss:

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4 I, Jeanette Carelli, certify that the foregoing
5 transcript of the proceedings in the Family Court of R v. R,
6 Docket No. F-1893-09, was prepared using digital
7 transcription equipment and is a true and accurate record of
8 the proceedings.

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Jeanette Carelli for

13

SANDY SAUNDERS REPORTING

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19 Dated: May 4, 2010

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