COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER CIVIL BUREAU	DATE OF ISSUE July 21, 2020	EFFECTIVE DATE July 21, 2020	NO. 010-20
SUBJECT: GENERAL ORDER Family Court Orders		DISTRIBUTION Civil Bureau Personnel	AMENDS
REFERENCE: NYSSA 33			RESCINDS 10-C-18

Purpose: To create a uniform policy within the Monroe County Sheriff's Office (MCSO) Civil Bureau with regards to services of all Family Court Orders.

Policy: It shall be the policy of the MCSO Civil Bureau to follow the established procedures for the service and enforcement of all Family Court Orders.

Definitions:

Infant, Minor or Child: A person who has not attained the age of eighteen (18).

Jurisdiction: All Family Court Orders may be served and executed in any part of the state.

Suitable age and discretion: A person who understands the nature and purpose of the particular order that is being served.

I. Procedure:

A. The Civil Bureau will record all papers in their records management system, including a number specific to that set of paperwork. All papers will be dated and time stamped. The original plus (1) copy will be maintained.

B. Service of process:

1. Specific sections under the Family Court Act (FCA) specify the time limits and manner of service for Family Court Orders. The following are a list of Family Court Orders that are exclusively within family court jurisdiction and specify time limits. If personal service is not made within the required time, the process should be returned to the court with an explanation. The court may amend the process and return it for service.

* a. Family Court Summons and Petitions that include a temporary order of protection may be served any day of the week at any hour of the day or night (FCA 153-b).

b. In every Family Court proceeding, a copy of the petition shall be served upon the respondent at the time of service (FCA 154-a).

* c. Service of process in a support or paternity proceeding must be made to the person summoned at least eight (8) days before the time stated for appearance (FCA 427, 525); it may also be made to a person of suitable age and discretion at the actual place of abode of the person to be served and then must be mailed to the person by first class mail.

d. Service of process in a proceeding to terminate parental rights must be made to the person summoned at least twenty (20) days before the time stated for appearance (FCA 617).

e. Service on summons and petition of a persons in need of supervision (PINS) and family offenses must be to the person summons at least twenty-four (24) hours before the time of appearance (FCA 737).

f. A PINS notice of motion must be served upon parties, agencies, or institution having custody of the child prior to the return date of motion (FCA 763).

g. Service of a petition and summons in a child protective proceeding must be made to the person summoned within two (2) court days after issuance (FCA 1036).

Note: If MCSO cannot serve within the time allowed such facts should be reported to the court within three (3) days after issuance. The court may order substituted service.

h. Generally, an order of protection is not enforceable until the respondent has been served. Therefore, the urgency of service cannot be underestimated. When serving an order of protection we must ensure the respondent is notified if there is a provision requiring them to stay away from the family home.

i. Once the order has been served, it is enforceable, but the respondent should be afforded a reasonable time to comply. Therefore, they would not be expected to immediately leave the premises, unless there is a hostile reaction.

ii. When an Order of Protection includes an Order to surrender firearms, such seizure should be in compliance with **MBGO-16 Property Recovery Custody and Security**.

2. All other process should be served in accordance with the court's decision.

3. The Civil Sergeant, or designee, should review all records, proofs of service and returns of service.

By Order of the Sheriff,

Todd K. Baxter