

**ELECTRONIC TESTIMONY APPLICATION
AND WAIVER OF PERSONAL APPEARANCE**

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF OTSEGO

.....
In the Matter of a Proceeding for Support or Paternity
Under Article 4, 5 or 5-B of the Family Court Act

FILE NO: _____

DOCKET NO. _____

Petitioner,

**ELECTRONIC TESTIMONY
APPLICATION AND WAIVER OF
PHYSICAL PRESENCE**

-against-

Appearance date: _____
Type of Appearance: First Appearance Pretrial Conference
 Fact-Finding

Respondent.

Judge / Support Magistrate: _____

.....
NOTICE: If you are requesting permission to testify by telephone or by audio-visual or other electronic means, this form must be submitted IMMEDIATELY to the Court at: the County Annex Building, 32 Chestnut Street, Cooperstown, NY 13326; Fax: (212) 457-2956.

APPLICANT'S NAME: _____
ADDRESS:¹ _____

APPLICANT'S TELEPHONE: (Home): () ____ - _____
(Work): () ____ - _____
(On court date, I can be reached at): () ____ - _____
FACSIMILE (Fax): () ____ - _____
E-MAIL: _____

1. On _____, I [check applicable box]:
 - filed the above-captioned petition in the (Family)(Other [specify]: _____) Court, _____ County, State of (New York)(Other [specify]: _____). The hearing is scheduled to take place on [specify date]: _____.
 - received a [check applicable box]: summons subpoena to appear in Family Court, _____ County, State of New York on [specify date]: _____.

2. I request that I be permitted to testify or to give my deposition by [check applicable box]:
 - telephone audio-visual means other electronic means (specify): _____.

3. I am making this request for the following reason(s) [check one or more box(es)]:
 - [Non-New York State Residents Only]: I reside in [specify state or jurisdiction]: _____ and am making this request for the following reason(s) [specify]: _____

 - [New York State Residents Only]: I reside in _____ County, New York. This county is not the county where the Family Court is located and is not contiguous to (next to) that county.²

¹ Specify if address, telephone or other identifying information has been ordered to be kept confidential pursuant to New York State Domestic Relations Law §§76-h, 254 or Family Court Act §154-b. If your health, safety or liberty or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply for an address confidentiality order by submitting General Form GF-21 to this Court. This form is available on-line at www.nycourts.gov .

² For purposes of this application, the five counties (boroughs) of New York City are treated as one county.

- I am presently incarcerated at [specify facility]: _____ I will be incarcerated on the date on which the hearing or deposition is scheduled and I am not expected to be released until [specify approximate expected date of release]: _____.
- It would be an undue hardship for me to testify or to be deposed at the Family Court where the case is scheduled to be heard for the following reason(s) [specify]: _____

4. I understand that prior to my application being granted, it is my responsibility to arrange a location for my testimony or deposition with the Court. I request that I be permitted to testify or be deposed from the following location [check applicable box and include all information]:

The Support Enforcement Agency in my County [specify the name, address and telephone number, including area code]: _____

The Court in my County [specify the name, address and telephone number, including area code]: _____

My attorney's office [specify the name, address and telephone number, including area code]: _____

Other location [specify name, address and telephone number, including area code]: _____
I am requesting this location because [state reason]: _____

5. I understand that I must confirm final arrangements for testifying by electronic means with this Court by calling the telephone number that will be provided to me. I further understand that the Court will send me a written Order telling me whether this application has been granted or denied and what number I should call to confirm.

Please transmit this order by [check box]: e-mail facsimile as indicated on the first page of this form.

6. I understand that I have the right to discuss this matter with legal counsel. By this application, I am consenting to the hearing and determination of this matter by this Court without my physical presence.

7. I understand that I have the right to be present at any and all appearances, including any hearing scheduled by the Court. I understand that if I fail to appear on any of the scheduled dates, either in person or by telephone, audio-visual means or other electronic means approved by this Court, this Court may hear the matter in my absence or may issue a **WARRANT** for my arrest. If I am the Petitioner, I understand that if I fail to appear, either in person or by telephone, audio-visual means or other electronic means approved by this Court, the Court may **DISMISS** my petition.

8. **(For support cases): I understand that I must forward to the Court, prior to my scheduled appearance, the completed financial documentation as requested in the attached summons, as well as proof of identity.**

WHEREFORE, for the reasons stated above, I respectfully request that this application be granted.

Dated: _____

 Respondent Petitioner Witness

For Court use Only:

Date: _____ Approved Denied _____
Judge / Support Magistrate

Comments: _____
