How to file consumer credit orders to show cause during Covid court closure

1. The courts are not accepting any non-emergency filings. If you cannot access your bank account or your wages are being garnished due to a creditor judgment, we are asking the court to treat that as an emergency and review your order to show cause.

2. The order to show cause has three parts: the first page is a proposed order you are asking the judge to sign which makes the garnishment or bank restraint stop at least until the judge reviews the written arguments from both you and the creditor; the second part is your explanation of the emergency you are facing and why the court should vacate the default judgment against you. You also need to include a form where you inform the court that this case is not on the court’s list of types of emergency cases but is an emergency.

3. If you had a phone appointment with a CLARO volunteer who helped you write your order to show cause, the LSHV CLARO coordinator and LSHV Paralegal will coordinate with your volunteer attorney to securely obtain the order to show cause, and someone from LSHV will ultimately securely email you the order to show cause.

3. Orders to show cause are normally notarized. Video notarization is permissible during the Covid crisis. If you do not have the technology to both be on a video with a notary and to scan and receive documents, include this in your statement.

4. Once the order to show cause is complete, you can e-mail it to the court at: VirtualWestchesterSupremeCourt@nycourts.gov for cases in supreme court, or VirtualWestchesterCountyCityCourt@nycourts.gov for cases in city court. The court will have a judge review the papers. If the judge thinks there is a good reason to look at your case, the judge will sign the order. the court will also tell you how you have to get the papers to the other side.

Call the court before and after you email your papers. 914-824-5400 for Westchester’s consolidated court.

5. The court will tell you whether the judge will read your papers and the creditor’s papers and make a decision based on that, or whether the judge wants to have a hearing. The courts have video hearings and they have phone hearings for people who do not have access to video.