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Feb.

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FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

9-8-87

PETITION

In the Matter of

Charles E. Collins III
Petitioner,

-against-

Arlene M. Collins
Respondent.

PETITION FOR MODIFICATION OF
ORDER MADE BY FAMILY COURT
(Increase, Decrease or Other
Changes)

Docket No.

F-60-85

TO THE FAMILY COURT:

The undersigned respectfully shows:

1. That (he) ~~(XXX)~~ is the ~~(respondent)~~ (petitioner) and resides at 45-5 Woodlake Rd. Albany, New York 12203
2. That ~~(XXXXXXXX)~~ (respondent) resides at 189 Wooddale Dr. Ballston Lake, New York 12019
3. That heretofore on the _____ day of _____ 19____, (as amended), an order was made by this Court directing the respondent pay (direct)(through the Support Collection Unit) the sum of _____ (per week)(per month)(bi-weekly) for the support of _____
4. That since the entry of said order there has been a change of circumstances in that: That the order of Judge James sending this my petition of August 19, 1987 to Judge Warner. I now believe that there is no way that I can get a fair trial in either Saratoga or Schnectady county. That my rights to access to the court are now
5. That by reason of said subsequent change of circumstances said order of support should be modified in the following respects: (continued on separate sheet)
That Judge James and Judge Warner Disqualify themselves from hearing this case. That this case be sent either to another county not already involved or to the State Supreme Court. That this case not be heard by a hearing examiner. That my allegations be
6. The undersigned failed to make an application for relief from said judgment or order directing payment prior to accrual of arrears for the following reason(s):
investigated.

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Number 4 continued, being denied. This is based upon the fact that Judge Warner does not have the authority under section 439(a) to rule on the house nor to have Respondent move to less expensive housing.

That my petitions filed before this court have either been ignored or denied. My visitation rights ordered by this court have been denied and the court has taken no action except to balance me. Failing to hear any evidence that I might have and the evidence that I have been able to submit has been continuously ignored by Judge James and Warner. The petition that I filed on August 19, 1987 contains approximately 125 pages of exhibits to back up my allegations. When I filed the petition I was told that I would be notified in a couple of days of a court date. On August 27, 1987 I called to find out what happened to my petition. I was told that it was being sent to Judge Warner. Judge Warner in his decision of Feb. '87 states that section 439(a) precludes him from deciding questions about the house. The last time before Judge Warner it took from May '86 to Oct. '86 to hear the evidence and then until Feb. '87 to make a decision. Then all the evidence that I submitted was ignored. Judge James is also aware that there is no readability of a transcript because a hearing examiners office uses an odd tape speed in order to tape the hearings. That the cost of a transcript in my case would also be too costly for me to get. The tape recorder is only available when court is not in session. I tried to get a copy of the transcript but couldn't.

I believe that by doing this Judge James is trying to accomplish a couple of things. 1st. He is denying me access to the court because he knows that the Respondents petitions can be heard and that mine cannot. 2nd. Judge James is trying to get my parents to support my ex-wife. Judge James by his decision in April '87 knew quite well that I could not afford what was ordered. I also believe that by his decision that he is attempting to either blackmail or extort money from my parents for my ex-wife. I also feel that by sending my petition to Judge Warner, Judge James believes that my parents won't evict her until this trial is over. We are looking at probably another ten months before we get a decision and I know that I will be found guilty and unless my parents pay I will be sentenced to jail just like he stated in his last decision. Also Judge Warner will not be able to rule on my petition, this we will have to start all over again. Judge James also went after me at work by having the support collection unit attach my wages. He knew by doing this that this would cause my parents to have to make the mortgage payments, and Respondent would get her money to. It also put my parents in the position of having to evict her. He also knew that this would embarrass both me and my parents. In order to do this he misstated the facts in the case.

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The reason for the Judge's decision the way they are I believe is based upon the fact that Respondent's mother works as a supervisor in the computer room, at the Municipal Center, and having access to the heads of the different departments in Saratoga County has used her influence in this matter. (How else do you explain why my petitions are ignored, visitation rights ignored, access to the court being pushed aside. Judge James and Warner have made their decisions ---- then fit the facts to the decisions instead of basing the decisions on the facts.)

Number 5 continued. That all support collection unit attempts to collect cease. That all petitions be heard at one time, not in bits and pieces. That Respondent be ordered to move from 189 Wooddale dr.

Also attached is my petition of August 19, 1987. I have not included the approximately 125 pages of exhibits that were attached to the August 19, 1987 petition to back up my allegations.

