

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby amend, effective immediately, section 144.3 of the Rules of the Chief Administrator of the Courts, relating to the Parent Education and Awareness Program, to read as follows:

§ 144.3 Application of Program

(a) The New York State Parent Education and Awareness Program may apply in any action or proceeding:

(1) that affects the interests of children under 18 years of age; and

(2) that is brought in Supreme Court or Family Court: (i) to annul a marriage or declare the nullity of a void marriage, (ii) for separation, (iii) for divorce, (iv) to obtain custody of or visitation with minor children, (v) to obtain a modification of a prior order of custody or visitation with minor children, or (vi) where, in the exercise of the court's discretion, a determination is made in a particular matter that attendance by the parents would provide information that would be of benefit to them and their children.

(b) In any action or proceeding to which the Program may apply, the court, in its discretion, may order both parents to attend a parent education and awareness program. The order must direct that both parents attend, not just one parent, but the parents shall not attend the same class session. Such order shall be made as early in the proceeding as practicable.

(c) In determining whether to order parents to attend a parent education and awareness program, a court shall consider all relevant factors bearing upon the parties to the underlying action or proceeding and their children, including, but not limited to, any [concern for the safety of an alleged victim of domestic violence] *history, specific allegations or pleadings of domestic violence or other abuse*; medical, financial or travel hardship; language barrier; and whether a parent has previously attended parent education. *Where there is any history, or there are specific allegations or pleadings, of domestic violence or other abuse involving the parents or their children, the court shall not mandate attendance at the program.*

(d) An order to attend a parent education and awareness program shall not delay the expeditious progress of the underlying proceeding.

(e) A parent who is a victim of domestic violence [and for whom safety in traveling to or attending parent education is a concern] may opt out of attendance by contacting a program administrator.

