

COURT NOTICES

AMENDMENT OF RULE Rules of the Chief Administrator

Pursuant to the authority vested in me, and in consultation with the Administrative Board of the Courts, I hereby amend, effective May 1, 2007, sections 138.3(b), 138.3(c), 138.3(e) and 138.5(a) of the Rules of the Chief Administrator, relating to the Justice Court Assistance Program, as set forth below. Notwithstanding any other provision of this Administrative Order or of section 138.3(b) of the Rules of the Chief Administrator of the Courts, for a town or village to be eligible for a disbursement from funds under the Justice Court Assistance Program made available by appropriation to the Unified Court System for the State fiscal year commencing April 1, 2007, any application therefor may be filed with the Chief Administrator at any time not later than August 31, 2007.

Section 138.3. Application procedures.

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(b) When and where to apply. For a town or village to be eligible for a disbursement from funds made available by appropriation to the Unified Court System for any State fiscal year, such town or village must file its application with the Chief Administrator on or before the first day of [May] *February* in such fiscal year.

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(c) Contents of Application. Each application filed with the Chief Administrator pursuant to this Part must be signed by at least one justice of the court(s) affected thereby other than an acting justice, and by the supervisor of any town, and the mayor of any village, that is party to the application. Each such application shall be in such form as the Chief Administrator shall prescribe and shall include [the following:

(1) A specification of the amount of funding sought.

(2) A detailed description of the purpose or purposes to which the funding will be applied.

(3) A detailed description of the court or courts that will benefit from the funding, including information as to staffing, caseload, budget and facilities as well as general information about the community or communities served, where such general information would be pertinent to the purpose or purposes to which the funding will be applied.

(4) Information concerning past applications for funding.

(5) A] a certified copy of a resolution of the legislative body of each municipality that is a party to the application evidencing its authorization thereof; *the information specified in paragraphs (a) through (c) of section 849-i(1) of the Judiciary Law, except to the extent that it already has been made available to the Chief Administrator; and such other information as the Chief Administrator shall require.*

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[(e) Emergency applications. Notwithstanding the provisions of subdivision (b) of this section, a town or village having a justice court

may file an application for a disbursement from Justice Court Assistance program funds at any time after the first day of May in the State fiscal year in which such funds are made available by appropriation to the Unified Court System, provided:

(1) the town or village has not filed any other application for such a disbursement during such State fiscal year; and

(2) the justice or justices signing the application certify that the need for funding arose on or after such first day of May.

Except as otherwise noted herein, all provisions of this section shall apply to any application filed pursuant to this subdivision.]

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Section 138.5. Payment.

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(a) General. Once the Chief Administrator approves an application for funding pursuant to this Part, he or she shall authorize a disbursement of funds in any amount up to the amount sought in the application and shall specify the purpose or purposes to which such funds may be applied; provided, however, he or she shall not approve a disbursement of funds exceeding [\$20,000] *\$30,000*, unless the application is a joint application in which event he or she shall not approve a disbursement of funds exceeding the product of the number of joint applicants and [\$20,000] *\$30,000*. Any disbursement of funds hereunder shall at all times be subject to the availability of appropriations.

AMENDMENT OF RULE Uniform Rules for the Family Court

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate, effective immediately, a new section 205.7-a of the Uniform Rules for the Family Court, authorizing pilot projects involving the electronic transmission of orders of protection, to read as follows:

Section 205.7-a. Electronic Transmission of Orders of Protection.

(a) *The Family Courts in Albany, Erie, Kings, Monroe, Nassau, New York, Onondaga, Richmond and Westchester Counties are authorized to implement pilot projects for the electronic transmission of orders of protection and temporary orders of protection through the execution of memoranda of understanding with sheriff's offices, police departments or other law enforcement agencies as set forth in this section.*

(b) *Unless the party requesting the order of protection or temporary order of protection states on the record that he or she is making alternative arrangements for service or is delivering the order to the law enforcement agency directly, the Family Court may transmit the order of protection or temporary order of protection, together with any associated papers to be served simultaneously, to such agency by facsimile or other electronic means, as defined in subdivision (f) of rule 2103 of the Civil Practice Law and Rules, for expedited service in accordance with subdivision (c) of section one hundred fifty-three-b of*

the Family Court Act. Proof of service must be provided to the Court pursuant to subdivision (d) of such section and no fees may be charged by the agency for such service. Such transmission shall constitute the filing required by section one hundred sixty-eight of the Family Court Act.

(c) The Family Court shall keep a record of the numbers of orders of protection and temporary orders of protection transmitted electronically to law enforcement agencies pursuant to the pilot project, the numbers of orders transmitted electronically for service by such agencies and the length of time between issuance of the orders and service of the orders by the law enforcement agencies, as indicated in the proof of service submitted by such agencies.

AMENDMENT OF RULE

Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate, effective immediately, a new Part 217 of the Rules of the Chief Administrator of the Courts, relating to court interpreter services, to read as follows:

PART 217

ACCESS TO COURT INTERPRETER SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

§217.1 Obligation to appoint interpreter in court proceedings in the trial courts.

(a) In all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian of a minor party in a Family Court proceeding, is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceedings, the court shall appoint an interpreter. The court may permit an interpreter to interpret by telephone or live audiovisual means.

(b) A person with limited English proficiency, other than a person testifying as a witness, may waive a court-appointed interpreter, with the consent of the court, if the person provides his or her own interpreter.

§217.2 Provision of interpreting services in clerk's offices.

A court clerk shall provide interpreting services to a person with limited English proficiency seeking assistance at the court clerk's office in accordance with the needs of the person seeking assistance and the availability of court interpreting services. Such services may be provided by telephone or live audiovisual means.