

# COURT NOTICES

## AMENDMENT OF RULE

### Rules of the Chief Judge

Pursuant to Article VI, section 28(c) of the State Constitution and section 211(1)(a) of the Judiciary Law, and upon consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals of the State of New York, I hereby promulgate, effective immediately, new Part 45 of the Rules of the Chief Judge, relating to the establishment of an Integrated Youth Court in Westchester County, to read as follows:

#### PART 45

##### INTEGRATED YOUTH COURT IN WESTCHESTER COUNTY

§ 45.1. *Integrated Youth Court in Westchester County.* (a) *The purpose of this rule is to promote the administration of justice in the courts of Westchester County and for minors who simultaneously are defendants in criminal cases and respondents in Family Court cases in such county.*

(b) *The Chief Administrator of the Courts, following consultation with and agreement of the Presiding Justice of the Second Judicial Department, may by administrative order establish an Integrated Youth Court in Westchester County to operate as a multi-court part of the County Court and the Family Court in such county. As provided by rules of the Chief Administrator promulgated pursuant to subdivision (c) of this section, such Integrated Youth Court, when established, shall be devoted to the hearing and determination, in a single forum, of cases simultaneously pending in such courts where (1) at least one such case is in a criminal court and at least one such case is in the Family Court; (2) a defendant in each such case in a criminal court also is a respondent in each such case in the Family Court; and (3) such defendant is less than twenty-one years of age at the time of the alleged commission of an offense prosecuted in such case in the criminal court. The Chief Administrator also may provide that a civil action pending in a City Court, Town Court or Village Court in Westchester County, or in the County Court thereof, shall be eligible for disposition in the Integrated Youth Court where such action arises out of substantially the same facts as underlie cases then pending in such Court and a defendant in such action is a party to those pending cases. The Chief Administrator also may provide that, where cases are disposed of in the Integrated Youth Court, subsequent cases that would have been eligible for disposition therein were they to have been pending simultaneously with the cases already disposed of shall be eligible for disposition therein.*

(c) *The Chief Administrator shall promulgate rules to regulate the operation of the Integrated Youth Court in Westchester County. Such rules shall permit a judge of the County Court in such county to transfer to such Court, for disposition in the Integrated Youth Court, any case pending in a City Court, Town Court or Village Court in such county upon a finding that such a transfer would promote the administration of justice.*

## AMENDMENT OF RULE

### Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and with the approval of the Administrative Board of the Courts, I hereby promulgate, effective immediately, new Part 145 of the Rules of the Chief Administrator of the Courts, relating to establishment and operation of an Integrated Youth Court in Westchester County, to read as follows:

#### PART 145.

##### INTEGRATED YOUTH COURT IN WESTCHESTER COUNTY

###### §145.1. *Definitions.*

(a) *"Integrated Youth Court" shall refer to a multi-court part of the County Court and the Family Court in Westchester County established by the Chief Administrator of the Courts pursuant to section 145.2 of this Part.*

(b) *"IYC-eligible case" shall refer to both of the following when they are simultaneously pending in Westchester County: a criminal case in a local criminal court or in the County Court and a case in the Family Court in which a respondent therein is a defendant in such criminal case and he or she was under twenty-one years of age at the time of the alleged commission of an offense prosecuted in such criminal case. An IYC-eligible case also shall refer to:*

(1) *a civil action pending in a City Court, Town Court or Village Court in Westchester County, or in the County Court thereof, where such action arises out of substantially the same facts as underlie IYC-eligible cases then pending in the Integrated Youth Court; and*

(2) *a case that would have been IYC-eligible were it to have been pending simultaneously with other IYC-eligible cases that already have been disposed of in the Integrated Youth Court.*

§145.2. *Establishment of Integrated Youth Court in Westchester County.*

*Following consultation with and agreement of the Presiding Justice of the Second Judicial Department, the Chief Administrator, by administrative order, may establish an Integrated Youth Court in Westchester County and assign one or more judges to preside therein. Such Integrated Youth Court shall be devoted to the hearing and determination, in a single forum, of IYC-eligible cases in accordance with this Part.*

###### § 145.3. *Identification of IYC-Eligible Cases.*

*Procedures shall be established to ensure that IYC-eligible cases are identified at the earliest possible time.*

###### § 145.4. *Assignment and Transfer of Cases.*

(a) *Where an IYC-eligible case is pending in a City Court, Town Court or Village Court in Westchester County:*

(1) *Originals or copies of papers and other documents filed in such Court in connection with the case shall, directly following its identification as IYC-eligible, be sent by the Court to the Integrated Youth Court.*

(2) *Not later than five days following receipt of the original papers and documents in an IYC-eligible case in the Integrated Youth Court, the judge presiding therein shall determine whether or not the transfer of such case to the County Court would promote the administration of justice. If the judge determines that it would, he or she may order such transfer, in which event the case shall be referred to the Integrated Youth Court, all original papers, if not already sent, shall be sent from the originating court to the Integrated Youth Court, and further proceedings shall be conducted therein. If the judge determines that such a transfer would not promote the administration of justice, he or she shall cause all papers and other documents in the case to be returned to the court from which they were received, where further proceedings in such case shall be conducted in accordance with law.*

(b) *Where the IYC-eligible case is a case pending in County Court or Family Court, it shall be referred to the Integrated Youth Court for further proceedings therein.*

§ 145.5. *Procedure in the Integrated Youth Court.*

*Each case transferred from another court to the County Court and referred to the Integrated Youth Court part thereof shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred.*