COURT NOTICES

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 amend, effective immediately, section 142.3 of the Rules of the Chief Administrator of the Courts, relating to procedure in the Bronx Criminal Division, to read as follows:

§ 142.3. Procedure Upon Transfer of a Criminal Case Hereunder

Each case transferred from the Criminal Court of the City of New York to the Supreme Court and referred for disposition to the Criminal Division thereof pursuant to section 142.2 of this part shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred. [An appeal taken from the trial court in such a case shall be taken to the same intermediate appellate court to which such appeal would have been taken had the case not been transferred hereunder.]

AMENDMENT OF RULE

Uniform Civil Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby adopt, effective immediately, a new section 202.12-a of the Uniform Civil Rules for the Supreme and County Courts, relating to settlement conferences in mortgage foreclosure actions, to read as follows:

§ 202.12-a Residential Mortgage Foreclosure Actions; Settlement Conference

(a) Applicability. This section shall be applicable to residential mortgage foreclosure actions brought on or after September 1, 2008, involving one- to four-family dwellings owned and occupied by the defendant where the underlying loan is high-cost, subprime or non-traditional, as defined in section 6-1 of the Banking Law and section 1304.5(c) and (e) of the Real Property Actions and Proceedings Law, and was entered into between January 1, 2003, and September 1, 2008.

(b) Request for judicial intervention. At the time that proof of service of the summons and complaint is filed with the county clerk, plaintiff shall file with the county clerk a specialized request for judicial intervention (RJI), on a form prescribed by the Chief Administrator of the Courts, applicable to residential mortgage foreclosure actions covered by this section. The RJI shall contain the name, address, telephone number and e-mail address, if available, of the defendant in the action and shall request that a settlement conference be scheduled.

(c) Settlement conference

(1) The court shall promptly send to the parties a Notice scheduling a settlement conference to be held within 60 days after the date of the filing of the RJI. The Notice shall be mailed to all parties or their attorneys, which must include mailing to the address of the property subject to the mortgage. The Notice shall be on a form prescribed by the Chief Administrator, and it shall set forth the purpose of the conference, instructions to the parties on how to prepare for the conference, and what information and documents to bring to the conference. The Notice shall further provide that the defendant contact the court by telephone, no later than seven days before the conference is scheduled, to advise whether the defendant will be able to attend the scheduled conference.

(2) The conference shall include settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including determining whether the parties can reach a unilaterally agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to. The court may also use the conference for whatever other purposes the court deems appropriate. Where appropriate, the court may permit a representative of the plaintiff to attend the conference telephonically or by video-conference.

(3) If the parties appear by counsel, such counsel must be fully authorized to dispose of the case. If the defendant appears at the conference without counsel, the court shall treat the defendant as having made a motion to proceed as a poor person and shall determine whether permission to so appear shall be granted pursuant to the standards set forth in CPLR 1101.

(4) The court may schedule such other conferences as may be necessary to help resolve the action.

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 amend, effective immediately, sections 205.48 and 205.53 of the Uniform Rules for the Family Court, regarding required documents in judicial and extra-judicial surrender and adoption proceedings, to read as follows:

Section 205.48 Judicial and extra-judicial surrenders; required papers and putative father determination

(a) In addition to the judicial or extra-judicial surrender instrument and, if applicable, the post-adoption contact agreement and petition for approval of an extra-judicial surrender, the petitioner shall submit a copy of the child's birth certificate *and the adoption information registry birth parent registration consent form as required by sections 383-c and 384 of the Social Services Law and subdivision 10 of section 4138-c of the Public Health Law*.

(b) Where the surrender is by the birth mother:

(1) The petitioner shall also submit:

(i) the response from the putative father registry that is current within 60 days prior to the filing of the surrender proceeding;

(ii) a sworn written statement, if any, by the mother naming the father; and

(iii) a sworn written statement by the caseworker setting forth information regarding any putative father whose consent to adopt is required by section 111 of the Domestic Relations Law or who is entitled to notice of an adoption pursuant to section 111-a of the Domestic Relations Law.

(2) Where a determination has not yet been made by the court regarding any putative father whose consent to adopt is required or who is entitled to notice of an adoption, the proceeding shall be referred to the Family Court judge on the date of filing or the next court date for a determination regarding who must be notified of the surrender proceeding, Except for good cause shown or unless the putative father has previously defaulted in a termination of parental rights

proceeding regarding the child, the surrender proceeding shall not be scheduled for execution of a judicial surrender or approval of an extrajudicial surrender, as applicable, until a determination regarding required notices and consents have been made by the Court.

* * *

Section 205.53 Papers required in an adoption proceeding.

(a) All papers submitted in an adoption proceeding shall comply with section 205.7 of this Part.

(b) In addition to those papers required by the Domestic Relations Law, the following papers, unless otherwise dispensed with by the court, shall be submitted and filed prior to the placement of any adoption proceeding on the calendar:

(1) a certified copy of the birth certificate of the adoptive child;

(2) an affidavit or affidavits by an attorney admitted to practice in the State of New York or, in the discretion of the court, by a person other than an attorney who is known to the court, identifying each of the parties;

(3) a certified marriage certificate, where the adoptive parents are husband and wife or where an individual adoptive parent is the spouse of the birth parent;

(4) a certified copy of a decree or judgment, where an adoptive or birth parent's marriage has been terminated by decree or judgment;

(5) a certified death certificate, where an adoptive or birth parent's marriage has been terminated by death or where it is alleged that consent or notice is not required because of death;

(6) a proposed order of adoption;

(7) a copy of the attorney's affidavit of financial disclosure filed with the Office of Court Administration pursuant to section 603.23, 691.23, 806.14 or 1022.33 of this Title; and either an attorney's affirmation that the affidavit has been personally delivered or mailed in accordance with such rules or the dated receipt from the Office of Court Administration;

(8) an affidavit of financial disclosure from the adoptive parent or parents, and from any person whose consent to the adoption is required by law, setting forth the following information:

(i) name, address and telephone number of the affiant;

(ii) status of the affiant in the proceeding and relationship, if any, to the adoptive child;

(iii) docket number of the adoption proceeding;

(iv) the date and terms of every agreement, written or otherwise, between the affiant and any attorney pertaining to any fees, compensation or other remuneration paid or to be paid by or on behalf of the adoptive parents or the [natural] birth parents, directly or indirectly, including but not limited to retainer fees on account of or incidental to the placement or adoption of the child or assistance in arrangements for such placement or adoption;

(v) the total amount of fees, compensation or other remuneration to be paid to such attorney by the affiant, directly or indirectly, including the date and amounts of each payment already made, if any, on account of or incidental to the placement or adoption of the child or assistance in arrangements for such placement or adoption;

(vi) the name and address of any other person, agency, association, corporation, institution, society or organization who received or will receive any fees, compensation or other remuneration from the affiant, directly or indirectly, on account of or incidental to the birth or care of the adoptive child, the pregnancy or care of the adoptive child's birth mother or the placement or adoption of the child and on account of or incidental to assistance in arrangements for such placement or proposed adoption; the amount of each such fee, compensation or other remuneration; and the reason for or services rendered, if any, in connection with each such fee, compensation or other remuneration;

(vii) the name and address of any person, agency, association, corporation, society or organization who has or will pay the affiant any fee, compensation or other remuneration, directly or indirectly, on account of or incidental to the birth or care of the adoptive child, the pregnancy or care of the adoptive child's birth mother, or the placement or adoption of the child and on account of or incidental to assistance in arrangements for such placement or adoption; the amount of each such fee, compensation or other remuneration; and the reason for or services rendered, if any, in connection with each such fee, compensation or other remuneration;

(9) in the case of an adoption from an authorized agency in accordance with title 2 of article 7 of the Domestic Relations Law, a copy of the criminal history summary report made by the New York State Office of Children and Family Services to the authorized agency pursuant to section 378-a of the Social Services Law regarding the criminal record or records of the prospective adoptive parent or parents and any adult over the age of 18 currently residing in the home, including fingerprint-based records of the national crime information databases, as defined in section 534(e)(3)(A) of Title 28 of the United States Code, as well as a report from the New York State Central Registry of Child Abuse and Maltreatment regarding any indicated reports regarding the prospective adoptive parent or parents and any adult over the age of 18 currently residing in the home and from the child abuse and maltreatment registry, if any, of any state in which the prospective adoptive parents and any adult over the age of 18 have resided during the five years immediately prior to the filing of the petition;

(10) in the case of an adoption from an authorized agency, an affidavit by the attorney for the agency attesting to the fact that no appeal from a surrender, surrender revocation or termination of parental rights proceeding is pending in any court and that a notice of entry of the final order of disposition of the surrender, surrender revocation or termination of parental rights proceeding had been served upon the law guardian, the attorneys for the respondent parents or the parents themselves, if they were self-represented, as well as any other parties;

(11) in the case of an adoption from an authorized agency in which a post-adoption contact agreement has been approved by the Family Court in conjunction with a surrender of the child, a copy of the post-adoption contact agreement, as well as the order of the Court that approved the agreement as being in the child's best interests; [and]

(12) in the case of an adoption petition filed either before a different judge in a different court or a court in a different county regarding a child under the jurisdiction of the Family Court as a result of a placement in foster care pursuant to Article 10 or 10-A of the Family Court Act or section 358-a of the Social Services Law, an affirmation by the attorney for the petitioner on a uniform form promulgated by the Chief Administrator of the Courts attesting to the reasons for, and circumstances regarding, such filing; and

(13) in the case of an adoption petition filed with consents by a birth parent or parents as required by section 111 of the Domestic Relations Law, the adoption information registry birth parent registration consent form required by sections 112 and 115-b of the Domestic Relations Law and subdivision 10 of section 4138-c of the Public Health Law.

(c) Prior to the signing of an order of adoption, the court may in its discretion require the filing of a supplemental affidavit by the adoptive parent or parents, any person whose consent to the adoption is required, the authorized agency and the attorney for any of the aforementioned, setting forth any additional information pertaining to allegations in the petition or in any affidavit filed in the proceeding.