

COURT NOTICES

AMENDMENT OF RULE Rules of the Chief Administrator

Pursuant to the authority vested in me, with the advice and consent of the Administrative Board of the Courts, I hereby amend, effective April 1, 2016, section 137.3(e) of the rules of the Chief Administrator (22 NYCRR § 137.3[e]), relating to the quorum of the Board of Governors of the Attorney-Client Fee Dispute Resolution Program, to read as follows:

§ 137.3 Board of Governors

* * *

(e) [Eleven members of the board of governors shall constitute a quorum.] *A majority of current members of the board of governors shall constitute a quorum.* [Decisions shall be made by a majority of the quorum.]

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 section 205.7-b of the Uniform Rules for the Family Court, relating to pilot projects for the filing of petitions for temporary orders of protection by electronic means and the issuance of such orders by audio-visual means, effective April 1, 2016, to read as follows:

Section 205.7-b. Pilot programs for the filing of petitions for temporary orders of protection by electronic means and the issuance of such orders by audio visual means.

(a) *The chief administrator of the courts may establish and implement a plan for one or more pilot programs for the filing of petitions ex parte for temporary orders of protection by electronic means, and for the conduct of proceedings and the issuance of such orders by audio-visual means in order to accommodate litigants for whom attendance at court to file for and obtain emergency relief would constitute an undue hardship, or to accommodate litigants for whom traveling to and appearing in the courthouse to obtain emergency relief creates a risk of harm to such litigant. In developing this plan, the chief administrator shall strive for programs that are regionally diverse, and shall take into consideration the availability of public transportation, population density, and the availability of suitable program facilities.*

(b) *In planning pilot programs, the chief administrator will consult with one or more local programs providing assistance to victims of domestic violence, the office for the prevention of domestic violence, and attorneys who represent family offense petitioners.*

(c) *The plan shall include, but not be limited to:*

(i) *identification of family justice centers or other organizations or appropriate sites outside of the local family court that are equipped with or have access to suitable audio-visual and electronic equipment for participation in a pilot program;*

(ii) *identification of licensed and certified organizations, agencies or entities with advocates for victims of domestic violence who are trained and available to assist persons filing for orders under a pilot program;*

(iii) *assessment of family court and other court system resources;*

(iv) *delineation of procedures for filing of petitions and supporting documents by electronic means, swearing in petitioners and wit-*

nesses, preparation of transcriptions of testimony and a record of evidence adduced, and prompt transmission of orders to petitioners;

(v) *a timetable for implementation and public notice of pilot programs;*

(vi) *a description of data to be collected to evaluate and improve pilot programs.*

(d) *The procedures of each pilot program shall provide that:*

(i) *All electronic appearances by petitioners seeking temporary orders of protection ex parte by electronic appearance in a pilot program shall be voluntary, and the consent of participating petitioners will be stated on the record at the commencement of each appearance.*

(ii) *Petitioners seeking temporary orders of protection ex parte by electronic appearance in a pilot program must file a petition in advance of such appearance, and may do so by electronic means with the assistance of trained advocates. The petition shall set forth the circumstances in which a courthouse appearance would constitute undue hardship or create a risk of harm to the petitioner. Documentary evidence referred to by a party or witness or the court may be transmitted, submitted, and introduced by electronic means.*

(iii) *In granting or denying relief sought in a petition, the court shall state the names of all participants, and whether it is granting or denying an appearance by electronic means, and the basis for such determination.*

(iv) *Parties shall not be compelled to file a petition or document by electronic means or to testify by electronic appearance.*

(v) *Electronic appearances shall be recorded and preserved for transcription.*

(vi) *The pilot program shall not affect or change any existing laws governing the service of process (including requirements for personal service), or the sealing and confidentiality of court records in family court proceedings, or access to family court records.*

(e) *The chief administrator shall maintain a current and publicly-available listing of sites where petitioners may make applications and appearances under pilot programs pursuant to this section.*

