

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Access to Small Claims Daytime Sessions

Class: LSM-107

Category: SC-10

Eff. Date: Jan. 1, 1990

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Please be advised that, based upon Chapter 760 of the Laws of 1990, the New York City Civil Court Act has been amended by adding a new section, Section 1815, relating to access to a daytime Small Claims Part, as follows:

1815. Access to daytime pro se part.

1. Senior citizens, disabled person and members of the workforce whose normal work schedule requires them to work during evening hours may institute a small claims action or proceeding returnable to the daytime pro se part of the court.

2. The clerk of the court shall verbally inform all claimants who appear to qualify or who submit adequate documentation, upon commencement of the small claims action, of the right to have any small claims heard in the daytime pro se part upon such terms as provided herein. Notwithstanding any inconsistent provisions of law, a claimant shall have the right upon presenting proof to the clerk that he is sixth-five years of age or older, that he is disabled as defined in subdivision twenty-one of section two hundred ninety -two of the executive law or that he is employed in a capacity which requires him to work during evening hours and the court shall proceed to hear the case according to the practice and procedure applicable to the small claims part.

3. The clerk of the court shall publicize the availability of such forum. Such publicity shall include but not be limited to prerecorded taped messages and large signs in English and Spanish to be posted in conspicuous locations in each small claims court clerk's office, advising the public of the availability.

Note that

- this act is retroactive to JANUARY 1, 1990, that
- the age for qualifying as a senior citizen has been reduced from 70 to 65, and that
- "persons who work in the evening" has been added as a category of individuals who qualify for this special consideration.

Clerks of County and Small Claims Clerks are advised to note that the Clerk:

"... shall publicize the availability of such forum...."

And that the Clerk who deals with the public:

"... shall verbally inform all claimants who appear to qualify . . . upon commencement of the small claims action, of the right to have any small claims heard in the daytime pro se part"

S. C. Handout 101 has been revised and replacement signs will be ordered shortly. If you have any specific suggestions or requirements for such signs, please advise the Administrative Services Office. Please update your tape recordings in accordance with the new statute.

Dated: October 31, 1990

Jacqueline Silbermann
Administrative Judge