



State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
Office of Attorneys for Children  
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Betsy R. Ruslander  
Director

**MEMO**

To: Attorneys for Children - Third Judicial Department  
From: Betsy R. Ruslander  
Re: Substitute Appearances  
Date: February 4, 2013

Please be advised that the policy regarding substitute appearances has been amended to include instruction for oral argument on appeal. As set forth below in subparagraph (d) below, and on pp. 28-29 of the Administrative Handbook, available on our web page at [nycourts.gov/ad3/oac](http://nycourts.gov/ad3/oac), if substitution for oral argument is imperative, you must seek application from the Appellate Division for permission. Any substitution is for court appearances only. You may not sub-contract out-of-court work to another attorney.

Substitute vouchers

- a) When required by unavoidable circumstances, the appointed attorney may arrange to have a substitute attorney for the child appear in court on behalf of the child client, with the prior approval of the court and the client (where the age and maturity of the client permit), if the appearance involves procedural or administrative issues unrelated to the substantial interests of the client.
- b) The voucher submitted by the appointed attorney at the conclusion of the proceeding should not include a claim for the services of a substitute attorney.
- c) A substitute attorney for the child must be a panel member and should prepare his/her own voucher for such services, indicating thereon the name of the attorney being substituted. [ Please note that when preparing a substitute e-voucher, a warning is issued by the e-voucher system stating that the attorney was not present in court. This warning refers to the assigned attorney and not the substitute attorney.]
- d) Oral argument on appeal is considered a substantive matter and substitutions are generally not allowed. However, in addition to the requirements set forth above, if submission is not an appropriate alternative, the appointed attorney may seek permission from the Appellate Division by application to the Court to have a substitute attorney for the child present oral argument.

If you have any questions about this policy please feel free to contact me. Thank you.