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BUDGET BULLETIN	NUMBER 289	July 18, 1996
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TO: Holders of the Financial Planning and Control Manual

SUBJECT: 1996-97 Court Fee Legislation

Court fee legislation has been enacted recently, certain provisions of which impact upon the revenue operations of the Unified Court System. Chapter 309 of the Laws of 1996, signed by the Governor on July 13, 1996, includes the following:

Small Claims Proceedings

Sections 46 through 48 of Chapter 309 amend section 1803(a) the New York City Civil Court Act, the Uniform District Court Act, the Uniform City Court Act and the Uniform Justice Court Act by increasing the filing fee payable upon the commencement of a Small Claims proceeding. *Effective July 23, 1996*, claims in the amount of **\$1,000.00 or less** shall require the payment of a filing fee of **\$10.00** and claims in an amount **exceeding \$1,000.00** shall require the payment of **\$15.00**. With the enactment of these filing fee increases, the separate charge previously required to recoup court mailing costs has been eliminated. The filing of counterclaims by defendants in Small Claims proceedings, provisions for which were enacted recently pursuant to Chapter 90, Laws of 1996, continue to require the payment of a \$3.00 filing fee, plus first class mailing costs of \$.32. All Small Claims - related filing and mailing fees should continue to be reported using revenue object 35270.

Appellate Court Proceedings

Section 50 of Chapter 309 has amended section 8022(b) of the CPLR by establishing a fee payable upon the commencement of first instance proceedings in the Court of Appeals and in the Appellate Divisions of Supreme Court. *Effective July 23, 1996*, a fee of **\$250.00** shall be collected by the Clerks of

these respective courts upon the filing of a notice of petition or order to show cause to commence a special proceeding. All fees collected pursuant to this new provision should be reported using revenue object 35272. Civil Appeal revenues should continue to be reported via revenue object 35271.

Surrogate Court Estate Tax Proceedings

Chapter 309 sections 51 and 52 directs that the Office of Court Administration and Surrogate Courts develop and implement local initiatives for collecting outstanding estate tax filing fees. Further direction relative to the implementation of estate tax collection efforts will be forthcoming from the offices of the Deputy Chief Administrative Judges.

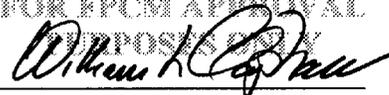
In addition, section 53 of Chapter 309 added a new section 97-ss to the State Finance Law to create a special revenue fund - the *Tax Proceeding Fee Account*. A portion of the Surrogate Court estate tax proceeding revenues generated through this collection effort will be deposited into this account and made available, subject to appropriation, for expenditure by the Judiciary. Court personnel responsible for recording revenues must take steps to ensure that all Surrogate Court estate tax-related fees are properly reported using revenue object 35275.

Supreme & County Court Filing Fees

Section 54 of Chapter 309 amends section 8020(a) of the CPLR to require that, *effective July 23, 1996*, a party must pay \$25 when applying for a note of issue in a case for which a Request for Judicial Intervention (RJI) has already been obtained and filed. Object 35272 should be used when reporting revenue associated with this fee.

The applicable sections of Chapter 309 are attached. Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who may be responsible for the collection, reporting of transmittal of revenue, or the monitoring of internal controls relating thereto.

NYS UNIFIED COURT SYSTEM
FOR FPCM APPROVAL



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