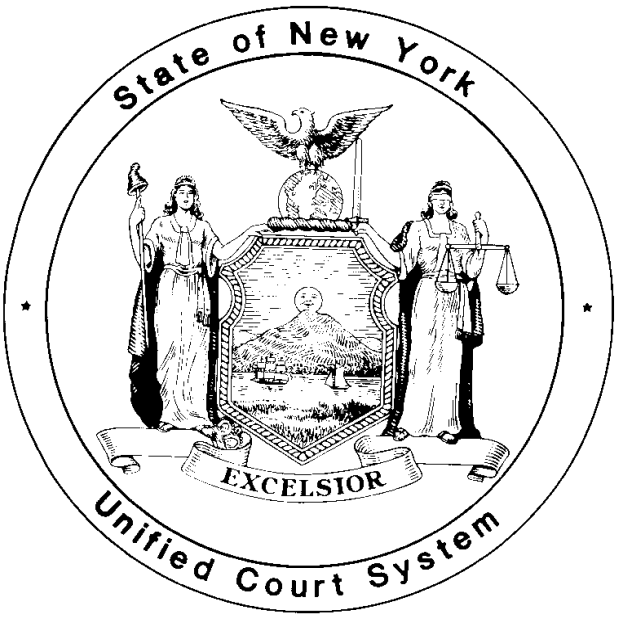
State of New York
Appellate Division, Supreme Court
First and Second Judicial Departments

Honorable Rolando T. Acosta
Presiding Justice
First Department

Honorable Alan D. Scheinkman
Presiding Justice
Second Department



MENTAL HEALTH PROFESSIONALS HANDBOOK

Dear Mental Health Professional Panel Member:

The Mental Health Professionals Certification Committee has prepared this Handbook to familiarize you with the protocols and procedures for conducting court ordered mental health evaluations.

While the procedures and forms found in this book are not exhaustive, they attempt to cover the basics and may serve to help you in your valuable work.

We wish to acknowledge our gratitude to the members of the Mental Health Certification Committee for their commitment and their invaluable expertise.

Please review the information provided in this Handbook, and retain it for future reference.

Very truly yours,

Jane Schreiber, Esq.
Director, Office of Attorneys for Children
Appellate Division, First Department

Harriet R. Weinberger, Esq.
Director, Office of Attorneys for Children
Appellate Division, Second Department

Nancy Guss Matles, LMSW
Support Services Coordinator
Office of Attorneys for Children
Appellate Division, Second Department

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Regulations

22 NYCRR PART 623
MENTAL HEALTH PROFESSIONALS PANEL

§ 623.1 Access to Mental Health Professionals

In custody and visitation, delinquency, persons in need of supervision, child abuse and neglect, termination of parental rights, family offense, and adoption cases, an evaluation of the parties by a mental health professional is often necessary to assist the court in reaching an appropriate decision. To assure that the court and the parties have access to qualified mental health professionals, a panel of social workers, psychologists and psychiatrists shall be established in the First and Second Judicial Departments in accordance with this part and part 680 of this Title.

§ 623.2 Mental Health Professionals Certification Committee

(a) A mental health professionals certification committee shall be established for the First and Second Judicial Departments.
(b) The committee shall be composed of no fewer than two justices of the Supreme Court, two judges of the Family Court, two lawyers, two social workers, two psychologists, and two psychiatrists. Half of the members in each class shall be appointed by the Presiding Justices of the First and Second Departments of the Appellate Division, respectively, for three year terms. Committee members shall be eligible for reappointment for additional terms. The Law Guardian Directors for the Appellate Division in the First and Second Judicial Departments, respectively, or their designees, shall be ex-officio members.
(c) The members of the committee shall serve as volunteers, authorized to participate in a state-sponsored volunteer program within the meaning of the Public Officers Law § 17.

§ 623.3 Duties of Mental Health Professionals Certification Committee

Subject to the supervision of the Presiding Justices of the Appellate Division of the First and Second Judicial Departments, the mental health professionals certification committee shall establish procedures for (a) the appointment of applicants for membership on the panel of mental health professionals, (b) periodic evaluation of panel members, (c) training of panel members, (d) investigating complaints made against panel members, and (e) removal of mental health professionals from the panel.

§ 623.4 Establishment of Mental Health Professionals Panel

(a) Eligibility Requirements

A member of the mental health professionals panel shall:

(1) be a social worker, psychologist, or psychiatrist licensed by the State of New York;

(2) complete six hours of introductory training approved by the Presiding Justices of the Appellate Division of the First and Second Judicial Departments;

(3) demonstrate that he or she has forensic experience, including having testified as an expert and/or having submitted a clinical report in connection with one or more of the following types of court proceedings: custody and visitation, delinquency, persons in need of supervision, child abuse and neglect, termination of parental rights, family offense, and adoption;

(4) maintain professional malpractice insurance; and

(5) meet such additional requirements as shall be established by the mental health professionals certification committee with the approval of the Presiding Justices of the Appellate Divisions of the First and Second Judicial Departments.

(b) Application

Licensed social workers, psychologists, and psychiatrists may apply for membership on the mental health professionals panel for the First and Second Judicial Departments by completing a questionnaire in the form prescribed by the mental health professionals certification committee.

(c) Appointments to Panel

(1) The mental health professionals committee shall review applications and identify those mental health professionals who meet the eligibility requirements.

(2) The Presiding Justices of the Appellate Division in the First and Second Judicial Departments shall, by joint order, appoint the members of the mental health professionals panel from among those social workers, psychologists and psychiatrists recommended by the committee.

(3) Appointments to the panel shall be for a term of three years. Panel members may be reappointed to successive terms. Any panel member may be removed prior to the expiration of his or her term by the joint order of the Presiding Justices of the Appellate Divisions of the First and Second Judicial Departments upon the recommendation of the committee.

§ 623.5 Appointment of Mental Health Professionals From Panel

(a) Appointment

A court may appoint a mental health professional or professionals to evaluate adults and children in any case involving custody and visitation, delinquency, persons in need of supervision, child abuse and neglect, termination of parental rights, family offense, and adoption wherein compensation is paid privately or pursuant to Judiciary Law § 35 or County Law article 18-B. Such appointments shall be from the mental health professionals panel promulgated pursuant to these rules. A court, upon a finding of good cause, may appoint a mental health

professional who is not a member of the mental health professionals panel. The court's finding shall be set forth in the order of appointment. This section shall not apply to providers of mental health services pursuant to a governmental contract.

(b) Order of Appointment

The court appointing a mental health professional shall issue a written order setting forth the terms and conditions of the appointment including the method and rate of compensation and by whom such compensation is to be paid. A copy of the order shall be provided to the mental health professional and to every party to the case, including the attorney, if any, for each child.

§ 623.6 Compensation of Mental Health Professionals

(a) The compensation for mental health professionals appointed pursuant to Judiciary Law § 35 or County Law § 722-c shall be set in accordance with guidelines promulgated by the Chief Administrator of the Courts. Applications for payment for services rendered pursuant to those sections shall be submitted for approval to the court that appointed the panel member on forms authorized by the Chief Administrator of the Courts or by the appropriate local fiscal authority.

(b) The compensation of mental health professionals appointed in cases in which their fees shall be borne in whole or in part by the parties shall be at rates fixed by the court in accordance with the charge for such services prevailing in the community and the financial circumstances of the parties. Such compensation shall not exceed a sum certain to be set forth in the order of appointment, which sum shall be based on the selected rate and the estimated number of hours required to perform the necessary services, except that if, in the judgment of the mental health professional, the number of hours required to perform the necessary services is likely to exceed the number set forth in the order of appointment, he or she may make application to the court to amend that order by increasing the number of hours accordingly. The application shall be made by letter, a copy of which shall be forwarded to the party or parties responsible for the payment of the fee.

§ 623.7 Training and Education

The mental health professionals certification committee shall establish a training and education program for members of the mental health professionals panel. The program may be established in cooperation with relevant professional organizations. The committee may make attendance at training sessions a requirement for continued membership on the panel of mental health professionals.

§ 623.8 Periodic Evaluation of Panel Members

The mental health professionals certification committee shall establish procedures by which it shall periodically evaluate the work performed by each member of the panel of mental health professionals. In conducting its evaluation the committee shall seek information from judges and other appropriate and knowledgeable persons. The committee shall not recommend for reappointment to the panel any member whose performance has been determined to be unsatisfactory.

§ 623.9 Removal

The Presiding Justices of the Appellate Division of the First and Second Judicial Departments may, by joint order, remove members of the mental health professionals panel. The mental health

professionals certification committee may, at any time, recommend to the Presiding Justices that a mental health professional be removed from the panel.

§ 623.10 Annual Report of the Mental Health Professionals Certification Committee

On June 1st of each year the mental health professionals certification committee shall submit to the Presiding Justices of the Appellate Division in the First and Second Judicial Departments an annual report containing an evaluation of the operation of the mental health professionals panel and the training program and any recommendations concerning measures that should be adopted to improve the performance of the panel and the training program. A copy of that report shall be forwarded to the Chief Administrator of the Courts.

22 NYCRR PART 680
MENTAL HEALTH PROFESSIONALS PANEL

§ 680.1 Access to Mental Health Professionals

In custody and visitation, delinquency, persons in need of supervision, child abuse and neglect, termination of parental rights, family offense, and adoption cases, an evaluation of the parties by a mental health professional is often necessary to assist the court in reaching an appropriate decision. To assure that the court and the parties have access to qualified mental health professionals, a panel of social workers, psychologists and psychiatrists shall be established in the First and Second Judicial Departments in accordance with this part and part 623 of this Title.

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(a) The compensation for mental health professionals appointed pursuant to Judiciary Law § 35 or County Law § 722-c shall be set in accordance with guidelines promulgated by the Chief Administrator of the Courts. Applications for payment for services rendered pursuant to those sections shall be submitted for approval to the court that appointed the panel member on forms authorized by the Chief Administrator of the Courts or by the appropriate local fiscal authority.

(b) The compensation of mental health professionals appointed in cases in which their fees shall be borne in whole or in part by the parties shall be at rates fixed by the court in accordance with the charge for such services prevailing in the community and the financial circumstances of the parties. Such compensation shall not exceed a sum certain to be set forth in the order of appointment, which sum shall be based on the selected rate and the estimated number of hours required to perform the necessary services, except that if, in the judgment of the mental health professional, the number of hours required to perform the necessary services is likely to exceed the number set forth in the order of appointment, he or she may make application to the court to amend that order by increasing the number of hours accordingly. The application shall be made by letter, a copy of which shall be forwarded to the party or parties responsible for the payment of the fee.

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On June 1st of each year the mental health professionals certification committee shall submit to the Presiding Justices of the Appellate Division in the First and Second Judicial Departments an annual report containing an evaluation of the operation of the mental health professionals panel and the training program and any recommendations concerning measures that should be adopted to improve the performance of the panel and the training program. A copy of that report shall be forwarded to the Chief Administrator of the Courts.

Statutory Provisions Relating to Provision of Expert Services

COUNTY LAW

§ 722-c <u>Services Other Than Counsel</u>

Upon a finding in an ex parte proceeding that investigative, expert or other services are necessary and that the defendant or other person described in section two hundred forty-nine or section two hundred sixty-two of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, is financially unable to obtain them, the court shall authorize counsel, whether or not assigned in accordance with a plan, to obtain the services on behalf of the defendant or such other person. The court upon a finding that timely procurement of necessary services could not await prior authorization may authorize the services nunc pro tunc. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them or to the person entitled to reimbursement. Only in extraordinary circumstances may the court provide for compensation in excess of one thousand dollars per investigative, expert or other service provider.

Each claim for compensation shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.

JUDICIARY LAW

§ 35 <u>Assignment of counsel to indigent persons and appointment of physicians in certain proceedings</u>

1.

a. When a court orders a hearing in a proceeding upon a writ of habeas corpus to inquire into the cause of detention of a person in custody in a state institution, or when it orders a hearing in a civil proceeding to commit or transfer a person to or retain him in a state institution when such person is alleged to be mentally ill, mentally defective or a narcotic addict, or when it orders a hearing for the commitment of the guardianship and custody of a child to an authorized agency by reason of the mental illness or mental retardation of a parent, or when it orders a hearing to determine whether consent to the adoption of a child shall be required of a parent who is alleged to be mentally ill or mentally retarded, or when it orders a hearing to determine the best interests of a child when the parent of the child revokes a consent to the adoption of such child and such revocation is opposed or in any adoption or custody proceeding if it determines that assignment of counsel in such cases is mandated by the constitution of this state or of the United States, the court may assign counsel to represent such person if it is satisfied that he is financially unable to obtain counsel. Upon an appeal taken from an order entered in any such proceeding, the appellate court may assign counsel to represent such person upon the appeal if it is satisfied that he is financially unable to obtain counsel.

b. Upon an appeal in a criminal action or in a proceeding in the family court or surrogate's court wherein the defendant or person entitled to counsel pursuant to the family court act or surrogate's court procedure act, is financially unable to obtain counsel, the court of appeals or the appellate division of the supreme court may assign counsel other than in the manner as is prescribed in section seven hundred twenty-two of the county law only when it is satisfied that special circumstances require such assignment.

2. The chief administrator of the courts may enter into an agreement with a legal aid society for the society to provide assigned counsel in the proceedings specified in subdivision one of this section. The agreement shall be in a form approved by the chief administrator and shall provide a general plan for a program of assigned counsel services to be provided by such society. It shall also provide that the society shall be reimbursed on a cost basis for services rendered.

3. No counsel assigned pursuant to this section shall seek or accept any fee for representing the person for whom he or she is assigned without approval of the court as herein provided. Whenever it appears that such person is financially able to obtain counsel or make partial payment for the representation, counsel may report this fact to the court and the court may terminate the assignment or authorize payment, as the interests of justice may dictate, to such counsel. Counsel assigned hereunder shall at the conclusion of the representation receive compensation at a rate of seventy-five dollars per hour for time expended in court, and

seventy-five dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred. For representation upon a hearing, compensation and reimbursement shall be fixed by the court wherein the hearing was held and such compensation shall not exceed four thousand four hundred dollars. For representation in an appellate court, compensation and reimbursement shall be fixed by such court and such compensation shall not exceed four thousand four hundred dollars. In extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

4. In any proceeding described in paragraph (a) of subdivision one of this section, when a person is alleged to be mentally ill, mentally defective or a narcotic addict, the court which ordered the hearing may appoint no more than two psychiatrists, certified psychologists or physicians to examine and testify at the hearing upon the condition of such person. A psychiatrist, psychologist or physician so appointed shall, upon completion of his services, receive reimbursement for expenses reasonably incurred and reasonable compensation for such services, to be fixed by the court. Such compensation shall not exceed two hundred dollars if one psychiatrist, psychologist or physician is appointed, or an aggregate sum of three hundred dollars if two psychiatrists, psychologists or physicians are appointed, except that in extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

4-a. In any proceeding under article ten of the mental hygiene law, the court which ordered the hearing may appoint no more than two psychiatrists, certified psychologists or physicians to examine and testify at the hearing upon the condition of such person. A psychiatrist, psychologist or physician so appointed shall, upon completion of his or her services, receive reimbursement for expenses reasonably incurred and reasonable compensation for such services, to be fixed by the court in accordance with subdivision (a) of section 10.15 of the mental hygiene law.

5. All expenses for compensation and reimbursement under this section shall be a state charge to be paid out of funds appropriated to the administrative office for the courts for that purpose. Any rules and orders respecting the assignment and compensation of counsel, and the appointment and compensation of psychiatrists, psychologists or physicians pursuant to this section and the form and manner of processing of a claim submitted pursuant to this section shall be adopted by the chief administrator. Each claim for compensation and reimbursement pursuant to subdivisions three and four of this section shall be submitted for approval to the court which made the assignment or appointment, and shall be on such form as the chief administrator may direct. After such claim is approved by the court, it shall be certified to the comptroller for payment by the state, out of the funds appropriated for that purpose.

6. Assigned counsel and guardians ad litem appointed pursuant to the provisions of title two of article nine-B of the social services law shall be compensated in accordance with the provisions of this section.

7. Whenever the supreme court or a surrogate's court shall appoint counsel in a proceeding over which the family court might have exercised jurisdiction had such action or proceeding been

commenced in family court or referred thereto pursuant to law, and under circumstances whereby, if such proceeding were pending in family court, such court would be authorized by section two hundred forty-nine of the family court act to appoint a law guardian, such counsel shall be compensated in accordance with the provisions of this section.

8. Whenever supreme court shall exercise jurisdiction over a matter which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto pursuant to law, and under circumstances whereby, if such proceedings were pending in family court, such court would be required by section two hundred sixty-two of the family court act to appoint counsel, supreme court shall also appoint counsel and such counsel shall be compensated in accordance with the provisions of this section.

Administrative Policies and Procedures

Guidelines for Mental Health Professionals Performing Court Ordered Evaluations in Supreme and Family Courts

Order of Appointment

1. The expert should not proceed without a copy of the court's order of appointment. The order of appointment should be reviewed carefully as it will guide the expert in proceeding with his/her evaluation(s) and report. When reviewing the order, it is suggested that the expert pay particular attention to these areas:

    a. whether the expert's correct name and discipline appears in the order
    b. the names of all parties to be seen
    c. the date by which the expert must submit the report
    d. the correct hourly rate or other relevant fee arrangement
    e. whether a cap has been set on the expert's fee by the trial court
    f. whether the expert's fee has been apportioned by the court
    g. whether the court has directed the expert to make or not make a recommendation
    h. any special issues to be addressed; if not clearly stated, ask for clarification

Interaction with Court and Counsel During Evaluation Process

1. If the expert intends to refer components of the evaluation to any individual he/she must obtain prior approval from the court.

2. Unless authorized by the court, the expert should not have contact with counsel for either party or counsel for the child(ren) during the pendency of the evaluation, except with regard to scheduling appointments, issues involving payment of the expert's fees, and the exchange of documents.

3. The expert should ascertain the name and phone number of the court contact person, such as the court clerk, court attorney, or secretary, should the need arise.

4. Any problems encountered in setting up appointments or missed appointments should be brought immediately to the attention of the court.

Submission of Report

It is suggested that the expert should attach a cover letter to the report and indicate the docket or index number on the report.

Compensation Guidelines

1. The estimated amount of hours necessary to perform the evaluation and prepare the report should be discussed by the expert with the court's staff, prior to the preparation of the order of appointment. If the expert is to be paid privately by the parties, the expert should

advise the court of his/her hourly rate. If the expert is to be paid by the government, the expert should be aware of the fee guidelines.

2. Experts are expected to keep time records for each evaluation assignment. These records must minimally include the client's name, the date and time of the activity session, the actual time expended and a description of the work performed, including all phone conversations.

3. If the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap, if any, set by the court, then he/she must first make a supplemental request in a letter to the court copied to all counsel.

4. In private pay cases, where the court has determined that the expert shall be paid privately by the parties, the expert should contact the parties or the parties' attorneys forthwith, to arrange for the manner of payment. If a party refuses to pay, the expert should notify the court.

Court Testimony

1. If so ordered and directed by the court, the evaluator is to appear and give testimony.

2. If the original court order of appointment did not provide for compensation for testimony, then the expert should be aware that a supplemental order may be necessary.

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby adopt as guidelines for the payment of reasonable compensation to court-appointed psychiatrists and other nonlawyer professionals pursuant to section 35 of the Judiciary Law and section 722-c of the County Law the following hourly rate for each category of professional:

Physician:	$ 250.00
Psychiatrist:	$ 250.00
Certified Psychologist:	$ 150.00
Certified Social Worker:	$ 75.00
Licensed Investigator:	$ 55.00

Implementation of these guidelines shall be consistent with and subject to the limitations on maximum payments and exceptions for extraordinary circumstances contained in those provisions of law.

This order shall take effect on January 1, 2018, and supersedes Administrative Order AO/73/92.

Chief Administrative Judge of the Courts

Dated: December 19, 2017

AO/446/17

Supreme Court

Procedures to be followed for Government Compensation Pursuant to Judiciary Law 35

In cases where the court has determined that the parties are without means for expert services, compensation shall be paid pursuant to Section 35 of the Judiciary Law and/or the office of the Institutional Provider.

1. Questions regarding payment on JC 2020 vouchers for assignments in Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Putnam, Orange and Dutchess, should be directed to:

   Gregory Chickel 718 923-6356 or gchickel@nycourts.gov

2. Questions regarding payment on JC 2020 vouchers in Manhattan and the Bronx, should be directed to:

   Caroline Diaz 212 340-0595 or cdiaz@nycourts.gov

3. If an Institutional Provider is representing the adult(s) or the child(ren), please contact the respective office with any billing and payment questions.

Family Court

Procedures to be followed for Government Compensation

In cases where the court has determined that the parties are without the means to pay for expert services, the cost of such services should be apportioned between the county, the state, and/or the office of the Institutional Provider.

A. Children - Payment Pursuant to Judiciary Law 35

1. Any JC 2020 state voucher questions regarding payment for assignments in Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Putnam, Orange and Dutchess, should be directed to:
   Gregory Chickel- 718 923-6356 or gchickel@nycourts.gov

2. Any JC 2020 state voucher questions regarding payment for assignments in Manhattan and the Bronx should be directed to:
   Caroline Diaz - 212 340-0595 or cdiaz@nycourts.gov

3. If an institutional provider is representing the child(ren), please contact the respective office with any billing/payment questions.

B. Adults - Payment Pursuant to County Law 722-c
New York City(New York, Bronx, Kings, Queens, and Richmond)

1. All questions regarding 722-c voucher payments should be directed to the Department of Finance :
   Mimi Shui 212 312-6584 or email: shuiM@finance.nyc.gov
   Larry Parkins 212 312-6574 or email: ParkinsL@finance.nyc.gov

2. If an institutional provider is representing the adult(s), please contact the respective office with any billing/payment questions.

3. *Outside of New York City (Nassau, Suffolk, Westchester, Putnam, Rockland, Dutchess and Orange)*

Please contact the respective Assigned Counsel Office for billing and payment questions:

1. Nassau County
   Assigned Counsel Defender Plan
   15th and West Streets
   Mineola, NY 11501
   (516) 747-8448

2. Suffolk County
   Assigned Counsel Defender Plan
   of Suffolk County
   Court House Corporate Center
   320 Carleton Avenue, Suite 4300
   Central Islip, NY 11722
   (631) 439-0539

3. Westchester County
   Legal Aid Society of Westchester County
   Assigned Counsel Division
   150 Grand Street
   White Plains, NY 10601
   (914) 286-3465

4. Rockland County
   Rockland County Assigned Counsel Plan
   337 North Main Street, Suite 1
   New City, NY 1095
   (845) 634-1761

5. Putnam County
   Putnam County Legal Aid Society, Inc
   40 Gleinda Avenue
   Carmel, NY 10512
   (845) 225-3641 x 253

6. Orange County
   Orange County Assigned Counsel Plan
   18B Assigned Counsel Administrator
   211 Main St., - Box 470
   Goshen, NY 10924
   (845) 294-7990

7. Dutchess County
   County Finance Department
   22 Market Street 4th Floor
   Poughkeepsie, NY 12601
   (845) 486-2035

Relevant Forms

Sample Order

At a Term of the Supreme Court held in and for the County of _____ at the Courthouse located at _____ _____ on the _____ day of _____, 20 ____.

P R E S E N T:

Hon. _____
Justice of the Court

----------x

Index/Docket No.

ORDER APPOINTING MENTAL HEALTH PROFESSIONAL

----------x

IT IS HEREBY ORDERED , that _____, a member of the Mental Health Professionals Panel (*see generally* 22 NYCRR §§ 623 and 680) whose office is located at _____ and whose telephone number is _____, is hereby appointed pursuant to 22 NYCRR §§ 623.5 and 680.5, to conduct a forensic evaluation in the above-captioned case and is to examine the following persons:

NAME	**RELATIONSHIP**
_____	_____
_____	_____
_____	_____
_____	_____

and to interview any extended family members or persons affiliated with either party's household, if deemed relevant, and to submit a report to the court ***within 90 days from the date of this Order*** addressing the following special issues:

_____ physical custody/parenting time
_____ decision making
_____ domestic violence
_____ substance abuse
_____ other (specify): _____
_____ mental illness
_____ relocation
_____ interference with parental rights
_____ grandparent visitation

and to appear and testify if so directed by the court and it is further

ORDERED, that upon the request of the evaluator, absent an order limiting such disclosure, the parties shall provide releases such that the evaluator may speak with any healthcare professional, therapist, or school personnel and procure any other records, reports, or material, relevant to the parties or child(ren) that the evaluator believes will be of assistance in conducting the evaluation; and it is further

ORDERED, that the appointed mental health professional is not to delegate components of the evaluation to any individual without prior approval of the court; and it is further

ORDERED, that counsel to the parties shall provide copies of any and all documents, papers or other materials requested by the evaluator and shall simultaneously furnish those materials to opposing counsel and counsel for the child(ren) (if any); and it is further

ORDERED, that neither party's counsel, nor the counsel for the child(ren), shall have any contact with the evaluator, except with regard to scheduling, payment issues and in exchanging of documents as provided above; and it is further

ORDERED, that if the evaluator determines that exigent circumstances exist requiring court intervention, the evaluator shall also notify counsel for the parties and the counsel for the child(ren); and it is further

ORDERED, that the evaluator shall include in his/her report a list of all documents and persons consulted; and it is further

ORDERED, that the report shall be submitted to the court, the counsel for the parties, and counsel for the child(ren). The report shall be shown to the parties. However, copies shall not be provided to the parties absent court order; and it is further

ORDERED, upon receipt of a discovery request pursuant to Article 31 of the Civil Practice Law and Rules after submission to the court and counsel of the evaluator's report, the evaluator shall make available to the court and counsel for all parties, including counsel for the child(ren), a copy of all underlying data and notes utilized in preparation of the final report, subject to further order of the court prohibiting or regulating the manner of the disclosure of these materials; and it is further

ORDERED, the evaluator ☐ shall ☐ shall not make a recommendation to the court as to which parent ultimately should have custody of the child(ren) and further☐ shall ☐ shall not make a recommendation as to the other specific issues to be addressed in the evaluation; and it is further

ORDERED**,** that the parties are to contact the evaluator within one week from the date of this Order to commence the evaluation. In addition, the evaluator's retainer shall be paid within ten (10) business days of the date of this Order; and it is further

<u>One</u> (1) of the following:

I. [For Use In Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties**,** the plaintiff shall pay _____ % of the evaluator's fees, and the defendant shall pay _____ % of the evaluator's fees, including an initial retainer in the sum of $ _____, subject to reallocation at trial; and it is further

ORDERED, that the cap on the forensic evaluation ordered is not to exceed a rate of $___ per hour, to a maximum of $ _____ . However, if the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court, then

he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time, subject to reallocation at trial; and it is further

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), detailed bills of services rendered.

If the evaluator requires the parties to enter into a written retainer agreement, the agreement shall not contain any material terms that conflict with the provisions of this order.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

II. [For Use When All Parties are Indigent]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, and being satisfied that the litigants are financially unable to pay the costs of the forensic services provided for herein, compensation for said forensic evaluations, and any court appearances in connection therewith, shall be paid proportionately to the ratio of adults seen and evaluated (Section 35 (8) of the Judiciary Law), to the children seen and evaluated (Section 35(7) of the Judiciary Law), at a rate not to exceed $_____ per hour to a maximum amount of $_____.

Alternatively, *if the child(ren) are represented by an institutional provider,* the institutional office representing the child is directed to bear the proportionate share for the child represented by it as specified above.

A finding of extraordinary circumstances has been made by the Court to warrant compensation to the forensic evaluator in excess of the statutory maximum ($200).

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), an itemization of services rendered.

However, if the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice to the court for additional compensation prior to the expenditure of time.

III. [For Use In Mixed Indigent/Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, the plaintiff shall pay _____% of the evaluator's fees, including those apportioned to the child(ren), and the defendant shall pay_____% of the evaluator's fees, including those apportioned to the child/children, including an initial retainer in the sum of $_____, subject to reallocation at trial; and it is further

ORDERED, that the court having made appropriate inquiry into the financial status of the parties and the court having determined that plaintiff/defendant, is financially unable to pay his/her proportionate share of the costs of the forensic services provided for herein; accordingly,

said plaintiff's/defendant's proportionate share shall be paid pursuant to Section 35(8) of the Judiciary Law.

Having found that the monied party is not able to bear the full cost of forensic services for the child(ren); it is ORDERED, that the cost of said services shall be paid pursuant to Section 35(7) of the Judiciary Law.

Alternatively, *if the child/children are represented by an institutional provider,* the institutional office representing the child is directed to bear the proportionate share for the child represented by it as specified above.

ORDERED, that the cap on the forensic evaluation is not to exceed a rate of $ _____ per hour, to a maximum of $ _____ . If the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court or the statutory maximum, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time. Only upon a written showing of extraordinary circumstances will compensation be awarded in excess of the statutory maximum.

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties detailed bills of services rendered.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

E N T E R:

_____

Justice

Sample Order

At a Term of the Family Court held in and for the County of _____ at the Courthouse located at _____ _____ on the _____ day of _____, 20 ____.

P R E S E N T:

Hon. _____
Judge of the Court

----------x

Index/Docket No.

ORDER APPOINTING MENTAL HEALTH PROFESSIONAL

----------x

IT IS HEREBY ORDERED , that _____, a member of the Mental Health Professionals Panel (*see generally* 22 NYCRR §§ 623 and 680) whose office is located at _____ and whose telephone number is _____, is hereby appointed pursuant to 22 NYCRR §§ 623.5 and 680.5, to conduct a forensic evaluation in the above-captioned case and is to examine the following persons:

NAME	**RELATIONSHIP**
_____	_____
_____	_____
_____	_____
_____	_____

and to interview any extended family members or persons affiliated with either party's household, if deemed relevant, and to submit a report to the court ***within 90 days from the date of this Order*** addressing the following special issues:

_____ physical custody/parenting time
_____ decision making
_____ domestic violence
_____ substance abuse
_____ other (specify): _____
_____ mental illness
_____ relocation
_____ interference with parental rights
_____ grandparent visitation

and to appear and testify if so directed by the court and it is further

ORDERED, that upon the request of the evaluator, absent an order limiting such disclosure, the parties shall provide releases such that the evaluator may speak with any healthcare professional, therapist, or school personnel and procure any other records, reports, or material, relevant to the parties or child(ren) that the evaluator believes will be of assistance in conducting the evaluation; and it is further

ORDERED, that the appointed mental health professional is not to delegate components of the evaluation to any individual without prior approval of the court; and it is further

ORDERED, that counsel to the parties shall provide copies of any and all documents, papers or other materials requested by the evaluator and shall simultaneously furnish those materials to opposing counsel and counsel for the child(ren) (if any)*;* and it is further

ORDERED, that neither party's counsel, nor the counsel for the child(ren), shall have any contact with the evaluator, except with regard to scheduling, payment issues and in exchanging of documents as provided above; and it is further

ORDERED, that if the evaluator determines that exigent circumstances exist requiring court intervention, the evaluator shall also notify counsel for the parties and the counsel for the child(ren); and it is further

ORDERED, that the evaluator shall include in his/her report a list of all documents and persons consulted; and it is further

ORDERED, that the report shall be submitted to the court, the counsel for the parties, and counsel for the child(ren). The report shall be shown to the parties. However, copies shall not be provided to the parties absent court order; and it is further

ORDERED, upon receipt of a discovery request pursuant to Article 31 of the Civil Practice Law and Rules after submission to the court and counsel of the evaluator's report, the evaluator shall make available to the court and counsel for all parties, including counsel for the child(ren), a copy of all underlying data and notes utilized in preparation of the final report, subject to further order of the court prohibiting or regulating the manner of the disclosure of these materials; and it is further

ORDERED, the evaluator ☐ shall ☐ shall not make a recommendation to the court as to which parent ultimately should have custody of the child(ren) and further☐ shall ☐ shall not make a recommendation as to the other specific issues to be addressed in the evaluation; and it is further

ORDERED**,** that the parties are to contact the evaluator within one week from the date of this Order to commence the evaluation. In addition, the evaluator's retainer shall be paid within ten (10) business days of the date of this Order; and it is further

<u>One</u> (1) of the following:

I. [For Use In Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties**,** the petitioner shall pay _____ % of the evaluator's fees, and the respondent shall pay _____ % of the evaluator's fees, including an initial retainer in the sum of $ _____,subject to reallocation at trial; and it is further

ORDERED, that the cap on the forensic evaluation ordered is not to exceed a rate of $___ per hour, to a maximum of $ _____ . However, if the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time, subject to reallocation at trial; and it is further

ORDERED, that no less often than every sixty days from the date of this order of

appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), detailed bills of services rendered.

If the evaluator requires the parties to enter into a written retainer agreement, the agreement shall not contain any material terms that conflict with the provisions of this order.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

II. [For Use When All Parties are Indigent]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, and being satisfied that the litigants are financially unable to pay the costs of the forensic services provided for herein, compensation for said forensic evaluations, and any court appearances in connection therewith, shall be paid proportionately to the ratio of adults seen and evaluated (Article 18-B, Section 722-C of the County Law, and/or by the office of the Institutional Provider) and to the child(ren) seen and evaluated (Section 35 of the Judiciary Law, and/or by the office of the Institutional Provider), at a rate not to exceed $_____ per hour to a maximum amount of $_____.

The court is directing that a total of _____ adults shall be evaluated and a total of _____ child(ren) shall be evaluated, and therefore payment shall be ____% pursuant to the County Law and/or ____% to be paid by the office of the Institutional Provider, _____, representing the adult(s), and ____ % pursuant to the Judiciary Law, and/or ____% to be paid by the office of the Institutional Provider, _____, representing the child(ren).

A finding of extraordinary circumstances has been made by the Court to warrant compensation to the forensic evaluator in excess of the statutory maximum ($1,000/$200).

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), an itemization of services rendered.

However, if the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice to the court for additional compensation prior to the expenditure of time.

III. [For Use In Mixed Indigent/Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, the petitioner shall pay _____% of the evaluator's fees, including those apportioned to the child(ren), and the respondent shall pay_____% of the evaluator's fees, including those apportioned to the child(ren), including an initial retainer in the sum of $_____, subject to reallocation at trial; and it is further

ORDERED, that the court having made appropriate inquiry into the financial status of the parties and the court having determined that the petitioner/respondent, is financially unable to pay his/her proportionate share of the costs of the forensic services provided for herein; it is further

ORDERED, said petitioner/respondent's proportionate share shall be paid pursuant to Article 18-B, Section 722-C of the County Law or by the office of the Institutional Provider.

Having found that the monied party is not able to bear the full cost of forensic services for the child(ren); it is ORDERED, that the cost of said services shall be paid pursuant to Section 35 of the Judiciary Law.

Alternatively, *if the child(ren) is/are represented by an institutional provider,* the institutional office representing the child is directed to bear the proportionate share as specified below.

ORDERED, that the cap on the forensic evaluation ordered is not to exceed a rate of $ _____ per hour, to a maximum of $ _____ . The court is directing that a total of _____ adults shall be evaluated and a total of _____ child(ren) shall be evaluated, and therefore payment shall be _____ % to the petitioner, _____% to the respondent, _____ % to the County Law, and/or ____% to the office of the institutional provider, _____, representing the adult,_____ % pursuant to Judiciary Law, and or _____% to the institutional office,_____, representing the child(ren), subject to reallocation at trial; it is further

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties detailed bills of services rendered.

If the evaluator anticipates that the cost of the evaluation and report (not including testimony) is likely to exceed the cap set by the court or the statutory maximum, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time. Only upon a written showing of extraordinary circumstances will compensation be awarded in excess of the statutory maximum.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

E N T E R:

_____

Judge

Sample Order

At a Term of the Supreme Court of the State of New York, Part ____, held in and for the County of _____, at _____ N.Y. _____, on _____ 200 ,

P R E S E N T:

Hon. _____
JUSTICE OF THE SUPREME COURT

----------x

Index No.

Plantiff,

-against-

ORDER FOR OBSERVATION AND EVALUATION

Defendant.
----------x

After appropriate inquiry into the financial status of _____ _____ and being satisfied that the party/parties is/are financially unable to pay any of the costs of the observation and evaluation,

Upon the application of _____, Esq., made on the ____ day of _____ 200 , it is

ORDERED that _____, a member of the Mental Health Professionals Panel (*see generally* 22 NYCRR §§ 623 and 680) whose office is located at _____ and whose telephone number is _____, is herein appointed pursuant to 22 NYCRR §§ 623.5 and 680.5, to conduct an observation and evaluation of the interaction between/among the child(ren) and the following:

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

and to submit a report to the Court by _____, 200 , and to appear and testify if so directed by the Court, it is further

ORDERED that, upon receipt of a copy of this order, the parties are to telephone Mr./Ms. _____, to schedule appointments and cooperate in all respects with the evaluation. Mr./Ms. _____ shall meet with each of the parties and observe a maximum of six one hour interactions between the child(ren) and the _____, it is further

<u>One</u> (1) of the following:

I. [For Use In Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties**,** the plaintiff shall pay _____ % of the evaluator's fees, and the defendant shall pay _____ % of the evaluator's fees, including an initial retainer in the sum of $ _____, subject to reallocation at trial; and it is further

ORDERED, that the cap on the observation and evaluation ordered is not to exceed a rate of $___ per hour, to a maximum of $ _____ . However, if the evaluator anticipates that the cost of the observation and evaluation and written report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time, subject to reallocation at trial; and it is further

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), detailed bills of services rendered.

If the evaluator requires the parties to enter into a written retainer agreement, the agreement shall not contain any material terms that conflict with the provisions of this order.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

II. [For Use When All Parties are Indigent]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, and being satisfied that the litigants are financially unable to pay the costs of the services provided for herein, compensation for said observation and evaluation, and any court appearances in connection therewith, shall be paid proportionately to the ratio of adults seen and evaluated (Section 35 (8) of the Judiciary Law), to the children seen and evaluated (Section 35(7) of the Judiciary Law), at a rate not to exceed $_____ per hour to a maximum amount of $_____.

Alternatively, *if the child(ren) are represented by an institutional provider,* the

institutional office representing the child(ren) is directed to bear the proportionate share for the child represented by it as specified above.

A finding of extraordinary circumstances has been made by the Court to warrant compensation to the evaluator in excess of the statutory maximum ($200).

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), an itemization of services rendered.

However, if the evaluator anticipates that the cost of the observation and evaluation and written report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice to the court for additional compensation prior to the expenditure of time.

III. [For Use In Mixed Indigent/Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, the plaintiff shall pay _____% of the evaluator's fees, including those apportioned to the child(ren), and the defendant shall pay_____% of the evaluator's fees, including those apportioned to the child(ren), including an initial retainer in the sum of $_____, subject to reallocation at trial; and it is further

ORDERED, that the court having made appropriate inquiry into the financial status of the parties and the court having determined that plaintiff/defendant, is financially unable to pay his/her proportionate share of the costs of the services provided for herein; accordingly, said plaintiff's/defendant's proportionate share shall be paid pursuant to Section 35(8) of the Judiciary Law.

Having found that the monied party is not able to bear the full cost of the observation and evaluation of the child(ren), and preparation of written report; it is ORDERED, that the cost of said services shall be paid pursuant to Section 35(7) of the Judiciary Law.

Alternatively, *if the child/children are represented by an institutional provider,* the institutional office representing the child(ren) is directed to bear the proportionate share for the child represented by it as specified above.

ORDERED, that the cap on the observation and evaluation is not to exceed a rate of $ _____ per hour, to a maximum of $ _____ . If the evaluator anticipates that the cost of the evaluation and report, and preparation of written report (not including testimony) is likely to exceed the cap set by the court or the statutory maximum, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time. Only upon a written showing of extraordinary circumstances will compensation be awarded in excess of the statutory maximum.

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties detailed bills of services rendered.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

The report shall be submitted to the Court, attorney for the child, and counsel for the parties. The report shall be shown to the parties. However, copies should not be provided absent court order.

Dated: _____

ENTER

_____

Hon.
JUSTICE OF THE
SUPREME COURT

Sample Order

At a Term of the Family Court of the State of New York, Part ____, held in and for the County of _____, at _____ N.Y. _____, on _____ 200 ,

P R E S E N T:

Hon. _____
JUDGE OF THE FAMILY COURT

----------x
In the Matter of a Proceeding for Visitation
Under Article 6 of the Family Court Act

Petitioner,

-against-

Respondent.
----------x

Docket No.

ORDER FOR OBSERVATION AND EVALUATION

After appropriate inquiry into the financial status of _____ _____ and being satisfied that the party/parties is/are financially unable to pay any of the costs of the observation and evaluation,

Upon the application of _____, Esq., made on the ____ day of _____ 200 , it is

ORDERED that _____, a member of the Mental Health Professionals Panel (*see generally* 22 NYCRR §§ 623 and 680) whose office is located at _____ and whose telephone number is _____, is herein appointed pursuant to 22 NYCRR §§ 623.5 and 680.5, to conduct an observation and evaluation of the interaction between/among the child(ren) and the following:

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

and to submit a report to the Court by _____, 200 , and to appear and

testify if so directed by the Court, it is further

ORDERED that, upon receipt of a copy of this order, the parties are to telephone Mr./Ms. _____, to schedule appointments and cooperate in all respects with the evaluation. Mr./Ms. _____ shall meet with each of the parties and observe a maximum of six one hour interactions between the child(ren) and the _____, it is further

<u>One</u> (1) of the following:

I. [For Use In Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties**,** the petitioner shall pay _____ % of the evaluator's fees, and the respondent shall pay _____ % of the evaluator's fees, including an initial retainer in the sum of $ _____,subject to reallocation at trial; and it is further

ORDERED, that the cap on the observation and evaluation ordered is not to exceed a rate of $___ per hour, to a maximum of $ _____ . However, if the evaluator anticipates that the cost of the observation and evaluation, and preparation of written report (not including testimony) is likely to exceed the cap set by the court, then he/she shall make a supplemental request on notice for additional compensation prior to the expenditure of time, subject to reallocation at trial; and it is further

II. [For Use When All Parties are Indigent]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, and being satisfied that the litigants are financially unable to pay the cost of the observation and evaluation provided for herein, compensation for said observation and evaluation, preparation of written report, and any court appearances in connection therewith, shall be paid proportionately to the ratio of adults seen and evaluated (Article 18-B, Section 722-C of the County Law, and/or by the office of the Institutional Provider) and to the child(ren) seen and evaluated (Section 35 of the Judiciary Law, and/or by the office of the Institutional Provider), at a rate not to exceed $_____ per hour to a maximum amount of $_____.

The court is directing that a total of _____ adults shall be observed and evaluated and a total of _____ child(ren) shall be observed and evaluated, and therefore payment shall be ____% pursuant to the County Law and/or ____% to be paid by the office of the Institutional Provider, _____, representing the adult(s), and ____ % pursuant to the Judiciary Law, and/or ____% to be paid by the office of the Institutional Provider, _____, representing the child(ren).

If it is anticipated that the observation and evaluation may exceed the cap previously set by this Court or, the statutory maximum ($200/$1,000), then a supplemental request on notice to the court will be made for additional compensation prior to the expenditure of time. Only upon a

written showing of "extraordinary circumstances" will compensation be awarded in excess of the statutory limits.

The report shall be submitted to the Court, attorney for the child, and counsel for the parties. The report shall be shown to parties. However, copies should not be provided absent court order.

III. [For Use In Mixed Indigent/Private Pay Cases]

ORDERED, that the court having made appropriate inquiry into the financial status of the parties, the petitioner shall pay _____% of the evaluator's fees, including those apportioned to the child(ren), and the respondent shall pay_____% of the evaluator's fees, including those apportioned to the child(ren), including an initial retainer in the sum of $_____, subject to reallocation at trial; and it is further

ORDERED, that the court having made appropriate inquiry into the financial status of the parties and the court having determined that the petitioner/respondent, is financially unable to pay his/her proportionate share of the costs of the observation and evaluation provided for herein; it is further

ORDERED, said petitioner/respondent's proportionate share shall be paid pursuant to Article 18-B, Section 722-C of the County Law or by the office of the Institutional Provider.

Having found that the monied party is not able to bear the full cost of the observation and evaluation of the child(ren); it is ORDERED, that the cost of said services shall be paid pursuant to Section 35 of the Judiciary Law.

Alternatively, *if the child(ren) is/are represented by an institutional provider,* the institutional office representing the child is directed to bear the proportionate share as specified below.

ORDERED, that the cap on the observation and evaluation ordered is not to exceed a rate of $ _____ per hour, to a maximum of $ _____ . The court is directing that a total of _____ adults shall be observed and evaluated and a total of _____ child(ren) shall be observed and evaluated, and therefore payment shall be _____ % to the petitioner, _____% to the respondent, _____ % to the County Law, and/or ____% to the office of the institutional provider, _____, representing the adult,_____ % pursuant to Judiciary Law, and or _____% to the institutional office,_____, representing the child(ren), subject to reallocation at trial; it is further

ORDERED, that no less often than every sixty days from the date of this order of appointment, the mental health professional shall send to counsel for the parties, including counsel for the child(ren) (if any), detailed bills of services rendered.

If the evaluator requires the parties to enter into a written retainer agreement, the agreement shall not contain any material terms that conflict with the provisions of this order.

The failure to comply with the provisions of this order relating to payment of the fees of the mental health professional shall be subject to judicial sanction.

Dated: _____

ENTER

_____

HON. JUDGE OF THE FAMILY COURT

Online Voucher

Please select an option: Expert (JC 2020)

VOUCHER FOR PHYSICIAN, PSYCHIATRIST, PSYCHOLOGIST, SOCIAL WORKER OR INVESTIGATORS

Document ID: 2019-03-08 -

PLEASE CLICK HERE FOR INSTRUCTIONS

1. Vendor ID:	2. Vendor Name:	
3. Business Name:		
4. Address:		
City:	State:	Zip Code:
5a. File Number:	5b. Docket/Index Number:	
6. Ref/Inv Number:	7. Date: 3/8/2019	
8. Professional Category: Select...	Standard Rate:	Court Ordered Rate:
Service Year: Select...		

EXPERT VOUCHER

9. For services rendered by mental health professionals, physicians or investigators pursuant to Section 35 of the Judiciary Law in the Select... Court of County during the period from _____ to _____

Service For (Client Name): _____

10. Compensation and/or Reimbursement Enter Court Order Date(s) and # of Hours. (See Instructions)	*Court Order Date* * *Court Order Hours* * Insert item
11. Actual Hours Worked: *Cannot exceed maximum hours provided by court order*	*
12. Travel - Total number of Miles: **Please include a copy of MapQuest/GoogleMaps indicating total mileage. Click here for the Activity Worksheet. Click here for an Expense Itemization Worksheet**	*Year* *Miles* *Rate* *Total* Select.. x = $0.000 Insert item Mileage Total: $0.00
13. Other Expenses:	
14. Please indicate number of Adults and Children involved in this case:	Adults: * Children: *
15. Did the Court Order provide for fee apportionment?	☐ YES ☐ NO

16. If Yes, Please indicate apportionment as stated in Court Order:

STATE %: _____ * COUNTY % _____ OTHER % _____

Court Ordered Max Hours	Hourly Rate	Hours Billed	Expenses	Grand Total	Court Ordered State %	Total Billed to State
	*		$0.00	$0.00	*	$0.00

ATTACHMENTS

ADD ATTACHMENT(S)

VENDOR CERTIFICATION

☐ By clicking this box, I hereby certify that the above statement of services provided is true and correct, and that no other claim for payment has been made for the time stated therein and that no part thereof has been paid, except as stated therein and that the balance stated is due and owing and that taxes from which the State is exempt and excluded therefrom.

_____ Signature _____ Date

FOR USER OF COURT JUDGE/JUSTICE

I hereby certify that in accordance with the above statement of services, the total fee awarded for such services is fair and just and is set forth above.

_____ _____

Signature Date

FOR UCS ADMINISTRATIVE PURPOSES ONLY

I hereby certify that this voucher is correct and just and payment is hereby approved.

Signature Date

SAVE CANCEL

Click on the link to fill out: **Affidavit In Support**

Judge: [redacted] Vendor: [redacted] [redacted] 9:03 am
Expertise: [redacted] File: [redacted] Page 1 of 2
Respondent: [redacted] Court: [redacted] Docket: [redacted]

Assign Date: [redacted] **Disposition Date:** [redacted] **Disposition:** [redacted]

Date	From	To	Expert	Description	Rate	Duration	Amount
[redacted]	7:30 am	1:00 pm	[redacted]	Out-of-Court Trail father	[redacted]	5:30	[redacted]
[redacted]	10:00 am	6:00 pm	[redacted]	Out-of-Court search for mother	[redacted]	8:00	[redacted]
[redacted]	12:00 pm	10:00 pm	[redacted]	Out-of-Court observe father	[redacted]	10:00	[redacted]
					[redacted]		[redacted]

activity total: [redacted]
expenses: [redacted]
mileage: [redacted]
grand total: [redacted]

Activity Apportionment

City	State	Private
[redacted]hours (50.00%)	[redacted] hours (50.00%)	0.00 hours (0.00%)

Apportionment Total

City	State	Private	City Total
[redacted] (50.00%)	[redacted] (50.00%)	0.00 (0.00%)	[redacted]

I, [redacted], certify, pursuant to the penalty of perjury, that the following work product and services described in the voucher and accompanying worksheet and expenses are certified to be correct. I have been assigned to work for the [redacted] Family court [redacted] for the named respondent, by Order dated [redacted]

Affidavit of OverCap

Case involved following both parents to finf whereabouts of child.

Pursuant to Article 18B of the County Law, I hereby approve payment for the above listed voucher, subject to any modifications made herein.

Signature: _____ (use blue ink) Judge Stamp: _____ Date: _____

At a Term of the Supreme Court
of the State of New York, Part __
held in and for the County
of _____ at the Courthouse
located at _____
on the day of _____, 20

P R E S E N T:

Hon. _____
Justice of the Court

----------x

Index No.

AFFIDAVIT IN SUPPORT OF VOUCHER FOR COMPENSATION OF MENTAL HEALTH SERVICES IN EXCESS OF STATUTORY MAXIMUM [PURSUANT TO § 127.2] AND/OR COURT ORDERED CAP

----------x

State of New York)
County of _____)ss.:

I, _____, being first duly sworn, depose and say that:

1. This statement is being made pursuant to the Rules of the Chief Administrator § 127.2 Compensation of Counsel and Other Providers in Extraordinary Circumstances, in support of my request for compensation in excess of the statutory maximum permitted by § 35 of the Judiciary Law and/or court ordered cap.

2. Extraordinary circumstances exist because the case was complicated and demanding. Many hours of professional work by this clinician were required in order to answer the various questions posed by the Court to facilitate disposition of this matter.

3. The accompanying voucher details the time and effort expended in evaluating the litigants. This matter was referred for a comprehensive *[psychiatric/psychological work-up/evaluation] [observation and evaluation/assessment by a social worker],* as a result of the perception of complex problems involved. The issues the Court directed be addressed necessitated *lengthy clinical interviews, mental status examinations, psychiatric/psychological testing, document reviews* and the preparation of a comprehensive written report. Given the extraordinary nature of this matter, the professional services required necessitates my request for payment in excess of

the statutory maximum and/or court ordered cap.

4. The following sets forth the facts unique to this case which justify payment in excess of the statutory maximum and/or court ordered cap:

_____
_____
_____
_____
_____
_____

WHEREFORE, it is respectfully requested that the court grant this application.

Dated: _____, 200___

_____
Signature

Sworn to before me this _____
day of _____, 200__

_____
Notary Public

At a Term of the Family Court
of the State of New York, Part __
held in and for the County
of _____ at the Courthouse
located at _____
on the day of _____, 20

P R E S E N T:

Hon. _____
Judge of the Court

----------x

Docket No.

AFFIDAVIT IN SUPPORT OF VOUCHER FOR COMPENSATION OF MENTAL HEALTH SERVICES IN EXCESS OF STATUTORY MAXIMUM [PURSUANT TO § 127.2] AND/OR COURT ORDERED CAP

----------x

State of New York)
County of _____)ss.:

I, _____, being first duly sworn, depose and say that:

1. This statement is being made pursuant to the Rules of the Chief Administrator § 127.2 Compensation of Counsel and Other Providers in Extraordinary Circumstances, in support of my request for compensation in excess of the statutory maximum permitted by § 35 of the Judiciary Law / **§** 722-c of the County Law and/or court ordered cap.

2. Extraordinary circumstances exist because the case was complicated and demanding. Many hours of professional work by this clinician were required in order to answer the various questions posed by the Court to facilitate disposition of this matter.

3. The accompanying voucher details the time and effort expended in evaluating the litigants. This matter was referred for a comprehensive *[psychiatric/psychological work-up/evaluation] [observation and evaluation/assessment by a social worker],* as a result of the perception of complex problems involved. The issues the Court directed be addressed necessitated *lengthy clinical interviews, mental status examinations, psychiatric/psychological testing, document reviews* and the preparation of a comprehensive written report. Given the extraordinary nature of this matter, the professional services required necessitates my request for payment in excess of the statutory maximum and/or court ordered cap.

4. The following sets forth the facts unique to this case which justify payment in excess of the statutory maximum and/or court ordered cap:

_____
_____
_____
_____
_____

WHEREFORE, it is respectfully requested that the court grant this application.

Dated: _____, 200___

_____
Signature

Sworn to before me this _____
day of _____, 200__

_____
Notary Public

Judicial Evaluation of Forensic Services

Name of Expert _____

Case name_____ Docket/Index No._____

Timeliness

1. Was the report submitted timely as stipulated in the order?..... Yes___No__

   a) If not, did the expert communicate with the Court regarding the reason for the delay?..... Yes___No__

Content

1. Was the order specific as to the issues that were to be addressed?..... Yes___No__
2. Were the issues addressed?..... Yes___No__
3. Did the report discuss the parenting strengths and weaknesses of each of the parents/caretakers?..... Yes___No__
4. Did the expert's report include information gathered from collateral sources?..... Yes___No__
5. Was the report well organized and well written?..... Yes___No__
6. Were the report's conclusions supported by the information that was collected?..... Yes___No__
7. Was the report free of any overt bias?..... Yes___No__

Testimony

1. Was the expert well prepared?..... Yes___No__
2. Was the expert able to respond to questions in a clear, cogent, non-defensive manner which enhanced understanding of his/her report?..... Yes___No__

Costs

1. Were the hours billed consistent with the complexity of the case?..... Yes___No__
2. Were the hours billed consistent with the comprehensiveness of the data?..... Yes___No__
3. If the bill exceeded the initial cap, did the evaluator notify the court that he/she was requesting additional funds prior to engaging in any additional work?..... Yes___No__

Any other comments:_____

_____

_____

Date_____ Judge Signature_____

Judge (Print)_____

Please return this form to the attention of the Appellate Division, Mental Health Professionals Certification Committee for the First and Second Departments, Attention: nmatles@nycourts.gov

APPELLATE DIVISION FIRST AND SECOND DEPARTMENTS
MENTAL HEALTH PROFESSIONALS PANEL
RE-CERTIFICATION APPLICATION

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION, AND RETURN THIS FORM TO:

Nancy Guss Matles, LMSW
Support Services Coordinator
Office of Attorneys for Children
335 Adams Street – Suite 2400
Brooklyn, NY 11201
Email: Nmatles@nycourts.gov
Fax: (718) 624-5603

I. CONTACT INFORMATION

Name: _____

Business name, if any: _____

Main Office Address: _____

_____

Additional Office Address: _____

_____

Telephone: (W) _____ (H) _____

Fax _____ Cell _____

Email _____ Website _____

1. Do you wish to remain an active member of the Appellate Division First and Second Judicial Departments Mental Health Professionals Panel? _____ YES _____ NO

a) If YES, please complete the remainder of this application, and return it by mail, fax, or email.

b) If NO, please sign and date below, and return this application by mail, fax, or email.

Date:

Signature _____
Print name below line

II. CREDENTIALS

2. Current Professional License: (Attach Copy)*
   ____Ed.D
   ____Ph.D.
   ____Psy.D.
   ____M.D.

3. Malpractice Insurance (Attach Copy)*

4. Since your prior application, have you obtained any additional degrees, licenses, or certificates?
   _____YES _____NO

   If YES, please enclose a copy of the additional degree, license or certification.

5. Most recent Curriculum Vitae (Attach copy)*

6. Since your initial application, have you acquired proficiency in a foreign language to the extent that you are capable of conducting an evaluation or conducting psychological testing in a foreign language?
   _____ YES _____ NO
   If YES, please specify the language: _____

III. COMPLAINTS/DISCIPLINARY ACTIONS

7. a) Since your prior application, have you been disciplined, had a complaint lodged against you, been sued for malpractice, negligence, or for any other reason arising out of your professional conduct?
   _____ YES _____ NO

   If YES, please enclose a statement describing the nature of the complaint, grievance, or action, whether the complaint, grievance, or action is still pending, and the final disposition, if any.

   b) Since your prior application, has your professional license been suspended or revoked in New York State or another state?
   _____ YES _____ NO

   If YES, please enclose a statement describing the basis of the suspension or revocation.

8. Since your prior application have you been convicted of a felony, misdemeanor or violation of any law, except for minor parking violations?
____ YES _____NO

If YES, please indicate below the charge(s)s, the disposition(s) and the underlying facts. Attach copies of any court records regarding the matter disclosed in your reply to this question.

_____

_____

_____

IV. ASSIGNMENTS

9. In the past 3 years have you been relieved by a court from a case in which you were to perform expert services and/or testify as an expert?
____ YES _____NO

If so, state the particulars:_____
_____
_____

10. In which counties are you willing to accept assignments and testify if requested? (please circle)
Bronx Dutchess Nassau Kings New York Orange Putnam
Queens Richmond Rockland Suffolk Westchester

11. For each type of case assignment listed below, please indicate the approximate number of cases to which you have been assigned in the last 3 years:
If none proceed to Question 13

a. Forensic Custody/Parental Access Evaluation___
b. Child Protective Proceedings ___
c. Juvenile Delinquency/PINS____
d. Termination of Parental Rights ___
e. Observing and Evaluating Visits/Parental Access_____
f. Substance Abuse Assessment ____
g. Other_____

12. a) For each type of case assignment referenced to in #11, please provide **1** Redacted Report together with the Order of Appointment.

b) In how many of those cases was all or part of your fee paid by the government (state, city, county)? _____

V. DELEGATION OF RESPONSIBILITIES

13. Is there anyone else who may be working with you on a case to which you are assigned? This includes anyone who might have direct clinical contact with a party or might have a role in the preparation of the report ? YES __ NO ____

a) If YES, please list all the individuals below:

Name	Degree/license/certification	Type of Assignment

b) On a separate sheet, describe the scope of work for each individual.

c) As appropriate, attach a copy of the resume, license/certification, and malpractice insurance for each person

V. EXPERTISE AND CONTINUING EDUCATION

14. Have you acquired any new areas of expertise or specialization since your prior application?
_____ YES _____ NO
If YES, please list below.

_____
_____
_____

15. a) Please attach copies of CE certificates for trainings, including seminars, conferences or classes on custody/visitation, divorce, domestic violence, child protection, parental capacity assessments, risk assessments, delinquency, educational assessment, termination of parental rights, or adoption, that you have attended or viewed online for the years 2015, 2016, and 2017.

15. b) Since your prior application, have you presented at conferences, conducted trainings, published any work, supervised other professionals, or engaged in any related professional activities?

If Yes, please indicate briefly below or on an attached sheet, the details of your activity.

_____

_____

_____

c) What professional journals, newsletters, books and other literature do you regularly review?

_____

_____

VI. SUPERVISION

16. Do you receive regular clinical supervision for work with:

Adults ____YES ____NO
Children ____YES ____ NO
Families ____YES ____ NO

17. Since your prior application, have you received specialized or additional supervision on the types of cases to which you were assigned?

____YES ____NO

If YES, please provide specifics:

_____

_____

VII. **VERIFICATIONS AND AUTHORIZATIONS**

18. Please date and sign the following statements:

THE UNDERSIGNED agrees to participate in 18 hours of continuing education, 3 hours of which pertains to domestic violence training, sponsored by the Appellate Division or approved outside organizations, and must be completed within the term of appointment, January 1, 2018 through December 31, 2020.

Date: _____ **Signature:** _____

19. Please date and sign the following statement:

THE UNDERSIGNED authorizes the Mental Health Professionals Certification Committee to inquire of attorneys and judges regarding my professional performance and the quality of my work, notwithstanding any claim of privilege or confidentiality.

Date: _____ **Signature:** _____

20. Please date and sign the following statement:

The information provided herein is true and accurate to the best of my knowledge.

Date: _____ **Signature:** _____

Sworn to before me this _____ day of _____, 20 ___.

_____ Seal or Stamp

Notary Public

AUTHORIZATION FOR
RELEASE OF INFORMATION

To Whom it May Concern:

RE: Applicant's Name _____

Professional License No. _____

I hereby authorize the New York State Education Department Office of the Professions and/or the New York State Department of Health's Office of Professional Conduct to release to the Mental Health Professionals Certification Committee for the First and Second Judicial Departments (hereinafter "Office") any documents and information relating to me as a mental health professional, including any complaints or correspondence received by you about me.

I recognize this information is usually confidential and privileged, and I specifically waive privilege and confidentiality with regard to your release of the documents and information to the Office.

Dated: _____

Signature: _____

APPELLATE DIVISION FIRST AND SECOND DEPARTMENTS
MENTAL HEALTH PROFESSIONALS PANEL
SOCIAL WORKER
RE-CERTIFICATION APPLICATION

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION, AND RETURN THIS FORM TO:

Nancy Guss Matles, LMSW
Support Services Coordinator
Office of Attorneys for Children
335 Adams Street – Suite 2400
Brooklyn, NY 11201
Email: Nmatles@nycourts.gov
Fax: (718) 624-5603

I. CONTACT INFORMATION

Name: _____

Business name, if any: _____

Main Office Address: _____

_____

Additional Office Address: _____

_____

Telephone: (W) _____ (H) _____

Fax _____ Cell _____

Email _____ Website _____

1. Do you wish to remain an active member of the Appellate Division First and Second Judicial Departments Mental Health Professionals Panel? _____ YES _____ NO

   a) If YES, please complete the remainder of this application, and return it by mail, fax, or email.

   b) If NO, please sign and date below, and return this application by mail, fax, or email.

Date:

Signature _____
Print name below line

II. CREDENTIALS

2. Current Professional License: (ATTACH COPY)*
   ____LMSW
   ____LCSW

3. Malpractice Insurance (ATTACH COPY)*

4. Since your prior application, have you obtained any additional degrees, licenses, or certificates?
   _____YES _____NO

   If YES, please enclose a copy of the additional degree, license or certification.

5. Most recent Curriculum Vitae (ATTACH COPY)*

6. Are you able to conduct an evaluation or provide assistance in ASL or a foreign language?
   _____ YES _____ NO
   If YES, please specify: _____

III. COMPLAINTS/DISCIPLINARY ACTIONS

7. a) Since your prior application, have you been disciplined, had a complaint lodged against you, been sued for malpractice, negligence, or for any other reason arising out of your professional conduct?
   _____ YES _____ NO

   If YES, please enclose a statement describing the nature of the complaint, grievance, or action, whether the complaint, grievance, or action is still pending, and the final disposition, if any.

   b) Since your prior application, has your professional license been suspended or revoked in New York State or another state?
   _____ YES _____ NO

   If YES, please enclose a statement describing the basis of the suspension or revocation.

8. Since your prior application have you been convicted of a felony, misdemeanor or violation of any law, except for minor parking violations?
   ____ YES _____NO

If YES, please indicate below the charge(s)s, the disposition(s) and the underlying facts. Attach copies of any court records regarding the matter disclosed in your reply to this question.

_____

_____

_____

IV. ASSIGNMENTS

9. In the past 3 years have you been relieved by a court from a case in which you were to perform expert services and/or testify as an expert?

____ YES _____NO

If so, state the particulars:_____

_____

_____

10. In which counties are you willing to accept assignments and testify if requested? (please circle)

Bronx Dutchess Nassau Kings New York Orange Putnam
Queens Richmond Rockland Suffolk Westchester

11. For each type of case assignment listed below, please indicate the approximate number of cases to which you have been assigned in the last 3 years (2015, 2016, 2017):

If NONE proceed to Question 13

A. Providing assistance to attorneys representing parents and/or children in cases involving:

_____ Custody

_____ Child protective proceedings

_____ Delinquency/PINS

_____ Termination of parental rights

_____ Educational issues

B. Providing clinical information to the Court in the following areas:

_____Conducting forensic custody evaluations

_____ Conducting adoption home studies and/or providing post adoption services

_____ Observing and evaluating visits/parental access

12. a) For each type of case assignment referenced to in #11, please provide* **1** Redacted Report together with the Order of Appointment.

b) In how many of those cases was all or part of your fee paid by the government (state, city, county)? _____

V. DELEGATION OF RESPONSIBILITIES

13. Is there anyone else who may be working with you on a case to which you are assigned? This includes anyone who might have direct clinical contact with a party or might have a role in the preparation of the report ? YES __ NO ____

a) If YES, please list all the individuals below:

Name	Degree/license/certification	Type of Assignment

b) On a separate sheet, describe the scope of work for each individual.

c) As appropriate, attach a copy of the resume, license/certification, and malpractice insurance for each person

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14. Have you acquired any new areas of expertise or specialization since your prior application?
_____ YES _____ NO
If YES, please list below.

_____

_____

_____

15. a) Please attach copies of CE certificates for trainings, including seminars, conferences or classes on custody/visitation, divorce, domestic violence, child protection, parental capacity assessments, risk assessments, delinquency, educational assessment, termination of parental rights, or adoption, that you have attended or viewed online for the years 2015, 2016, and 2017.

b) Since your prior application, have you presented at conferences, conducted trainings, published any work, supervised other professionals, or engaged in any related professional activities?
If Yes, please indicate briefly below or on an attached sheet, the details of your activity.

_____
_____
_____

c) What professional journals, newsletters, books and other literature do you regularly review?

_____

_____

VII. SUPERVISION

16. Do you receive regular clinical supervision for work with:

Adults ____YES ____NO
Children ____YES ____ NO
Families ____YES ____ NO

17. Since your prior application, have you received specialized or additional supervision on the types of cases to which you were assigned?

____YES ____NO

If YES, please provide specifics:

_____
_____

VIII. VERIFICATIONS AND AUTHORIZATIONS

18. Please date and sign the following statement:

THE UNDERSIGNED agrees to participate in 18 hours of continuing education, 3 hours of which pertains to domestic violence training, sponsored by the Appellate Division or approved outside organizations, and must be completed within the term of appointment, January 1, 2018 through December 31, 2020.

Date: _____ **Signature:** _____

19. Please date and sign the following statement:

THE UNDERSIGNED authorizes the Mental Health Professionals Certification Committee to inquire of attorneys and judges regarding my professional performance and the quality of my work, notwithstanding any claim of privilege or confidentiality.

Date: _____ **Signature:** _____

20. Please date and sign the following statement:

The information provided herein is true and accurate to the best of my knowledge.

Date: _____ **Signature:** _____

Sworn to before me this _____ day of _____, 20 ___.

_____ Seal or Stamp

Notary Public

AUTHORIZATION FOR
RELEASE OF INFORMATION

To Whom it May Concern:

RE: Applicant's Name _____

Professional License No. _____

I hereby authorize the New York State Education Department Office of the Professions and/or the New York State Department of Health's Office of Professional Conduct to release to the Mental Health Professionals Certification Committee for the First and Second Judicial Departments (hereinafter "Office") any documents and information relating to me as a mental health professional, including any complaints or correspondence received by you about me.

I recognize this information is usually confidential and privileged, and I specifically waive privilege and confidentiality with regard to your release of the documents and information to the Office.

Dated: _____

Signature: _____