Remote Filing of TOP's

Chief Judge Janet DiFiore explains the Court System's newest initiative: the Remote TOP - Temporary Order of Protection program during a press conference at Manhattan Family Court.

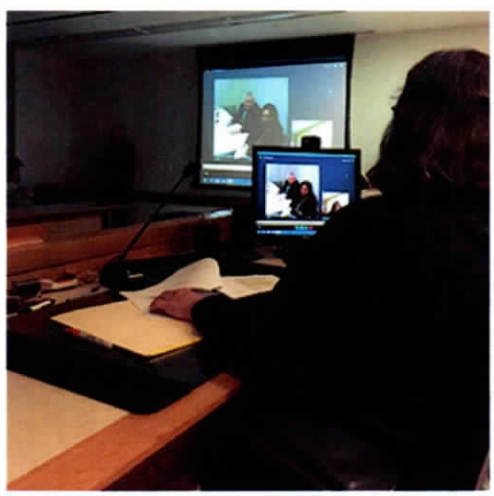
With the recent amendment to the Family Court Act, New York State will become the first state in the country, on a statewide basis, to allow for victims of Domestic Violence to apply for temporary orders of protection from a remote location, thereby avoiding the need to travel to a courthouse.

The applicant will be able to file for their TOP at a remote location and appear electronically, via Skype video link up, from various locations in their county of residence therefore easing the burdens of transportation, work, child care and do so safely.

Last year, there were almost 300,000 Orders of Protection issued throughout New York State.

The program will kick off in seven counties around New York State focusing on the urban, suburban and rural nature of the state: New York (Manhattan), Broome, Chautauqua, Columbia, Monroe, Suffolk and Westchester.

Further expansion of the program will be in the coming months. See the press release below for more information.



Manhattan Family Court Supervising Judge Karen Lupuloff demonstrating how a Remote TOP application would work.

PRESS RELEASE

New York State
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Chief Judge Announces Pioneering New Program to Promote Access to Justice for Victims of Domestic Violence

New Program is Nation's First Statewide Initiative to Permit Domestic Violence Victims to Obtain A Temporary Order of Protection Via Video-Conference When Traveling to or Appearing in Court Would Pose an Undue Hardship or Safety Risk

NEW YORK — Chief Judge Janet DiFiore today announced a pioneering initiative to allow domestic violence victims to obtain a temporary order of protection (TOP) via video-conference when traveling to or appearing in court would pose an undue hardship or risk of harm to victims. As authorized by a recent amendment of New York's Judiciary Law and Family Court Act, the Remote Access Temporary Order of Protection (TOP) Project will permit eligible applicants, with the assistance of a trained advocate, to e-file their TOP petition and appear before a judge via video-conference from a secure, remote site such as a local Family Justice Center, senior center, shelter, hospital or domestic violence advocacy agency. The nation's first remote TOP initiative to be implemented on a statewide scale, the program is being introduced in selected family courts in Broome, Chautauqua, Columbia, Erie, Monroe, New York (Manhattan), Suffolk and Westchester (White Plains and Yonkers) counties. The project will be overseen by the Office of the Statewide Coordinating Judge for Family Violence Cases, established to promote better outcomes in domestic violence cases and led by the Hon. Deborah Kaplan.

The remote access TOP project builds upon the automated NYS Advocate-Assisted Family Offense Petition Program, first introduced in Bronx Family Court in 2013 and since broadly extended with support from a grant obtained by the court system, Pro Bono Net and the Center for Court Innovation. This automated program enables domestic violence advocates and attorneys to assist litigants – from remote locations – in completing and filing family offense petitions with the Family Court. The new TOP project is unique in that it allows a petitioner, for the first time, to take part in the court hearing via video-conference.

Under the new program, TOP petitions will be created using computer-generated templates, then electronically transferred to the court's automated case management system. Once the petition has been e-filed, the advocate will alert the court and communicate with court staff to schedule a hearing via Skype video link. The hearing will take place on the same day the petition is filed or the next day the Family Court is open.

A petitioner's participation via video-conference is voluntary. Proceedings must be on the record and preserved for transcription; and documentary evidence, if any, will be electronically transmitted and formally introduced into evidence. The video-conference appearance will be limited to ex parte applications for TOPs. The fact-finding proceeding would ultimately be an in-person hearing in Family Court.

Each of the seven sites has been tailored to local needs and resources. For instance, in Monroe County, the Family Court will be working with the University of Rochester Strong Medical Center, where qualified personnel will screen patients for domestic violence and refer victims to an in-house clinic called HEAL. HEAL will have advocates on site to assist victims who wish to seek an order of protection remotely – right from the hospital.

"With these critically important changes to New York's Judiciary Law and Family Court Act, we will now be able to capitalize on the latest technology to enhance access to justice for some of our most vulnerable litigants. Individuals who suffer domestic abuse often lack transportation or child care, or face other challenges that make it extremely difficult – or dangerous – to travel to the courthouse in order to obtain an emergency order of protection. The Remote Access Project offers domestic violence victims in urban, suburban and rural communities across New York an easier path to safety," said Chief Judge Janet DiFiore. "I am grateful to the Legislature for its support; to Governor Cuomo, who recently enacted the laws establishing the Remote Access Project, for his commitment and leadership; to Judge Kaplan and

her staff for their hard work in implementing and now overseeing the project; and to the numerous agencies and organizations around the state for their collaboration on this vital initiative."

Senator Catharine Young (57th Senate District), sponsor of the legislation establishing the remote access TOP program, said, "Victims of domestic violence need to know that protections are in place so that they can readily obtain important safety mechanisms, like orders of protection, without facing further threat or intimidation from their abuser. The launch of this new program, allowing victims to remotely request orders of protection, will provide another mechanism to encourage victims to come forward and seek security. Orders of protection are important instruments for preventing domestic violence, and I am gratified to have helped establish this new system that will move more women toward becoming a domestic violence survivor."

"I applaud Chief Judge Janet DiFiore for her leadership in implementing this law. Orders of protection are a significant way to shield victims of intimate partner violence from any further attacks at the hands of their abuser," said Assemblywoman Helene Weinstein (Assembly District 41), Chair of the New York State Assembly Judiciary Committee. "With the help of our partners in state government and the Office of Court Administration, the State Assembly has significantly reformed state law to better protect and meet the needs of victims of intimate partner violence and their children. With the enactment and implementation of this law we reaffirm our commitment to providing victims of intimate partner violence with a safer and more accessible avenue for obtaining a temporary order of protection."

"I have always felt that it is essential to end the cycle of domestic violence and open the doors of access to the legal system for New Yorkers from all walks of life," said Assemblywoman Latoya Joyner (Assembly District 77). "Since State Senator Catharine Young and I passed domestic violence legislation last year, truly meaningful progress has been made in protecting those who are seeking justice. The dedication and commitment of Chief Judge Janet DiFiore has made a genuine difference for countless families living with domestic violence."

Gwen Wright, executive director of the New York State Office for the Prevention of Domestic Violence, said, "Utilizing technology to our advantage is a common sense approach to solving an all-too-common problem: petitioning the court for a temporary order of protection after hours or when an in-person appearance is a hardship or unsafe. Under the leadership of

Judge Kaplan, these programs will go a long way to making that process more successful. Anything that makes it easier or safer for victims of domestic violence to get the help they need is a step in the right direction. I thank Governor Cuomo for his ongoing leadership and commitment to improving the state's response to this crime so victims and survivors can break the cycle of abuse. I also commend Chief Judge DiFiore, Judge Marks and their staff for their vision and commitment to these vulnerable New Yorkers."

"Survivors of domestic violence are often subjected to physical, mental and emotional trauma. Seeking help, safety and justice should not exacerbate these hardships," said NYC Mayor's Office to Combat Domestic Violence Commissioner Cecile Noel. "Allowing survivors to obtain temporary orders of protection via video-conference, especially through New York City's Family Justice Centers, is a positive and necessary step forward to helping survivors maintain their safety, dignity and well-being. Thank you to Chief Judge DiFiore, the New York State Unified Court System and the Office of the Statewide Coordinating Judge for Family Violence Cases, led by the Honorable Deborah Kaplan, for helping to ease the process for survivors as they begin to rebuild their lives."

The initial seven sites will be up and running by early December, with plans to expand the project to two additional sites – that will serve Onondaga and Jefferson counties in upstate New York – already under way.

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