

JUDICIARY LAW
ARTICLE 21-A. COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM

§ 849-a. Definitions

For the purposes of this article:

1. "Center" means a community dispute center which provides conciliation, mediation, arbitration or other forms and techniques of dispute resolution.
2. "Mediator" means an impartial person who assists in the resolution of a dispute.
3. "Grant recipient" means any nonprofit organization that administers a community dispute resolution center pursuant to this article, and is organized for the resolution of disputes or for religious, charitable or educational purposes.

§ 849-b. Establishment and administration of centers

1. There is hereby established the community dispute resolution center program, to be administered and supervised under the direction of the chief administrator of the courts, to provide funds pursuant to this article for the establishment and continuance of dispute resolution centers on the basis of need in neighborhoods.

2. Every center shall be operated by a grant recipient.

3. All centers shall be operated pursuant to contract with the chief administrator and shall comply with all provisions of this article. The chief administrator shall promulgate rules and regulations to effectuate the purposes of this article, including provisions for periodic monitoring and evaluation of the program.

4. A center shall not be eligible for funds under this article unless:

(a) it complies with the provisions of this article and the applicable rules and regulations of the chief administrator;

(b) it provides neutral mediators who have received at least twenty-five hours of training in conflict resolution techniques;

(c) it provides dispute resolution without cost to indigents and at nominal or no cost to other participants;

(d) it provides that during or at the conclusion of the dispute resolution process there shall be a written agreement or decision setting forth the settlement of the issues and future responsibilities of each party and that such agreement or decision shall be available to a court which has adjourned a pending action pursuant to *section 170.55 of the criminal procedure law*;

(e) it does not make monetary awards except upon consent of the parties and such awards do not exceed the monetary jurisdiction of the small claims part of the justice court, except that where an

action has been adjourned in contemplation of dismissal pursuant to *section 215.10 of the criminal procedure law*, a monetary award not in excess of five thousand dollars may be made; and

(f) it does not accept for dispute resolution any defendant who is named in a filed felony complaint, superior court information, or indictment, charging: (i) a class A felony, or (ii) a violent felony offense as defined in *section 70.02 of the penal law*, or (iii) any drug offense as defined in article two hundred twenty of the penal law, or (iv) a felony upon the conviction of which defendant must be sentenced as a second felony offender, a second violent felony offender, or a persistent violent felony offender pursuant to *sections 70.06, 70.04 and 70.08 of the penal law*, or a felony upon the conviction of which defendant may be sentenced as a persistent felony offender pursuant to section 70.10 of such law.

5. Parties must be provided in advance of the dispute resolution process with a written statement relating:

- (a) their rights and obligations;
- (b) the nature of the dispute;
- (c) their right to call and examine witnesses;
- (d) that a written decision with the reasons therefor will be rendered; and
- (e) that the dispute resolution process will be final and binding upon the parties.

6. Except as otherwise expressly provided in this article, all memoranda, work products, or case files of a mediator are confidential and not subject to disclosure in any judicial or administrative proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person present at the dispute resolution shall be a confidential communication.

§ 849-c. Application procedures

1. Funds appropriated or available for the purposes of this article may be allocated for programs proposed by eligible centers. Nothing in this article shall preclude existing resolution centers from applying for funds made available under this article provided that they are otherwise in compliance with this article.

2. Centers shall be selected by the chief administrator from applications submitted.

3. The chief administrator shall require that applications submitted for funding include, but need not be limited to the following:

- (a) The cost of each of the proposed centers components including the proposed compensation of employees.
- (b) A description of the proposed area of service and number of participants who may be served.
- (c) A description of available dispute resolution services and facilities within the proposed geographical area.

(d) A description of the applicant's proposed program, including support of civic groups, social services agencies and criminal justice agencies to accept and make referrals; the present availability of resources; and the applicant's administrative capacity.

(e) Such additional information as is determined to be needed pursuant to rules of the chief administrator.

§ 849-d. Payment procedures

1. Upon the approval of the chief administrator, funds appropriated or available for the purposes of this article shall be used for the costs of operation of approved programs. The methods of payment or reimbursement for dispute resolution costs shall be specified by the chief administrator and may vary among centers. All such arrangements shall conform to the eligibility criteria of this article and the rules and regulations of the chief administrator.

2. The state share of the cost of any center approved under this section shall include a basic grant of up to forty thousand dollars for each county served by the center and may include an additional amount not exceeding fifty per centum of the difference between the approved estimated cost of the program and the basic grant.

§ 849-e. Funding

1. The chief administrator may accept and disburse from any public or private agency or person, any money for the purposes of this article.

2. The chief administrator may also receive and disburse federal funds for purposes of this article, and perform services and acts as may be necessary for the receipt and disbursement of such federal funds.

(a) A grant recipient may accept funds from any public or private agency or person for the purposes of this article.

(b) The state comptroller, the chief administrator and their authorized representatives, shall have the power to inspect, examine and audit the fiscal affairs of the program.

(c) Centers shall, whenever reasonably possible, make use of public facilities at free or nominal cost.

§ 849-f. Rules and regulations

The chief administrator shall promulgate rules and regulations to effectuate the purposes of this article.

§ 849-g. Reports

Each resolution center funded pursuant to this article shall annually provide the chief administrator with statistical data regarding the operating budget, the number of referrals, categories or types of cases referred, number of parties serviced, number of disputes resolved, nature of resolution, amount and type of awards, rate of compliance, returnees to the resolution process, duration and estimated costs of hearings and such other information the chief administrator may require and the cost of hearings as the chief administrator requires. The chief administrator shall thereafter report annually to the governor and the temporary president of the senate, speaker of the assembly, and chairpersons of the judiciary and children and families committees regarding the operation and success of the centers funded pursuant to this article. The chief administrator shall include in such report all the information for each center that is required to be in the report from each center to the chief administrator. Such annual report shall also evaluate and make recommendations regarding the operation and success of such center.