

NEW YORK STATE UNIFIED COURT SYSTEM



INTEGRATED DOMESTIC VIOLENCE PARTS OF THE SUPREME COURT OPERATIONS MANUAL

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(On Judge Kluger's letterhead)

Justices and Staff of the Unified Court System:

The Integrated Domestic Violence (IDV) Court Operations Manual sets forth operational procedures and practices for the New York State Supreme Court's Integrated Domestic Violence Parts.

This Manual is intended to be used as both a guide book and a training tool for IDV Court judges and non-judicial staff. It covers the operations of the IDV Court – and of courts transferring cases to the IDV Court to the extent that they participate in the processing of IDV cases – from case identification and screening through case disposition and record management and storage.

This Manual reflects statewide policy. However, please feel free to make suggestions or raise questions about its contents. With your help and input we will continue to update the Manual with changes in the laws and rules, as well as suggestions based on experience. Send any comments to your District Administrative Judge and to the Office of the Deputy Chief Administrative Judge for Court Operations and Planning, 25 Beaver Street, Room 1128, New York, N.Y. 10004.

I would like once again to acknowledge all the people who have contributed to the development of this Manual and the planning and implementation of Integrated Domestic Violence Courts throughout the state. Those efforts have had, and will continue to have, a positive and lasting effect on the way families in crisis are served by the New York State Court System.

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I. Purpose of the Manual

This Manual provides information to judicial and non-judicial staff of the Unified Court System (UCS) for identifying, managing, and processing Integrated Domestic Violence (IDV) cases. While it guides the operations primarily of the IDV Parts of the Supreme Court, it also provides guidance to Town and Village Courts, City Courts, District Courts, Family Courts, County Courts, Supreme Courts, and County Clerks to the extent that they participate in processing IDV cases. The Manual should be treated as a companion to the Model Court Components, augmenting the operational guidance provided in that document. The Manual does not cover any topics outside of operations, such as substantive law or procedures for judicial monitoring.

II. Mission Statement of the Integrated Domestic Violence Parts of the Supreme Court

Based on the one family - one judge concept, the State's Supreme Integrated Domestic Violence Courts exist to handle all related cases pertaining to a single family where the underlying issue is domestic violence. The Court seeks to promote justice and protect the rights of all litigants while providing a comprehensive approach to case resolution, increasing offender accountability, ensuring victim safety, integrating the delivery of social services, and eliminating inconsistent and conflicting judicial orders.

III. Definitions

- A. **Case Identification** is the process of flagging criminal domestic violence cases as potentially eligible for transfer to the IDV Part. Through this process, cases are identified as involving a crime or violation between spouses, former spouses, parent and child, or “members of the same family or household” as defined in section 530.11(1) of the Criminal Procedure Law. Identifying a criminal domestic violence case is the essential first step in selecting cases for transfer to an IDV Court, as criminal cases are the linchpin of IDV eligibility.¹
- B. **Case Screening** is the process of checking for overlap between a criminal domestic violence case and either a Family Court matter² or a contested matrimonial proceeding in a Matrimonial Part of Supreme Court or both. The overlapping family or matrimonial cases must involve as a party either the defendant or the complaining witness in the criminal case or both.³ The overlapping cases together are deemed IDV eligible.
- C. **IDV Cases** are cases that have been found eligible for the IDV Part and have been transferred to the IDV Part.
- D. **Companion Cases** refers to a set of overlapping IDV cases.
- E. **Court of Origin** is the court in which an IDV case was initially commenced.
- F. An **IDV Part** of the Supreme Court is created by Administrative Order of the Chief Administrative Judge. The judge in an IDV Part of the Supreme Court is authorized to issue orders transferring Companion Cases to the

¹Criminal cases are the linchpin of IDV eligibility unless otherwise provided by Administrative Order. Once an IDV Court has been operating six months or more, the court's planning group, in consultation with the office of the Deputy Chief Administrative Judge for Court Operations and Planning, may plan to phase in the practice of treating a domestic violence offense, either family or criminal, as the linchpin of IDV eligibility, with an overlapping Companion Case in another court.

²Individual IDV Parts will determine what categories of Family Court cases to include within the reach of their Courts; these categories must include, at a minimum, family offense and custody and visitation cases. That determination should be reflected in each jurisdiction's Planning Document.

³Individual IDV Parts will determine whether, in their courts, IDV eligibility will extend only to cases with both parties in common or whether cases will be considered for transfer where the defendant or the complaining witness in the criminal case but not both is a party to the overlapping family or matrimonial case.

IDV Part and to preside over and dispose of those cases. In this Manual, the terms IDV Part and IDV Court are frequently used interchangeably.

- G. An **IDV Folder** is used to house the individual case folders for separate Companion Cases.
- H. An **IDV Tracking Number** links all Companion Cases related to a single family. This is recorded on the IDV Folder and each Companion Case file.
- I. A **Transfer Order** is issued by the Supreme Court Justice or Acting Supreme Court Justice presiding over the IDV Part to transfer or remove an IDV eligible case from the court in which it was filed (i.e. its Court of Origin) to the IDV Part.
- J. A **Planning Document**, created by each IDV Part, outlines the court's plan with respect to its staffing, operations, and other matters.
- K. The **IDV Automated System**, or **IDV Application**, is a case management system designed specifically for IDV operations. It is used by IDV Part staff and Courts of Origin for case screening and by IDV Part staff for IDV case initiation, processing, and disposition. Data on IDV cases must be maintained in the IDV Application as well as the originating court's case management system. The IDV Application should never be made available to the public under any circumstances.

IV. Overview of IDV Case Processing

- A. Initial Case Filing and Case Identification. Courts of Origin examine all case filings. If a case filing is:
1. Identified as a violation, misdemeanor or felony case with a domestic violence component, as determined by local practice in the courts or by prosecutors or law enforcement,
 2. A Family Court case in one of the categories listed in the IDV Part's Planning Document, or
 3. A matrimonial case, it is a potential Companion Case.
- B. Case Screening. Case Screening for overlapping Companion Cases should be done collaboratively by the Courts of Origin and the IDV Court. Case screening is described in greater detail in VI (D)-(G) below.
- C. Transfer Orders. Before a set of Companion Cases is transferred to the IDV Part, the IDV Judge presiding in the Part reviews them. If he or she determines that transferring the cases to the IDV Part will promote the administration of justice⁴, he or she will enter an order transferring the cases to the IDV Part. Copies of each transfer order should be sent to all parties, their attorneys, and any law guardians involved in the case. Cases transferred to the IDV Part are not consolidated; they maintain their separate identities. If the cases are not transferred to the IDV Part, the Courts of Origin proceed with normal case processing.

Note that matrimonial cases pending in the Supreme Court - Matrimonial Part and criminal cases pending in the Supreme Court - Criminal Term, are

⁴Where the defendant and the complaining witness in the criminal case are both parties in the related family or matrimonial case, it is expected that an IDV Judge will find that transfer promotes the administration of justice in virtually all cases. Occasionally, transfer will not be appropriate where one (or more) case is in the late stages of proceedings before a judge in its Court of Origin. In contrast, where only the defendant or the complaining witness in the criminal case is a party in the related Companion Case, the IDV Judge shall have discretion to determine whether transfer of the Companion Cases promotes the administration of justice and should be effected.

Individual IDV Courts may choose not to consider cases for transfer at all where only the defendant or complaining witness is a party to the overlapping family or matrimonial case. If an IDV Court declines to consider these "single overlap" cases, that Court only needs to screen for cases where there is identity of both parties.

already filed in the Supreme Court. Therefore, hearing these cases in the IDV Part constitutes only a change in the judge assigned to the case, as opposed to a transfer from another court. Local practices for reassignment of IDV-eligible Supreme Court cases to an IDV Part should be developed and identified in each IDV Court's Planning Document.

Note further that support and paternity petitions filed in Family Court that have overlapping parties with cases in the IDV Part are NOT transferred to the IDV Part unless and until objections are filed by a litigant. These cases will be heard by a designated IDV Support Magistrate in the Family Court. However, the IDV Court staff and the Support Magistrate must share information with each other concerning the content and stage of processing of the respective cases. Operational protocols for handling of support matters by IDV Support Magistrates are attached as Appendix A.

- D. Case Processing and Disposition. The IDV Court processes and disposes of all cases transferred or reassigned to it. The Court is also currently responsible for multiple case data entry into both the IDV Automated System and the case management system for each case type, UCMS-Supreme (family cases), ADBM-Supreme-Criminal or CRIMS (criminal cases), and ADBM-Supreme-Civil or CCIS (matrimonial cases). Depending on the procedures set forth in its Planning Document, the IDV Court will file the final orders in the cases before it with the County Clerk, send copies to the Courts of Origin, and retain copies in the IDV Court files. The IDV Court must ensure that the laws and rules governing case processing, reporting, access to files, and retention and disposal of records that would have applied to a particular case in its Court of Origin are followed in the IDV Court.

V. IDV Court File Structure

- A. The IDV Courts will receive the original files for all cases transferred to them. They are required to store them in IDV Folders distributed to them by the Office of Court Administration. These folders are designed to house the separate individual files for all Companion Cases that have been transferred to the IDV Part. A chart containing basic information about each of the cases in the folder is printed on the outside of the IDV Folder. Each folder has an IDV Tracking Number.

- B. If specified in their local Planning Documents, IDV Parts may maintain files such as:
 - 1. IDV Screening - Pending. Eligible cases forwarded by Courts of Origin for the IDV Judge's review and potential transfer.

 - 2. IDV Screening - Not Transferred. Cases which did not have Companion Cases, and were NOT transferred to the IDV Court (see below at VI (G) (6)).

VI. Case Identification and Screening

It is essential that case identification take place at the earliest possible point in court proceedings and that case screening take place immediately thereafter. Each IDV Court may establish its own case identification and screening responsibilities and procedures in accordance with individual courts' and offices' staffing, workload, and technical capacity. The Planning Document for each jurisdiction must clearly identify responsibilities, specific methods of communication, forms, and procedures for each of the following elements:

A. Criminal Case Identification.

1. To be identified as a criminal case for purposes of IDV eligibility, a case – which can be a violation, misdemeanor, or felony according to the local Planning Document – must have a domestic violence component. As a general matter, the definition of domestic violence cases should be limited to those cases where the defendant and the complaining witness are married or formerly married, are parent and child, or are “members of the same family or household” as defined in CPL § 530.11(1).
2. Determining whether there is a domestic violence component to a case involves a review of multiple documents and information from multiple sources. Local criminal courts may have a widely varying capacity to perform these reviews. Local Planning Documents should clearly identify courts and staff responsible for these reviews. Documents and sources include:
 - a. Domestic Incident Reports, prepared by the investigating police department, which identify a domestic violence incident,
 - b. supporting depositions from arresting officers,
 - c. information on arrest reports,
 - d. information from District Attorneys' offices, and
 - e. statements from litigants.
3. Recording information about the criminal domestic violence case for future reference and screening in CRIMS-serviced courts: Once a criminal case has been identified as a domestic violence case, it can be entered into CRIMS using the CRIMS domestic violence case indicator.

4. Special issues for criminal courts not serviced by CRIMS: A problem arises in case management systems for criminal courts not serviced by CRIMS. All city courts and county courts have automated case management systems, accessible by CourtNet. However, the ADBM criminal case management system may not have a provision for indicating that domestic violence is a component of a specific case. Also, while the vast majority of Town and Village Courts have automated case management systems, their systems may not have a provision for indicating that domestic violence is a component of a specific case. In addition, the Town and Village Court systems cannot be accessed from outside the user courts, nor can the Town and Village Courts access systems on CourtNet.

Therefore, procedures must be developed to create a database of criminal cases that have been identified as having a domestic violence component. The database will be used by the IDV Part, the Family Court, and/or the Matrimonial Part to conduct case screening for overlap with cases filed in their courts. Optimally, the database should be maintained in the IDV Automated System for access by staff from the IDV Part, Family Courts and/or Matrimonial Parts. Information for entry into the IDV Automated System can come from several sources.

Local Planning Documents must define who is responsible for entering these cases into the IDV Automated System. The local Planning Documents should also define procedures and forms for these criminal courts to advise the IDV Part when a previously reported case has been disposed.

B. Family Court Cases.

1. Potentially eligible cases from the Family Court: Not all Family Court cases will be considered eligible for screening and possible transfer to the IDV Part. Eligible Family Court cases are limited to those types specified in the local IDV Court Planning Document; however, these case types must include family offense and custody and visitation. Case types will vary among localities, and additional case types can be added, or phased in, over time.
2. UCMS indicates the case type for each petition, providing this information to all judges and staff with access to UCMS.

C. Supreme Court - Matrimonial Cases.

1. All contested matrimonial cases are potential IDV cases.
 2. Both ADBM and CCIS indicate which Supreme Court cases are contested matrimonial cases, providing this information to all judges and staff with access to ADBM or CCIS.
- D. Case Screening. Case screening requires using sources of information to determine if there is an offense pending in a criminal court containing an element of domestic violence, **and one or both of the following** involving one or both of the defendant and the complaining witness in the criminal case as a party:⁵
1. A pending Family Court proceeding of a type specified in the local IDV Planning Document.
 2. A contested matrimonial case in the Supreme Court.
- E. Case Screening Tools. There are two primary sources of information that can be used for case screening: the Domestic Violence Registry (DVR), and case management systems of the individual courts (including the IDV database of potential criminal cases). Both sources should be used to ensure the most complete coverage possible.
1. Domestic Violence Registry. The advantages of using the DVR are that:
 - a. It is a statewide source of information,
 - b. It is readily accessible from all state-paid courts via CourtNet, and from Town and Village Courts via telephone (800-266-9511), and
 - c. The existence of an active order of protection listed in the DVR will rapidly focus efforts of further inquiry.

⁵Individual IDV Parts may decide (and specify in their Planning Document) whether to screen for Companion Cases only where both the defendant and the complaining witness are parties to the overlapping criminal case (“double overlap” cases) or, additionally, for Companion Cases where the family court or matrimonial case involves the defendant or complaining witness in the criminal case (“single overlap” cases).

Where an IDV Court chooses to screen for both double and single overlap cases, the IDV Judge shall have discretion whether to transfer single overlap cases to the IDV Court. Double overlap cases, in contrast, will be transferred to the IDV Court under all but the most exceptional circumstances.

2. Case Management Systems include:
 - a. ADBM (for matrimonial cases in courts not using CCIS and courts of criminal jurisdiction not using CRIMS),
 - b. CCIS (for matrimonial actions in New York City and Dutchess, Erie, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties),
 - c. CRIMS (criminal cases in New York City Criminal Courts and Supreme Courts; in District Courts in Nassau and Suffolk Counties; in County Courts in Dutchess, Erie, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties; and in Buffalo City Court),
 - d. IDV Automated System,
 - e. UCMS (for Family Court cases),
 - f. Locally maintained list of pending criminal cases.

F. Screening Potential IDV Cases:

1. New Filings. Local Planning Documents will identify staff for each court contributing cases to the IDV Court who will be responsible for screening new filings. Each planning group should work with the various Courts of Origin to identify these staff. Screening should take place as soon as possible after a potential Companion Case is filed in a Court of Origin.
2. Screening Supplemental Actions. In addition to using the case screening tools for new filings, Courts of Origin must screen supplemental filings for transfer to the IDV Court, to determine if they fall under any of the following categories in the following courts:
 - a. Criminal Courts: a violation of probation, violation of conditions of an adjournment in contemplation of dismissal, violation of conditional discharge, or violation of a family court order of protection where the original case was heard in the IDV Court.
 - b. Family Court: a supplemental petition concerning a matter that was previously transferred to the IDV Court.
 - c. Supreme Court - Matrimonial Part: a filing for post-judgment

relief where the original case had been reassigned to the IDV Court.

- G. Steps to be Taken When Companion Cases are Found. When two or more Companion Cases are found as a result of screening, the following steps must be taken:
1. The court that conducted the screening must notify the Court(s) of Origin and the IDV Court of the specific cases found during the screening without regard to the stage of those proceedings. Once a determination has been made that a case is eligible, only the IDV Judge may decide whether or not the case should be transferred. The local Planning Document must define the notification process, which can include fax, e-mail, or telephone communication.
 2. Courts of Origin will:
 - a. Forward originals or copies of the papers and other documents filed in connection with the case to the IDV Part. If the originals are forwarded, they should be accompanied by an Acknowledgment of Receipt of Case Papers.
 - b. Make an entry in the originating court's case management system calendaring a transfer decision by the IDV Judge within seven days.
 - c. In the event that the defendant in a criminal case is held by the local criminal court for the action of a grand jury empaneled by a County Court, only copies of the papers and other documents filed with such court shall be delivered to the IDV Part. The original papers and other documents filed with the local criminal court shall be delivered to the County Court as required by section 180.30(1) of the Criminal Procedure Law.
 - d. Every effort should be made to determine whether a case will be transferred to the IDV Court before the earliest scheduled adjourn date in the Companion Cases.
 3. The IDV Judge will review the specifics of the cases, which may include conferring with the Court(s) of Origin to determine the stage of case processing. The decision whether to transfer a case to the IDV Part is entirely that of the IDV Judge, not the non-judicial staff in either the IDV Part or the Court(s) of Origin. The IDV Judge's review will be completed within five days of receipt of the case

papers, in accordance with the Rules of the Chief Administrative Judge §141.4 (a) (2). Once a transfer order has been signed, all parties, their counsel, and any law guardians must be notified immediately.

4. The IDV Part staff will:
 - a. If and when a case is transferred and the original case papers are sent to the IDV Court, immediately sign the Acknowledgments of Receipt of Case Papers and fax them to the Courts of Origin.
 - b. Once a transfer order or orders have been signed, enter information into the IDV Automated System for each Companion Case.
5. If the decision is to transfer the cases to the IDV Part, the cases will be initiated in the IDV Court as described in VII below.
6. If the decision is not to transfer the cases to the IDV Part, then
 - a. The IDV Judge will sign a written notification to the Courts of Origin stating that the cases will not be transferred with an attachment noting the reason for the decision not to transfer. IDV staff must keep a record of all potential IDV cases that are not transferred and the reason for the decision. If the IDV Court has in its possession the original case papers for a case that is not transferred to the IDV Court, those originals must be returned to the Court of Origin with an Acknowledgment of Receipt of Case Papers. If the IDV Court has copies of such case papers but not the originals, it may destroy all copies or return them to the Court or Origin.
 - b. If the cases have been initialized in the IDV Automated System, IDV staff will enter into the IDV Automated System the date on which the decision was made not to transfer the cases. If an IDV Court is using some database other than the IDV Automated System to track cases that are IDV-eligible but not yet reviewed for transfer, it should enter into that database the date of a decision not to transfer the cases.
 - c. The Courts of Origin will note the decision in the case management file, sign the Acknowledgment of Receipt of Case Papers if any and fax it to the IDV Part, and proceed to process the case.

VII. Case Initiation in the IDV Court

A. General Information on Case Processing by IDV Courts.

1. **File Access and Confidentiality:** Notwithstanding transfer or removal to an IDV Part, access to files for each companion case is controlled by the statutes and rules that would have applied had it remained in its Court of Origin. Each IDV Court Planning Document must include plans for staff training and protocols governing file access to ensure that confidentiality rules are observed. The IDV Application, which contains information about criminal, family, and matrimonial cases, should never be available to the public under any circumstances.
2. **Calendars and Appearances** should be structured so that, to the extent possible:
 - a. The IDV Courts apply good caseflow management techniques, including early judicial intervention, appearance management, and deadline control, in all instances.
 - b. Where practicable, the IDV Courts schedule appearances in all Companion Cases involving one IDV family unit on the same day.⁶
 - c. The IDV Court calls each case type separately, with criminal cases scheduled first.
 - d. The IDV Courts maintain information, orders, and related papers for each Companion Case in that case's separate file within the IDV Folder.
 - e. The IDV Courts should generate and print out their daily court calendars from the IDV Application. The IDV Application's calendar function schedules cases by case type, starting with criminal cases.
3. All orders and decisions will include "Supreme Court - IDV Part" in the caption. Companion Cases before the IDV Court are not consolidated; orders in a particular case are issued under the

⁶Where a criminal case before the IDV Court has to be calendared expeditiously, it should be without regard to the schedule in any Companion Case. However, best practice is to schedule criminal, family, and matrimonial cases for the same day, if possible.

statutes that would have applied had the case remained in its Court of Origin. Orders of Protection, in particular, are promulgated by the Chief Administrative Judge and their substance may not be modified.

- B. Actions by the Courts of Origin When the Transfer Order is Received. The Courts of Origin will note the transfer action in their case management files.
1. Local criminal courts will record their transferred cases as disposed and report the dispositions to the Division of Criminal Justice Services (DCJS).
 - a. Any local criminal court using CRIMS will indicate that the case has been transferred to the Supreme Court IDV Part. For these courts, the dispositions will be reported to DCJS automatically.
 - b. All other City Courts will record their transferred cases as disposed and report the dispositions to DCJS using the code "Transferred to the IDV Part (IDV)."
 - c. Town and Village Courts will record their transferred cases as disposed and report the dispositions to DCJS using the code "Superior Court Transfer (SCT)."
 2. Superior Courts-Criminal Terms and Superior Courts-Civil Terms will indicate a change of part to the IDV Part.
 3. Family Courts, with the exception of support proceedings, will indicate that the case is disposed with an outcome of "Transfer/Removal to Supreme Court (IDV)" in UCMS. For support proceedings, refer to the Support Magistrate Protocols attached as Appendix A.
- C. Actions by the IDV Court.
1. For each Companion Case, IDV Court staff will create an IDV case in the IDV Automated System by entering basic case data.
 2. In addition, for each criminal case transferred to the IDV Part, a case must be created in either CRIMS or ADBM for Superior-Criminal. When the case is created, the Grand Jury date and Grand Jury action fields should be left blank and the date of the initial appearance in the IDV Part should be entered into the arraignment date field. A unique sequence number will be created to replace the

indictment or SCI number.

3. For each Family Court case transferred to the IDV Part, a case must be created in UCMS, using a new file number and docket number for each case. The Supreme Court IDV Part will be established as a UCMS court. UCMS will automatically create a new Family Court case in the IDV Part when the Family Court indicates that a case is disposed with an outcome of "Transfer/Removal to Supreme Court (IDV)".
4. IDV Court staff will create a case folder for any individual case file that does not have a file folder from its Court of Origin already.
5. IDV Court staff will create an IDV Folder for each set of Companion Cases. The folder will contain the individual Companion Case files, notices from Courts of Origin, and the IDV Judge's transfer order or orders. Each of the individual case files will remain in separate folders within the IDV Folder.
6. IDV Court staff will file the transfer order with the County Clerk and obtain an index number.⁷ IDV Court staff will then enter the index number into the IDV Automated System and write the index number on all case papers and file folders.
7. IDV Court staff will immediately send a copy of the transfer order together with a notice of the date and time of initial appearance in the IDV Part to the Courts of Origin and all interested parties that have previously been involved with the Companion Case in the Court of Origin, including attorneys, litigants, and other agencies and organizations. Wherever possible, notice of transfer should be made before the date of the first scheduled appearance in the Courts of Origin (see VI (G)(2)(d) above).

⁷Litigants will not be required to pay a fee for this index number. As a general matter, the filing fee structure that applies to litigants in the IDV Court will be the one that would have applied in the Court of Origin.

VIII. Interim Case Processing

- A. Receiving and recording interim activities and supplemental petitions. Local Planning Documents must establish procedures for processing interim actions, such as motions and future appearances.
1. Procedures for processing interim actions for criminal and matrimonial Companion Cases may follow existing local practices. Generally, all interim actions for criminal and matrimonial cases will be filed with either the IDV Judge or the IDV Court. However, certain actions may have to be filed first with the County Clerk.
 2. Procedures for processing interim activity for Family Companion Cases should require that interim filings, such as motions, must be filed with the IDV Court, and not the Family Court. Local Planning Documents may provide that supplemental petitions concerning matters that are already before the IDV Part may be submitted for filing with the IDV Part as a matter of convenience to the filing party. IDV Courts may want to have all necessary petition forms on-hand and provide for video-conferencing between the IDV courtroom and the Family Court petition room so that petitions may be completed and filed immediately. Note that these petitions must be entered into UCMS (UCMS Family, not UCMS Supreme) as Family Court cases by Family Court personnel. The IDV Judge will have to sign a transfer order before a supplemental petition filed in the Family Court can be transferred to IDV Court.
 3. Procedures for Support Proceedings. As discussed in Appendix A, attached, support proceedings initiated in the Family Court are not heard in the IDV Part unless objections are raised or the Support Magistrate makes a referral. If, however, the issue of support in the Family Court context is **first** raised in the IDV Part, the IDV Judge may issue a temporary order of support. Thereafter, in accordance with local practice, the IDV staff should offer to render clerical support to the petitioner in the preparation of a support petition, and forward it to the Family Court for filing and scheduling the initial appearance before the IDV Support Magistrate. The IDV Support Magistrate will hear and determine the support proceeding. However, initial and subsequent appearances before the IDV Support Magistrate and the IDV Judge should occur on the same day to the extent practicable. Local Planning Documents must address methods of calendar control and communication to insure that this occurs.

Note that all cases before the IDV Support Magistrate that are

related to IDV cases must be entered into the IDV Automated System.

4. IDV case processing will include compliance appearances that may occur during the pendency of a case or after a case has been disposed. The local Planning Document must specifically address these possibilities.

B. Maintaining Information in Automated Case Management Systems. All relevant case information must be maintained in automated case management systems. Initially, IDV Court staff will be required to maintain information in multiple systems, depending upon the type of Companion Cases within an IDV case. Projects are underway to eliminate this requirement. In the interim, information must be entered into the following systems:

1. All IDV Cases - IDV automated case management system (the IDV Application)
2. Criminal Companion Cases - CRIMS or ADBM
3. Family Companion Cases - UCMS
4. Matrimonial Companion Cases - CCIS or ADBM
5. Support cases before the IDV Support Magistrate that are related to IDV cases – UCMS

C. Case File Management.

1. Filing of documents. All Companion Case documents will be maintained in the corresponding Companion Case folder within the IDV Folder. If a document refers to more than one Companion Case (e.g., a scheduling order), then copies must be placed in each of the affected Companion Case folders.
2. Security and Confidentiality. Access to each Companion Case folder is governed by separate statutes and rules. The IDV Court Planning Document for each locality must address methods and procedures to ensure compliance with applicable statutes and rules. Under no circumstances should the IDV Folder be released for review in its entirety.

IX. Case Disposition and Closing

- A. Automated Case Management Systems. Entries must be made in the IDV Automated System, CRIMS, ADBM, UCMS, and CCIS, as appropriate, to record the disposition of each companion case. Required reports must be generated, such as the Criminal Disposition Report from the Superior Court - Criminal File in ADBM.

- B. Case Files. All final orders, decisions, and other case papers should be placed in the appropriate Companion Case folder. Local procedures should be developed to provide copies of documents to the Court of Origin, e.g., the Family Court for inclusion in the Family Court Family Unit File.

X. Filing and File Retention

- A. Records Established in the County Clerk's Office. When an IDV case is created, the originals of the orders transferring Companion Cases to the IDV Court are filed with the County Clerk's Office in accordance with local practice.
- B. When Companion Cases are disposed, the case files may be filed in accordance with local practice. For example, matrimonial cases could be filed with all other matrimonial cases in the County Clerk's office, the criminal case with all other Superior Court - Criminal files, and the Family Court case with the Family Court in the appropriate Family Court Family Unit File. Any variation is acceptable, as long as the County Clerk's IDV case file contains the transfer orders with reference to the Companion Cases' docket or index numbers.
- C. An IDV Judge's files may be retained by that judge, in accordance with local practice.
- D. File retention of the Companion Cases is governed by the applicable Records Retention and Disposition schedule. The IDV case file must be retained for the same period of time as the longest retention period of a Companion Case.

XI. Post Disposition Actions

- A. Post disposition actions for IDV Companion Cases should follow the same assignment rules as all other post disposition cases. Generally, this will result in the action being assigned to the IDV Judge that presided over the Companion Case, even if the other Companion Cases are disposed of.

- B. An IDV Court Planning Document may establish time limits for assignment to the original IDV Judge of petitions seeking a modification of a Family Court Companion Case. However, violations of an IDV Judge's order in a Family Court Companion Case should always be assigned to the IDV Judge.

XII. Staffing Requirements - Summary

Local Planning Documents must address staffing needs of the IDV Courts, specifically identifying responsibilities and tasks. Many of the responsibilities and tasks will be identical to those found in any trial part, including those performed by in-court and back office staff. However, there are certain responsibilities and tasks that are unique to an IDV Part. The local planning groups must be careful to incorporate them in the Planning Document's staffing plan. They include:

- A. Coordinating program planning and development for an IDV Part.
- B. Ensuring quality training of clerical and administrative court personnel in IDV policies and procedures.
- C. Monitoring discovery, case milestones, and other deadlines to ensure timely case dispositions and compliance with any court mandates.
- D. Analyzing data and preparing regular reports to measure the effectiveness of the part.
- E. Researching program providers to ensure that each is fulfilling the goals and objectives of the IDV Part.
- F. Creating local protocols for effective screening of cases for IDV eligibility.
- G. Assisting the IDV Judge in monitoring a defendant's compliance with court mandated programs and court orders.
- H. Obtaining information from off-site agencies in order to provide the IDV Judge with up-to-date, thorough information for each court appearance, and, when appropriate, alert the judge of any change in status between appearances, permitting agency action.
- I. Working closely with other staff members to develop and strengthen collaborations with social service providers and outreach to new programs; and identifying and evaluating additional intervention and treatment programs.

XIII. Technology Requirements

IDV Courts must ensure that all required computer and telephone equipment, software, and wiring is available and installed prior to beginning operations. The technology requirements of an IDV Court include:

- A. Enough personal computers (PCs) for each staff member who needs one, including clerks and the resource coordinator. There should be at least one computer and printer in the courtroom. Optimally, the IDV Judge will have a computer in the courtroom as well.
- B. "Personal computer" or "PC" refers to the current standard PC available on state contract.
- C. Each PC must be able to access the following software:
 - 1. The IDV Application. It is mandatory that all case information be entered into the IDV Application and into other case management systems by case type.
 - 2. UCMS, which will be used to enter case management information about family cases in the IDV Court.
 - 3. The local Supreme or County Court criminal case management system (e.g. CRIMS or ADBM), which will be used to enter case management information about criminal cases in the IDV Court.
 - 4. The local Supreme Court civil case management system (e.g. CCIS or ADBM), which will be used to enter case management information about matrimonial cases in the IDV Court.
 - 5. Access to the Domestic Violence Registry, which is used for case identification and screening and is an information source for the IDV Court.
 - 6. Groupwise.
 - 7. Word Perfect version 10 (or later version).
 - 8. Adobe Acrobat version 5 (or later version).
- D. All necessary network drops and electrical outlets must be located or newly installed, both in the IDV courtroom and at the desks of all PC users.
- E. All necessary phone lines must be installed.

- F. Each user must have an account and password for each of the systems listed above in XIII (C). At least one user in each IDV Court must have the level of access necessary to generate reports from UCMS and from other systems, if applicable.
- G. IDV staff should be trained and fluent in the use of all the systems listed in XIII (C) above as they pertain to the operations of the IDV Court.
- H. Each IDV Court planning group must involve its local LAN Administrator in fulfilling these technology requirements, and any attention to the details in this area should be coordinated through the local technology group.

XIV. Security Requirements

Local Planning Documents must incorporate physical and staffing components to provide a safe and secure environment in which to conduct proceedings. Planning committees should request assistance from UCS security offices to insure that the local site is as safe as possible, given the diverse nature of proceedings and challenges provided by local conditions. The Planning Documents must include the following elements:

- A. Sufficient security personnel must be assigned to the IDV Court who are well trained in the area of domestic violence and who can identify and respond to potentially volatile situations. This element applies to both staff provided by security employees of the Unified Court System, and security staff provided to the UCS by contract with Sheriffs and Police Departments.
- B. Clear and visible signs must be present which direct litigants to needed services.
- C. Safe waiting areas should exist for victims of domestic violence and their children. Separate space should exist for alleged offenders in order to avoid unwanted contact with victims. Refer to existing UCS policies for guidance.

APPENDIX A

Operational Protocols
IDV Support Magistrates

- **IDV Support Magistrates**

Each IDV Court will have a designated Support Magistrate assigned to handle cases related to families appearing before an IDV Judge.

Note: All cases currently processed in the N.Y.C. Child Support Enforcement Unit will remain in that centralized unit and will be reassigned to a designated Support Magistrate within that unit.

- **Location of the IDV Support Magistrate**

Where practical the first appearance before the IDV Support Magistrate should be heard in the same court facility as the IDV Court and on the same day(s) that the IDV court is in session. Subsequent appearances can be either in the IDV Court facility or in the facility where the Support Magistrate hears all other cases.

Note: Jurisdictions using electronic recordings for support proceedings should make arrangements to accommodate the electronic recording of the support proceeding in all alternate locations. Additionally, staff should be prepared to operate the electronic recording device.

- **Service of process**

When a temporary order of support is issued by the IDV Judge under either FCA Section 828 or 842, together with a temporary order of protection, where practical, the summons and petition for the **support case** shall be served together with the summons for the family offense proceeding.

In all other cases, Support Collection Unit (SCU) summons should be used, if available.

- **Case Screening and Eligibility**

Support cases shall be considered IDV eligible when the petitioner and respondent have a criminal court proceeding and a family court or matrimonial proceeding pending at the same time. These cases must be before the IDV Court or about to be transferred to that Court.

If and when a petition which is scheduled to be assigned to a Support Magistrate is identified as IDV eligible, that petition should be assigned or re-assigned to the designated IDV Support Magistrate.

IDV eligibility screening of all petitions normally assigned to a Support Magistrate is critical to the effective handling of support related issues facing IDV Court families. This screening can be easily accomplished by conducting a search of the Domestic Violence Registry and/or the IDV Application.

Family Court personnel who regularly accept child support petitions should conduct this screening to determine IDV eligibility. Additionally, IDV staff should screen for existing support matters at intake and prior to subsequent court appearances. When a support case has been identified as IDV eligible a printout of the results of the Domestic Violence Registry search must accompany the case papers.

All Temporary Orders of Support issued by an IDV Judge should be immediately referred the IDV Support Magistrate for hearing and final determination.

IDV-eligible support cases that are assigned to a designated IDV Support Magistrate should be scheduled to a specialty track in UCMS named "IDV Support". Localities must create that specialty track in their Family Court if it does not already exist. Where IDV-related support cases are scheduled to a specialty track, they can be distinguished from the IDV Support Magistrate's other cases.

- **Scheduling and Calendaring of IDV Support Cases**

Every effort should be made to minimize the number of court dates a family needs to appear. Therefore, where possible, IDV support proceedings before the IDV Support Magistrate should be scheduled for the same day(s) as related IDV cases.

Each IDV Support Magistrate should reserve a date for the scheduling and calendaring of IDV support cases.

The court assistant assigned to the IDV Support Magistrate and the court clerk assigned to the IDV Judge should communicate regularly in order to exchange information regarding the scheduling and calendaring of cases before the IDV Judge or IDV Support Magistrate.

- **Information Exchange**

IDV Judges and IDV Support Magistrates should exchange case related information concerning the content and status of proceedings of respective cases prior to scheduled family appearances. This information exchange should be accomplished through the use of electronic case management systems, written notification or scheduled meetings between the IDV Judge and Support Magistrate. The availability of a resource coordinator can assist in facilitating this process. The Support Magistrate and Resource Coordinator should establish a regular reporting mechanism with the IDV Judge. This will ensure a timely exchange of information.

The Support Magistrate should inform the IDV Court of the amount ordered to be paid; the support collection mechanism; the amount of any arrearage; and, of course, any and all findings of delinquency.

The IDV Court should apprise the Support Magistrate of information concerning the terms and conditions of the order of protection; any relevant information concerning visitation and/or custody arrangements; any and all work stoppage caused by incarceration; the next compliance dates in the IDV Court.

- **Referrals from Support Magistrate to IDV Judge**

All referrals from the IDV Support Magistrate involving IDV cases shall be made to the IDV Judge. Such referrals include, but are not limited to: a recommendation of incarceration after a finding of a willful violation of the order of support; determination of paternity that exceeds the Support Magistrate's authority under FCA section 439 and when DNA testing is being requested and issues of equitable estoppel and presumption of legitimacy exist. Additionally, any application regarding confidentiality issues, including address confidentiality, must be referred to the IDV Judge.

- **Objections**

The IDV Judge shall hear all objections filed under FCA section 439 for IDV cases heard by the IDV Support Magistrate.

For the IDV Judge to hear referrals or objections, the support case must be transferred from Family Court to the Supreme Court - IDV Part. Each IDV Court must develop protocols for the Family Court to notify the IDV Court when objections are filed so that the IDV Court can transfer the case from Family Court. Once a support case has been transferred to IDV Court, it will remain as a Supreme Court case even if it is referred back to the Support Magistrate for further action.

- **Records Management**

It should be noted that cases before the IDV Support Magistrate are still Family Court cases and case management will continue in the Family Court UCMS.

Additionally, those cases which have been assigned to a IDV Support Magistrate will be entered into the IDV application by the IDV staff.

- **Confidentiality**

All Family Court confidentiality rules and practices which currently apply to child support proceedings and records associated with the support proceedings continue to apply for cases before the designated IDV Support Magistrate.

Information regarding the status as well as the particulars of support case before the IDV Support Magistrate will be exchanged with the IDV Court, a Supreme Court Part. Other courts are entitled, when necessary, to access information and records involving one or more parties who are the subject of the Family Court proceeding. No court order is required prior to this transfer of records, which must be kept confidential by the receiving court except as necessary to the pending proceeding.

APPENDIX B

**INTEGRATED DOMESTIC VIOLENCE (IDV)
STATISTICAL REPORTING METHODOLOGY**

	Initial Treatment		Treatment When Case Is Transferred To IDV	
Originating Court	Statistical Count	Case Processing System	Statistical Count	Case Processing System
Family Court Note: Support petitions will remain as Family Court Cases	Filing on the UCS -108	UCMS Assign to a Family Court Judge	Mark outcome as a "Transfer/Removal to Supreme Court (IDV)." This is not a final disposition. Case does not receive an SC filing. Continues to be counted as pending under Supreme Court judge until disposed. The SC IDV Judge will receive the disposition credit. The number of "Incoming Transfers/Removals Accepted Into IDV Part" will be reflected on Line 4 of the UCS-108. The number of "Outgoing Transfers/Removals from Family Court to IDV Part" will be reflected on Line 9. The UCS-108 Judge Dump Reports will have an IDV Speciality Track Indicator for SC judge.	UCMS Assign to a Supreme Court Judge
New York City Criminal Court	Filing in NYC CRIMS	NYC CRIMS	Dispose in CRIMS as a "TRANS". Report as a New Filing on UCS153M or UCS153F. Continues to be counted as pending on UCS 153(M or F) until disposed.	Superior CRIMS
City/District Courts	Filing on the UCS-175	Local ADBM or Local CRIMS	Dispose on UCS-175 on Line #7 "Transfer to SC". Report as a New Filing on UCS 153M or UCS153F	Superior ADBM or Superior CRIMS
Town and Village Court	No data reported	N/A	Count as a new filing, pending and disposition on UCS 153M or UCS 153 F.	Superior ADBM or Superior CRIMS
Superior Criminal	Filing on the UCS-153F	Superior CRIMS or Superior ADBM	Continues to be counted as pending on UCS 153F until disposed.	Superior ADBM or Superior CRIMS
Supreme Court	Filing on the UCS-101	CCIS or ADBM	Continues to be counted as pending on UCS-101 until disposed.	CCIS or ADBM

