

CHILD VICTIMS ACT COMMENCEMENT PROCESS

Pursuant to Chapter 11 of the Laws of 2019, New York State enacted the Child Victims Act (the “CVA”). Parties wishing to file actions under the CVA **MUST** be aware of the following:

- CVA actions are mandatory E-file matters in Suffolk County and are subject to all applicable laws and rules regarding electronic filing;
- CVA actions and any pre-commencement discovery requests are to be filed under the case type “Torts - Child Victims Act”;
- A new Request for Judicial Intervention form is available on the NYSCEF system and on the New York State Court’s website, which includes this new case type under the heading for “Torts”.

Please note that the names of the parties to a CVA action and any documents filed in connection therewith will be available to the public unless otherwise directed by a court order.

A Plaintiff seeking to have a CVA action proceed under an anonymous caption and/or seal at commencement shall use the following procedure:

- E-file the following bearing the full (unredacted) caption: a Summons with Notice, an RJI, and a proposed OTSC or Ex Parte Order with a TRO (seeking authorization to proceed under an anonymous caption and/or seal);
- No supporting papers to the OTSC or Ex Parte Order will be filed on the NYSCEF site with the commencing documents;
- The Plaintiff shall e-mail a full working copy of the moving papers, including supporting papers, to the Supreme Court Clerk at Suffolksupremecourt@nycourts.gov; and
- Within three (3) business days of the granting or denial of the TRO, the Plaintiff shall E-file the supporting papers and any other documents that would ordinarily have been filed at commencement, such as the Complaint on the NYSCEF site;
- Opposition and Reply papers shall be filed in the ordinary course as required by the assigned judge and the Protocol for Electronic Filing in Suffolk County Supreme Court.