

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Part 202 of the Uniform Rules for the New York State Trial Courts by adding a new Section 202.16-c to the Uniform Civil Rules for the Supreme Court and County Court to read as follows, effective immediately (additions are underlined).

§ 202.16-c. Rules Governing the Electronic Filing of Matrimonial Actions in Supreme Court.

(a) Application

(1) Pursuant to 22 NYCRR § 202.5-b, documents may be filed and served by electronic means in matrimonial actions in the Supreme Court of authorized counties subject to the conditions set forth below. Except as otherwise required by this rule, the provisions of 22 NYCRR § 202.5-b shall apply.

(2) For purposes of this rule:

(i) "Matrimonial actions" shall mean those actions set forth in CPLR § 105(p) and DRL § 236, as well as plenary actions for child support, custody or visitation, an order of protection pursuant to the Domestic Relations Law or an application pursuant to the Child Parent Security Act, wherein:

(A) the action is contested, and addresses issues including, but not limited to, alimony, counsel fees, pendente lite, maintenance, custody and visitation, child support, the equitable distribution of property, or domestic violence, abuse, paternity, or parental rights; or

(B) the action is uncontested; or

(C) the action is a post-judgment application that was initiated electronically that addresses an underlying matrimonial action previously filed in hard copy or electronically.

(ii) A "party" or "parties" shall mean the party or parties to the action or counsel thereto (as set forth in 22 NYCRR § 202.5-b(a)(2)(viii)) and the attorney(s) for the minor child(ren).

(3) No paper or document filed by electronic means in a matrimonial action shall be available for public inspection on-line or at any computer terminal in the courthouse or the office of the County Clerk; provided that nothing herein shall restrict access by a party whether or not such party is self-represented or access by a party's attorney, to a paper or document in the matrimonial action in which the party is involved on-line or at any such computer terminal.

(4) Nothing in this section shall be construed to abrogate existing personal service requirements as set forth in the domestic relations law, family court act or civil practice law and rules.

(5) Unless otherwise directed by the court, evaluations or investigations of the parties or a child by a forensic mental health professional (including underlying notes), and reports by a probation service or a child protective service in proceedings involving custody, visitation, neglect or abuse, and other matters concerning children, shall not be filed electronically.

(6) Unless the Court authorizes service to be effectuated via NYSCEF, service of the initiating documents in post-judgment applications subject to consensual e-filing must be effectuated in hard copy and accompanied by a notice of electronic filing. Proof of hard copy service shall be filed by electronic means.

(7) In a matrimonial action, attorneys appointed by the court as attorneys for minor children of the parties may register as an authorized e-filing user of the NYSCEF site and consent to e-file.

(8) In a matrimonial action, attorneys for the parties or for minor children of the parties must remove their representation of such parties or such minor children from the NYSCEF record by following the instructions on the NYSCEF website for such removal in an e-filed action, within sixty (60) days after the earlier of:

(i) a judgment of divorce, separation, annulment or action to declare a marriage void or voidable has been signed and entered in the office of the County Clerk, with notice of entry also signed and served; and where any post-judgment or plenary proceedings before the Court in which the attorney represented the party have concluded by stipulation, final order or withdrawal of the post-judgment or plenary proceeding, and there are no other such proceedings pending; and where any Qualified Domestic Relations Orders or Domestic Relations Orders have been signed and served with notice of entry, and no notice of appeal has been filed in which attorneys for the parties or the minor children have been retained as counsel. If counsel is retained on an appellate issue, they may remain on NYSCEF for the duration of the appellate proceeding or as may be otherwise ordered by the Court; or

(ii) they cease to be the attorney of record in the action or cease to be associated with the law firm that is the attorney of record in the action; or

(iii) they have filed a properly executed consent to change attorney pursuant to CPLR 321(b)(1); or

(iv) an order of the Court authorizing the withdrawal or change of attorney has been filed and entered pursuant to CPLR 321(b)(2); or

(v) they have filed a notice of completion of limited scope representation in the action pursuant to CPLR 321(d).

(9) Counsel shall promptly comply with any requirements in CPLR 321 for counsel to provide notices to parties or self-represented litigants or attorneys or anyone else directed by the Court as to a change in or authorized withdrawal of representation or as to completion of limited scope representation in the action. Counsel shall also promptly provide notice of any consent to change attorney or notice of completion of limited scope representation to the Court, unless otherwise directed by the Court.

(10) In a matrimonial action, attorneys for non-parties to the action must remove their consent from NYSCEF and the right to receive notices in an e-filed action by following the instructions for such removal on the NYSCEF website within ten (10) days after the matters before the Court related to the non-party application or any cross application have concluded, except in the event of a pending appeal on the issue.

(11) Notwithstanding anything contained in this rule or in Part 202 containing the Uniform Rules for Supreme and County Courts, counsel may apply to the court before whom proceedings are filed, on notice to all parties and counsel, for an order pursuant to DRL 235(1) granting permission:

(i) not to remove their representation of the parties or the minor children from the NYSCEF record if they have a pending application or order of the court for the recovery of legal fees and expenses, including but not limited to a charging lien, fee award, security interest, judgement, or other judicially recognized acknowledgement of such fees and expenses owed to counsel; or

(ii) to apply or reapply for access to seek enforcement; or

(iii) until further order of the court.

(12) Any issue regarding non-compliance with the provisions of this rule shall be addressed to the assigned Judge handling the matter on notice to all parties and counsel.



Chief Administrative Judge of the Courts

Date: April 23, 2024

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