



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a proposed amendment to 22 NYCRR § 202.72 authorizing the Chief Administrative Judge to grant exemptions from the current mandate that all Child Victim Act (CVA) cases be assigned to specific CVA parts

Date: February 13, 2024

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The Administrative Board of the Courts is seeking public comment on a proposed amendment to 22 NYCRR § 202.72, authorizing the Chief Administrative Judge to grant exemptions from the current mandate that all cases commenced under the New York State Child Victim Act (CVA) be assigned to specific CVA parts.

The CVA, which was adopted in 2019, authorized a two-year re-opening of the statute of limitations for individuals who were sexually assaulted or abused prior to reaching 18 years of age. The legislation was signed into law on February 14, 2019, with the two-year re-opening period scheduled to commence on August 14, 2019. *See* CPLR § 214-g.

In order to prepare for the potentially large influx of new CVA cases into the court system, on July 16, 2019, the Administrative Board approved the adoption of a new Section 202.72 of the Rules of the Chief Administrator, which provided that all CVA actions in each judicial districts “shall be assigned” to specific court parts created for the purpose of hearing the CVA cases.

Although this system has worked well in most areas, a large number of CVA cases have been filed in the 9th and 10th Judicial Districts, which has created an undue burden on the Regional CVA for those districts. As a result, it is clear that the interests of a fair and timely administration of justice would be furthered by having some or all of those cases be returned to

counties where they were filed, for the completion of outstanding discovery, pre-trial motions and trial.

The Administrative Board therefore is proposing to amend Section 202.72(1) to give the Chief Administrative Judge discretion to grant exemptions from the current mandate that all CVA cases be assigned to specific CVA parts, which will allow CVA cases pending in the Regional CVA Part to be returned to individual courts as appropriate. Moreover, granting this discretionary authority will not impact the cases in the CVA parts elsewhere in the State where the system currently is working efficiently.

The proposed amendment is as follows [proposed deletions are ~~stricken~~ and additions underscored]:

Section 202.72: Actions Revived Pursuant to CPLR 214-g

1. There shall be a dedicated part(s) of Supreme Court ~~in~~ for each Judicial District which shall be assigned all actions revived pursuant to CPLR 214-g (“214-g Part”); provided that the Chief Administrative Judge, following consultation with the Administrative Judge of the applicable Judicial District, shall have the authority to exempt any action or group of actions from the requirements of this section.

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Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than March 15, 2024.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.