

DIRECTIVES & PROCEDURES

Subject: Sealing of Housing Court files
containing psychiatric evaluations

Class: DRP-199

Category: LT-10

Eff. Date: January 30, 2013

BACKGROUND:

In light of concerns regarding Housing Court files containing litigants' psychiatric evaluations, the following policy is being implemented.

DIRECTIVE:

Effective the date of this directive, pursuant to 22 NYCRR Section 216.1 Judges shall seal any part of Housing Court files containing medical and/or psychiatric reports or information, such as affidavits, which contain such information provided in connection with a Guardian Ad Litem (GAL) appointment.

When the court directs that the medical and/or psychiatric reports or information, such as affidavits, which contain such information provided in connection with a GAL appointment are sealed to the court and the public, the court will follow the following procedure:

The medical and/or psychiatric reports or information, such as affidavits, which contain such information will not be stored in the court's record storage area, but will instead be placed in a sealed envelope endorsed with the index number, and a copy of the order sealing the reports attached, and safeguarded by the Assistant Deputy Chief Clerk (ADCC) or his/her designee.

The envelope containing the sealed documents, shall be given to the judge hearing the petition by the ADCC or his/her designee, upon request.

Please be advised that any request to see any sealed record must be made by motion or Order to Show Cause.

Date: _____

1/30/2013



Fern A. Fisher

Deputy Chief Administrative Judge of NYC Courts
Director, NYS Courts Access to Justice Program