

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
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.
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.
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
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 Criminal	Filing on the UCS-153F	Superior CRIMS or Superior ADBM	Continues to be counted as pending on UCS 153F until disposed.
Supreme Court	Filing on the UCS-101	CCIS or ADBM	Continues to be counted as pending on UCS-101 until disposed.
			UCMS Assign to a Supreme Court Judge
			Superior CRIMS
			Superior ADBM or Superior CRIMS
			Superior ADBM or Superior CRIMS
			Superior ADBM or Superior CRIMS
			CCIS or ADBM

APPENDIX C

Integrated Domestic Violence Court **Protocols for Filing New or Supplemental** **Family Court Petitions Outside of New York City**

One of the goals of the Integrated Domestic Violence (IDV) Court is to facilitate the provision of services to families with cases currently before an IDV Court, minimizing the need for those families to go elsewhere in the UCS. IDV Courts are intended to simplify families' navigation of the court system, not complicate it. Accordingly, the services of the IDV Court should include informing litigants about the option of filing new or supplemental petitions through the auspices of the IDV Court rather than referring litigants to the Family Court, which may be located in another building.

Specific provisions will depend upon local practice. However, every effort should be made to establish procedures that will not require individuals whose cases are already in the IDV Court to go elsewhere to file a petition. For example, if the local practice for unrepresented parties filing petitions in the Family Court is to have simplified petition forms available at the Family Court, then those forms should be available in the IDV Court. Alternatively, if a particular type of Family Court proceeding is usually prepared by the County Probation Department after an interview with the petitioner, then perhaps a local protocol can be developed for probation to conduct the interview by telephone and fax the petition to the IDV Court.

I. **A Party to an IDV Case Seeks to File with the IDV Court when the IDV Court is in Session**

When such a petition meets eligibility criteria for transfer to the IDV Court, IDV staff shall prepare or accept the petition and create and docket the case in UCMS. The IDV staff should then prepare a transfer order for the IDV judge's review and likely transfer of the case to the IDV Court. Assuming the case is transferred to the IDV Court, the petitioner should then appear before the IDV judge on the petition that same day. Where possible, IDV staff should accomplish this without sending litigants to Family Court.

II. **A Party to an IDV Case Seeks to File with the IDV Court when the IDV Court is NOT in Session**

When the IDV Court is *not* in session, IDV staff shall prepare or accept the petition and create and docket the case in UCMS. Then, IDV staff should either 1) provide for the petitioner to appear before a Family Court judge by video conference that day or 2) send the litigant to Family Court to appear before a Family Court judge in person that day. IDV staff should communicate with the Family Court and should prepare an order to transfer the case to the IDV Court for the IDV judge's review.

III. A Party to an IDV Case Seeks to File with the Family Court

If, instead, a party to an IDV case goes to the *Family Court* to file a new or supplemental petition that meets eligibility criteria for transfer to the IDV Court, Family Court staff shall provide information about filling out and filing the petition, prepare or accept the petition, and create and docket the case in UCMS. They should contact the IDV Court: if arrangements can be made for the petitioner to get to the IDV Court to appear before the IDV judge that day, that course of action should be followed. Note that IDV staff will have to prepare a transfer order for the judge's review and signature before that appearance. Otherwise, if the petitioner would not be able to appear before the IDV judge that day, Family Court staff should arrange for the petitioner to appear before a Family Court judge that day. Family Court staff should then communicate with IDV C

New York City Integrated Domestic Violence Court **Protocols for Filing New or Supplemental** **Family Court Petitions**

One of the goals of the Integrated Domestic Violence (IDV) Court is to facilitate the provision of services to families with cases currently before an IDV Court, minimizing the need for those families to go elsewhere in the UCS. IDV Courts are intended to simplify families' navigation of the court system, not complicate it. Accordingly, the services of the IDV Court should include informing litigants about the option of filing new or supplemental petitions through the auspices of the IDV Court rather than referring litigants to the Family Court, which may be located in another building.

A party with cases before the IDV Court should be able to file a new or supplemental petition directly with the IDV Court when that court is in session. When the IDV Court is not in session, IDV staff should nonetheless be prepared to assist the parties to IDV cases in filing new or supplemental petitions.

I. A Party to an IDV Case Seeks to File with the IDV Court when the IDV Court is in Session

When the IDV Court is in session and a party to an IDV case comes to the IDV Court seeking to file a Family Court petition that meets eligibility criteria for transfer to that court, IDV staff shall give the party information about filling out and filing the petition, prepare or accept the petition, and create and docket the case in UCMS. They should then prepare a transfer order for the IDV judge's review and likely transfer of the case to the IDV Court. Assuming the case is transferred to the IDV Court, the petitioner should then appear before the IDV judge on the petition that same day. Where possible, IDV staff should accomplish this without sending litigants to Family Court.

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When the IDV Court is *not* in session and a party to an IDV case comes to the IDV Court seeking to file a Family Court petition that meets eligibility criteria for transfer to that court, IDV staff shall provide information about filling out and filing the petition, prepare or accept the petition, and create and docket the case in UCMS. Then, IDV staff should either 1) provide for the petitioner to appear before a Family Court judge by video conference that day or 2) direct the litigant to Family Court to appear before a Family Court judge in person that day. IDV staff should communicate with the Family Court and should prepare an order to transfer the case to the IDV Court for the IDV judge's review.

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If, instead, a party to an IDV case goes to the *Family Court* to file a new or supplemental petition that meets eligibility criteria for transfer to the IDV Court, Family Court staff shall provide information about filling out and filing the petition, prepare or accept the petition, and create and docket the case in UCMS. They should contact the IDV Court: if arrangements can be made for the petitioner to get to the IDV Court to appear before the IDV judge that day, that course of action should be followed. Note that IDV staff will have to prepare a transfer order for the IDV judge's review and signature before that appearance. Otherwise, if the petitioner would not be able to appear before the IDV judge that day, Family Court staff should arrange for the petitioner to appear before a Family Court judge that day. Family Court staff should then communicate with IDV Court staff regarding that appearance and the transfer of the case to IDV Court.

APPENDIX D

**ADMINISTRATIVE ORDER OF THE
CHIEF JUDGE OF THE STATE OF NEW YORK**

Pursuant to Article VI, section 28(c), of the State Constitution and section 211(1)(a) of the Judiciary Law, and upon consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals of the State of New York, I hereby promulgate, effective immediately, new Part 41 of the Rules of the Chief Judge, relating to Integrated Domestic Violence Parts, to read as follows:

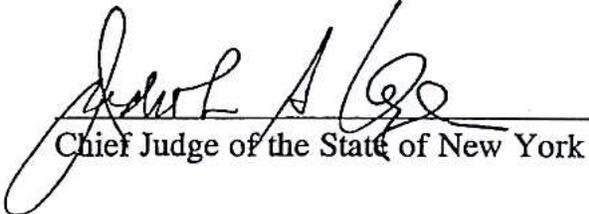
PART 41. INTEGRATED DOMESTIC VIOLENCE PARTS OF SUPREME COURT

§41.1. Integrated Domestic Violence Parts of Supreme Court.

(a) Integrated Domestic Violence Parts of the Supreme Court may be established in one or more counties by order of the Chief Administrator of the Courts following consultation with and agreement of the Presiding Justice of the Judicial Department in which the affected county or counties are located. As provided by rule of the Chief Administrator promulgated pursuant to subdivision (b) of this section, such Parts shall be devoted to the hearing and determination, in a single forum, of cases that are simultaneously pending in the courts if one of them is a domestic violence case in a criminal court and the other is a case in Supreme or Family Court that involves a party or witness in the domestic violence case; or if one is a case in criminal court, Family Court or Supreme Court and the other is a case in any other of these courts having a common party or in which a disposition may affect the interests of a party to the first case. The Chief Administrator also may provide that, where cases are disposed of in an Integrated Domestic Violence Part, subsequent cases that would have been eligible for disposition in

such Part were they to have been pending simultaneously with the cases already disposed of shall be eligible for disposition therein.

(b) The Chief Administrator shall promulgate rules to regulate operation of Integrated Domestic Violence Parts in Supreme Court. Such rules shall permit a justice of the Supreme Court to transfer to such court, for disposition in an Integrated Domestic Violence Part thereof, any case pending in another court in the same county.


Chief Judge of the State of New York

Attest: Stuart M. Cohen
Clerk of the Court of Appeals

Date: January 6, 2004

AO/ 02 1074

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby promulgate, effective immediately, new Part 141 of the Rules of the Chief Administrator of the Courts, relating to operation of Integrated Domestic Violence Parts in Supreme Court, to read as follows:

PART 141. INTEGRATED DOMESTIC VIOLENCE PARTS

§141.1 Definitions.

(a) "IDV Part" shall refer to an Integrated Domestic Violence Part established by the Chief Administrator of the Courts pursuant to section 141.2 of this Part.

(b) For purposes of this rule and its application to an IDV Part established in a county, an "IDV-eligible case" shall refer to both of the following when they are simultaneously pending in the county: a domestic violence case commenced in a criminal court and a case commenced in Supreme or Family Court that involves a party or witness in the domestic violence case. If so provided by the administrative order promulgated pursuant to section 141.2 of this Part for such county:

(1) an IDV-eligible case also shall refer to each of the following: any case in criminal court, Family Court or Supreme Court where there is simultaneously pending in the county another case in any other of these courts having a common party or in which a disposition may affect the interests of a party to the first case; and

(2) where cases are IDV-eligible and are disposed of in an IDV Part, subsequent cases that would have been IDV-eligible were they to have been pending simultaneously with the cases already disposed of shall be IDV-eligible.

§141.2. Establishment of IDV Parts. Following consultation with and agreement of the Presiding Justice of the Judicial Department in which a county is located, the Chief Administrator, by administrative order, may establish an IDV Part in Supreme Court in such county and assign one or more justices to preside therein.

§141.3. Identification of IDV-eligible cases. Procedures shall be established in each court so as to insure that cases pending before it are identified as IDV-eligible at the earliest possible time.

§141.4. Transfer of IDV-eligible cases. Unless the administrative order establishing an IDV Part in a county shall otherwise provide:

(a) Where an IDV-eligible case is pending in a court other than Supreme Court in such county:

(1) Originals or copies of papers and other documents filed in such court in connection with the case shall, directly following its identification as IDV-eligible, be sent by the court to the IDV Part.

(2) Not later than five days following receipt of the original papers and other documents in an IDV-eligible case in an IDV Part, the justice presiding in such Part shall determine whether or not a transfer of the case to the Supreme Court would promote the

administration of justice. If the justice determines that it would, he or she may order such transfer, in which event the case shall be referred for disposition to the IDV Part, all original papers, if not already sent, shall be sent from the originating court to the IDV Part, and all further proceedings shall be conducted therein. If the justice determines that such a transfer would not promote the administration of justice, he or she shall cause all papers and other documents in the case to be returned to the court from which they were received, where all further proceedings in such case shall be conducted in accordance with law.

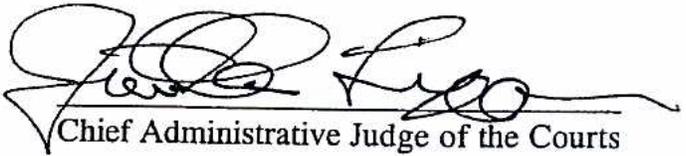
(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, where the case is a criminal case and the defendant is held by the local criminal court for the action of a grand jury empaneled by a County Court, only copies of the papers and other documents filed with such court shall be delivered to the IDV Part; and the justice presiding therein may at any time order a transfer of the case to the Supreme Court provided he or she determines that such a transfer would promote the administration of justice. 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.

(b) Where the IDV-eligible case is a case pending in Supreme Court, it shall be referred for disposition to the IDV Part of such court and all further proceedings shall be conducted therein.

§141.5. Procedure in an IDV Part.

(a) Unless otherwise authorized or required by law, no case transferred from another court to the Supreme Court and referred for disposition to an IDV Part thereof may be consolidated with any other case pending before such IDV Part.

(b) Each case transferred from another court to the Supreme Court and referred for disposition to an IDV Part thereof shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred, and no party thereto shall be required to pay any fee for the assignment of an index number thereto upon such transfer.


Chief Administrative Judge of the Courts

Dated: January 12, 2004

AO/ 94 /04

APPENDIX E



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF COURT ADMINISTRATION
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JONATHAN LIPPMAN
Chief Administrative Judge

JUDY HARRIS KLUGER
Deputy Chief Administrative Judge
Court Operations & Planning

MEMORANDUM

To: IDV Judges and Court Attorneys

From: Hon. Judy Harris Kluger

Re: Vacating Orders of Protection Issued by Originating Courts and Superseded by Integrated Domestic Violence Court Orders of Protection

Date: March 29, 2005

A number of IDV Judges have raised concerns about vacating Orders of Protection issued by judges in the courts where the cases were originally filed. In response, a system has been established to make this process easier for you and your staff.

Typically, when a case is transferred to IDV Court, there has already been a temporary Order of Protection (TOP) issued in the case. As you know, best practice is to issue a new temporary Order of Protection at the first appearance of the case in the IDV Court.

When the new TOP is issued, the court of origin's TOP needs to be vacated. As the presiding judge in the case, the IDV Judge has the authority to vacate that earlier TOP. **The IDV Judge should vacate the earlier TOP either in open court or in a written order, with notice to the parties.**

Once the IDV Judge has vacated the earlier order, the IDV Court staff will be able to control the mechanics of vacating that order in the automated systems, including the Domestic Violence Registry. For criminal cases, staff will be able to go into the Domestic Violence Registry and, in the process of entering the new IDV Court order, simultaneously vacate the earlier order. For Family Court orders, staff will need to have full access to UCMS-Family in order to vacate the earlier order in UCMS. A more detailed set of instructions for setting up and using this system will be given to staff in a separate memorandum.

We hope that this system will be helpful to you, to law enforcement and to litigants. As always, please feel free to contact my office with any questions you may have.



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UNIFIED COURT SYSTEM
OFFICE OF COURT ADMINISTRATION
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JONATHAN LIPPMAN
Chief Administrative Judge

JUDY HARRIS KLUGER
Deputy Chief Administrative Judge
Court Operations & Planning

MEMORANDUM

To: IDV Judges, Court Attorneys, and Staff

From: Hon. Judy Harris Kluger

Re: Vacating Orders of Protection Issued by Originating Courts and Superseded by Integrated Domestic Violence Court Orders of Protection

Date: March 29, 2005

As you know, many IDV cases arrive at the IDV Court with a temporary Order of Protection ("TOP") already in place. At the first appearance of the case in the IDV Court, the IDV Judge typically enters a new temporary Order of Protection. At that point, the original order needs to be vacated, both as a matter of law and in the automated systems. Best practice is for the IDV Judge to vacate the prior order, either in a written order or in open court.

In order to streamline the process of vacating the old TOPs from the automated systems, new protocols have been developed to handle both criminal and family Orders of Protection.

Criminal Orders

The Division of Technology has developed new software to enhance the Domestic Violence Registry ("DVR" or "Registry") that will permit IDV staff to vacate old TOPs more easily. All individuals with responsibility for entering information to the Registry on the IDV Court's OPs and TOPs should have this software loaded onto their desktop personal computers ("PCs").

In order to get the software with this transfer function, the IDV Court should provide its Technical Assistance Team with the names of the individuals who enter IDV TOPs and OPs into the Domestic Violence Registry, as well as the IP addresses of those individuals' PCs. The Division of Technology can then load the software on those PCs.

The new modification to the DVR comes into play when staff are entering new TOP's issued by the IDV Court following the cases' transfer to that court, as long as the IDV Court has also vacated any prior order. When staff enters the new TOP in the DVR, they will begin by identifying the prior order in the DVR and transferring it to Supreme Court. The DVR will prompt users to confirm that they are creating a Supreme Court order and vacating the previous order. If the users do confirm, the DVR will reflect that the old TOP has been vacated. Specific instructions for use of that function of the Registry are attached.

Family Orders

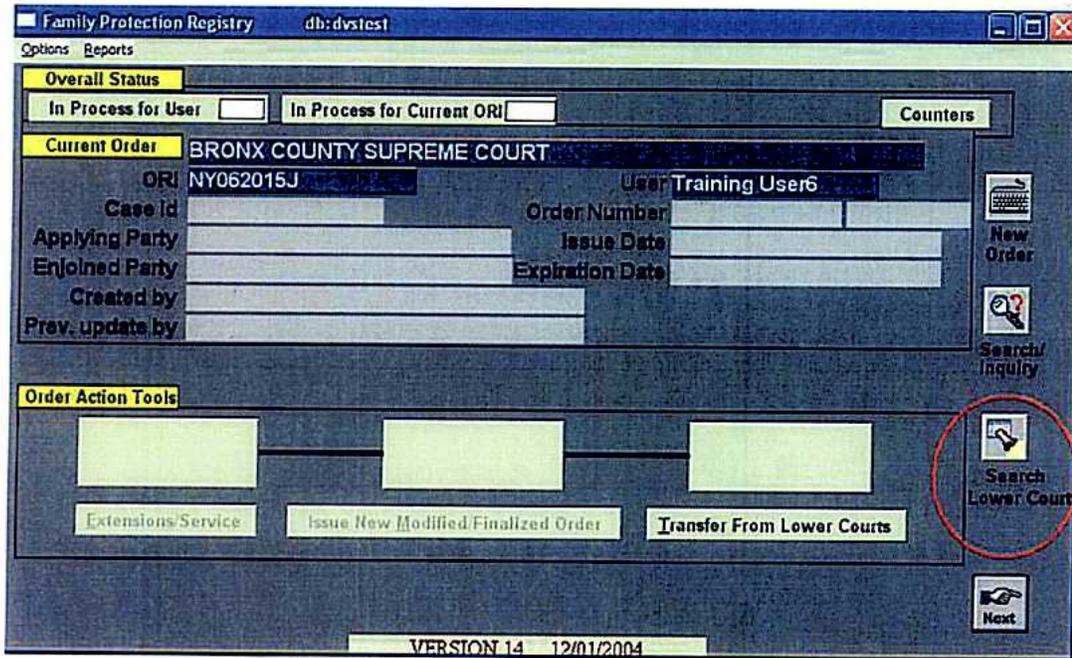
As you know, the situation with family Orders of Protection is somewhat different. When family OP's are recorded in UCMS Family, the Registry is automatically updated. Accordingly, when an IDV Judge vacates an OP issued by the Family Court, if that information is communicated to Family Court staff and they enter it into UCMS Family, there is no need to separately enter the data into the Registry.

However, it may be more efficient in a particular IDV Court for IDV staff to make updates to UCMS Family directly when a Family Court TOP is vacated, rather than communicating to Family Court staff that the change needs to be made. If that is the case, your court will need to work with the Chief Clerk of Family Court in the county to get full access to UCMS Family so IDV staff can vacate Family Court orders of protection that have been vacated as a matter of law by the IDV Judge.

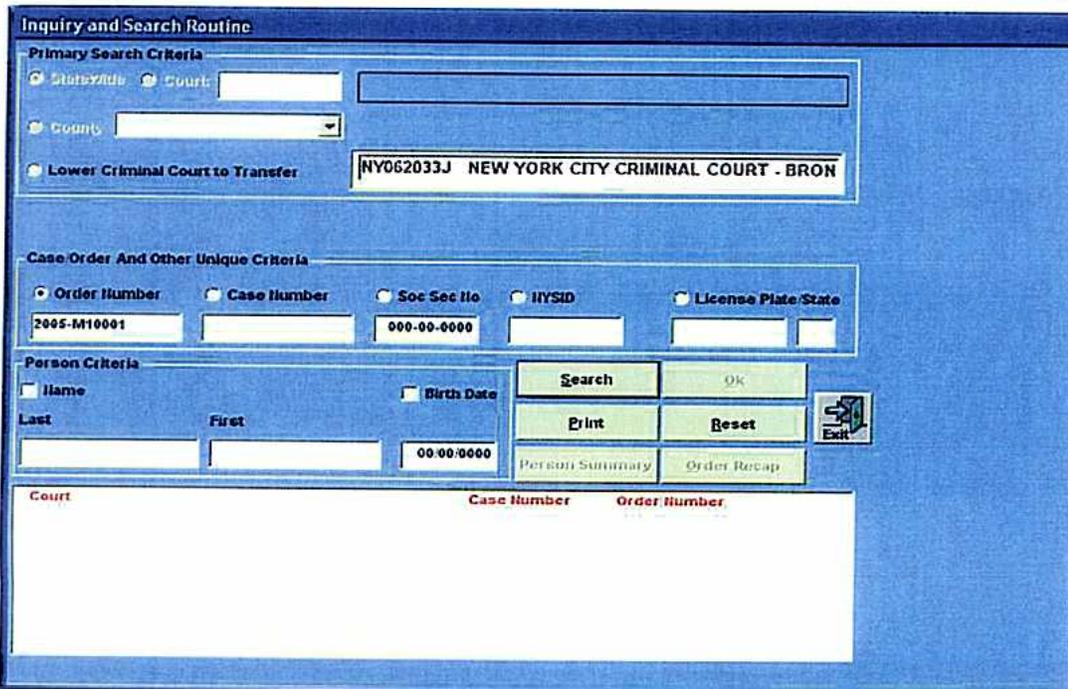
We hope that this system will be helpful to you and will simplify the process of updating the automated systems. If you would like training on use of this system, please contact Christine Sisario at 518-285-4629 or CSISARIO@courts.state.ny.us. Please do not hesitate to contact my office if you have any other questions.

Data Entry Procedures for Supreme Court User

1. Search for Lower Court order using **Search Lower Court** button



2. Search for the correct order using any of the following criteria:
 - defendant name
 - protected party name
 - order number
 - docket/case id #



- Choose the correct order from Lower Court for transfer
The order info will now appear. Verify the name, order number and docket are correct.

- Click on the *Transfer from Lower Courts* button

The following message will be received:

"This will create a new order for the Supreme Court and vacate the order from the Lower Court. Are you sure you want to do this? Yes or No."

Selecting "Yes" will bring you into the Basic Information Screen

Selecting "No" will leave the Lower Court order on the Control Panel until another search is done.

5. At Basic Information Screen, Supreme Court ORI will already be populated.
 Fill in the remaining fields
 Order Number (new Supreme Court Order Number)
 Case/ID number
 Complete all the remaining fields with Supreme Court order information.

Basic Order Information

**BRONX COUNTY SUPREME COURT
Supreme Criminal (SC)**

Court ORI: NY062015J
 Order #:
 Case #:
 Form Type:
 Temp/Final:
 Date of Issue: 00/00/0000
 Expiration Date: 00/00/0000
 Police ORI: NY0303000 'NEW YORK CITY PD'
 Appearance Info:
 Defendant advised in Court of issuance of Order?:
 Service Date and Time: 00:00/0000 00:00 AM
 Police Service Required?:
 Judge Name:
 Family Offense?:
 Youthful Offender?:

Upon completion of the Basic Information Screen, click on the **"Next"** button.
 This will bring up a message box notifying the user that the lower court order has been Vacated.

Information

The corresponding order of protection from lower Court has been vacated!

6. Navigate through each of the remaining screens using "Next" button or select a particular screen in which to make any updates or changes so that this order reflects the information on the Supreme Court order and not the Lower Court order.
 Note: This routine is similar to using the Issue New Modified/Finalized Routine

*Be sure to retransmit to NYSPIN!

The new Supreme Court order is now complete. Verify for accuracy.

APPENDIX F



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF COURT ADMINISTRATION
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JONATHAN LIPPMAN
Chief Administrative Judge

JUDY HARRIS KLUGER
Deputy Chief Administrative Judge
Court Operations & Planning

June 22, 2005

Dear IDV Judges,

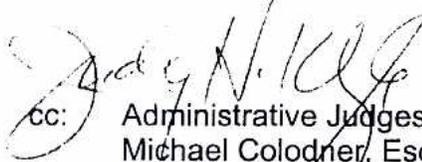
I am delighted to share with you the attached confidentiality guideline summary sheets for use by IDV staff and clerk's office personnel.

These charts are designed to assist staff who are handling case files in three different case types – criminal, family and matrimonial – with three different sets of confidentiality rules. Counsel's Office has reviewed and approved these sheets. When staff receive requests for information, these sheets can be used to assist them in determining what information they may make available.

As always, please feel free to contact me with any questions or concerns.

Sincerely,

Judy Harris Kluger


cc: Administrative Judges
Michael Colodner, Esq.
Executive Assistants

CONFIDENTIALITY GUIDELINES FOR FAMILY PROCEEDINGS: A CLERK'S GUIDE

Reminder: Only certain documents in the file can ever be disclosed

Even where someone is entitled to see Family Court records, they may ONLY see:

- 1) the pleadings,
- 2) legal papers formally filed in a proceeding,
- 3) findings,
- 4) decisions and order and,
- 5) subject to the provisions of CPLR 8002,¹ transcribed minutes of any hearing held in the proceeding.

22 NYCRR § 205.5

However, the Court may order that additional documents are to be disclosed (e.g. probation or forensic reports). See, e.g., FCA § 835(b)

Reminder: Address Confidentiality

- 1) Where the Court has authorized that the address or other identifying information of a party or child be kept confidential in accordance with Family Court Act § 154-b(2) or Domestic Relations Law § 254, **any record or document disclosed pursuant to this section shall have such address and other identifying information redacted or otherwise safeguarded.** 22 NYCRR § 205.5.

If there is a motion pending to keep an address or other identifying information confidential that the Court has not yet ruled on, the address and other identifying information should nonetheless be kept confidential pending decision.

- 2) **Address confidentiality for victims of domestic violence:** If a party or a child has resided or resides in a residential program for victims of domestic violence², the present address of the party and the child and the address of the residential program for victims of domestic violence shall not be revealed. FCA § 154-b; DRL §254.

¹CPLR 8002 reads: "Unless otherwise provided by law, a stenographer is entitled, for a copy fully written out from his or her stenographic notes of testimony or other proceedings taken in a court, and furnished upon request to a party or his or her attorney, to the fee set forth in the rules promulgated by the chief administrator of the courts."

² Defined in SSL § 459-a(4) as "any residential care program certified by the department [of social services] and operated by a not-for-profit organization in accordance with the regulations of the department for the purpose of providing emergency shelter, services and care to victims of domestic violence." These include but are not limited to domestic violence shelters, domestic violence programs and safe home networks, as defined in § 459-a(4).

CONFIDENTIALITY GUIDELINES FOR FAMILY PROCEEDINGS: A CLERK'S GUIDE

<u>Who Is Asking</u>	<u>Can They See the Records in a Family Case?</u>	<u>Authority</u>
Member of the general public	No, unless the Court has given them permission by valid court order. Anyone may see Family Court file documents if the court so orders.	FCA § 166
Petitioner	Yes	22 NYCRR § 205.5(a)
Petitioner's attorney	Yes	22 NYCRR § 205.5(a)
Presentment agency	Yes	22 NYCRR § 205.5(a)
Adult respondent	Yes	22 NYCRR § 205.5(a)
Adult respondent's attorney	Yes	22 NYCRR § 205.5(a)
When a child is a party to the proceedings OR when a child's custody may be affected by the proceedings:		
1) the parents or persons legally responsible for the care of that child	Yes	22 NYCRR § 205.5(b)(1)
2) the attorneys of the parents or persons legally responsible for the care of that child	Yes	22 NYCRR § 205.5(b)(1)
3) the guardian, guardian <i>ad litem</i> and law guardian or attorney for that child	Yes	22 NYCRR § 205.5(b)(2)
4) an authorized representative of the child protective agency involved in the proceeding or the probation service	Yes	22 NYCRR § 205.5(b)(3)
5) an agency to which custody has been granted by an order of the Family Court	Yes	22 NYCRR § 205.5(b)(4)
6) the attorney for an agency to which custody has been granted by an order of the Family Court	Yes	22 NYCRR § 205.5(b)(4)

<u>Who Is Asking</u>	<u>Can They See the Records in a Family Case?</u>	<u>Authority</u>	
If any temporary or final order of protection has been issued in the proceeding AND the proceeding was brought under Articles 4, 5, 6, or 8 of the Family Court Act:			
	1) A prosecutor, where a related criminal action may, but has not yet been commenced	Yes, but only upon affirmation that such records are necessary to conduct an investigation or prosecution	22 NYCRR § 205.5(d)(1)
	2) A prosecutor, where a related criminal action has been commenced	Yes, in accordance with procedures set forth in the Criminal Procedure Law ³ ; in addition, prosecutor may request transcripts of Family Court Proceedings in accordance with § 815 of the Family Court Act. ⁴ BUT the prosecutor must retain as confidential any records or information disclosed and the records or information may not be redisclosed unless necessary for the investigation or for use in the criminal action.	22 NYCRR § 205.5(d)(2)
	3) a defense attorney, where a related criminal action has been commenced	Yes, in accordance with procedures set forth in the Criminal Procedure Law. BUT the defense attorney must retain as confidential any records or information disclosed and the records or information may not be redisclosed unless necessary for the investigation or for use in the criminal action.	22 NYCRR § 205.5(d)(2)

³CPL § 60.46 states: "Evidence of a written or oral admission or any testimony given by either party, or evidence derived therefrom, in a proceeding under article eight of the family court act without the benefit of counsel in such proceeding may not be received into evidence in a criminal proceeding except for the purposes of impeachment unless such party waives the right to counsel on the record. Nothing herein shall be deemed to prohibit any testimony or exhibits received into evidence in a criminal proceeding, or any orders, decisions or judgments arising from such proceeding from being received into evidence in any proceeding under article eight of the family court act."

⁴FCA § 815 reads as follows: "The court shall, upon the written request of a district attorney stating that such transcript is necessary in order to conduct a criminal investigation or prosecution involving the petitioner or respondent, provide a copy of the transcript of any proceedings under this article [Article 8], to such district attorney. Such transcript shall not be redisclosed except as necessary for such investigation or prosecution."

<u>Who Is Asking</u>	<u>Can They See the Records in a Family Case?</u>	<u>Authority</u>
Another court	<p>Yes, BUT ONLY when necessary for a pending proceeding, where that proceeding involves one or more parties or children who are parties to or the subject of an Article 4, 5, 6, 8 or 10 proceeding in the Family Court.</p> <p>AND THEN, Only certified copies of pleading and orders in, as well as information regarding the status of, such Article 4, 5, 6, 8 or 10 Family Court proceeding may be transmitted without court order pursuant to this section.</p> <p>Any information or records disclosed pursuant to this paragraph may not be re-disclosed except as necessary to the pending proceeding.</p>	22 NYCRR § 205.5(e)
Representative of the State Commission on Judicial Conduct	Yes, but only upon application to the appropriate Deputy Chief Administrator, or his or her designee, containing an affirmation that the commission is inquiring into a complaint under article 2-A of the Judiciary Law, and that the inquiry is subject to the confidentiality provisions of said article	22 NYCRR § 205.5(c)

CONFIDENTIALITY GUIDELINES FOR MATRIMONIAL PROCEEDINGS: A CLERK'S GUIDE

There is one simple rule to remember on access to records in a matrimonial case:

Only the parties and their attorneys may see the records in a matrimonial action or proceeding, subject to address confidentiality provisions in DRL § 254. DRL § 235, 254.

Reminder on Address Confidentiality:

- 1) Where the Court has authorized that the address or other identifying information of a party or child be kept confidential in accordance with Family Court Act § 154-b(2) or Domestic Relations Law § 254, **any record or document disclosed pursuant to this section shall have such address and other identifying information redacted or otherwise safeguarded.** 22 NYCRR § 205.5.

If there is a motion pending to keep an address or other identifying information confidential that the Court has not yet ruled on, the address and other identifying information should nonetheless be kept confidential pending decision.

If an address or identifying information of one party or a child is confidential, then no other party may have access to that address or information.

- 2) **Address confidentiality for victims of domestic violence:** If a party or a child has resided or resides in a residential program for victims of domestic violence⁵, the present address of the party and the child and the address of the residential program for victims of domestic violence shall not be revealed. FCA § 154-b; DRL §254.

There is one **exception** to the § 235 rule that only the parties and their attorneys may have access to information on their case:

Under DRL § 235(3), a person may apply for evidence of the disposition, judgment or order in the action. In that case, the clerk should issue a "certificate of disposition" certifying the nature and effect of such disposition, judgement or order and shall **in no manner** evidence the subject matter of the pleadings or testimony, findings of fact, conclusions of law or judgment of dissolution derived in such action.

⁵ Defined in SSL § 459-a(4) as "any residential care program certified by the department [of social services] and operated by a not-for-profit organization in accordance with the regulations of the department for the purpose of providing emergency shelter, services and care to victims of domestic violence." These include but are not limited to domestic violence shelters, domestic violence programs and safe home networks, as defined in § 459-a(4).

CONFIDENTIALITY GUIDELINES FOR CRIMINAL PROCEEDINGS:
A CLERK'S GUIDE

<u>Criminal Cases:</u> <u>Confidential Records</u>	<u>Who may have access to or view records?</u>	<u>Authority</u>
Defendant's criminal history record (i.e., rapsheet, NYSIIS sheet)	<ul style="list-style-type: none"> • Defendant • Defendant's attorney • District Attorney 	<ul style="list-style-type: none"> • 42 USC § 3789g • 28 CFR Part 20 • NYS UCS & NYS DCJS Use & Dissemination Agreement
NYC Criminal Justice Agency (CJA) or other local Pretrial Services Agency report to Court re: defendant's eligibility for release	<ul style="list-style-type: none"> • Defendant • Defendant's Attorney • District Attorney 	<ul style="list-style-type: none"> • NYS Pretrial Release Services Standards (VI. Confidentiality)
Alcohol or drug treatment records	<ul style="list-style-type: none"> • Patient • Patient's attorney or other person or entity with respect to whom patient has given written consent to disclosure which complies with 42 CFR Part 2.31 • Person or entity specified in disclosure order that complies with 42 CFR Part 2 (subpart E) 	<ul style="list-style-type: none"> • 42 CFR Part 2
Documents that identify a victim of a sex offense (PL § 255.25) or an offense that involves the transmission of HIV and portions of documents which tend to identify such victim	<ul style="list-style-type: none"> • Victim • Any person or agency upon victim's written consent to such disclosure • Public officers or employees charged with investigation or prosecution of case or keeping records of case • Defendant • Defendant's attorney • Any person upon court order for good cause shown 	<ul style="list-style-type: none"> • Civil Rights Law § 50-b
Grand jury minutes	<ul style="list-style-type: none"> • District Attorney 	<ul style="list-style-type: none"> • CPL § 190.25(4)(a) • PL § 215.70
Probation reports and pre-sentence memoranda	<ul style="list-style-type: none"> • Defendant • Defendant's attorney • District Attorney <p>(to be made available by court for examination and copying by above, not less than one court day prior to sentencing and also in connection with an appeal in the case)</p>	<ul style="list-style-type: none"> • CPL § 390.50 (2)

Juror questionnaires and documents which contain jurors' names and addresses and/or information obtained from juror questionnaires	<ul style="list-style-type: none"> • County Jury Board only, except as otherwise permitted by the Appellate Division 	<ul style="list-style-type: none"> • Judiciary Law § 509(a) • <u>Matter of Newsday v. Sise</u>, 71 NY2d 146
Mental Health records submitted in connection with criminal court proceedings	<ul style="list-style-type: none"> • Person authorized to obtain same pursuant to MHL § 33.13 (c), including, but not limited to, person with respect to whom patient has given written consent • Defendant's attorney and District Attorney where permitted or required by CPL § 330.20 or CPL Article 730 	<ul style="list-style-type: none"> • CPL § 330.20 • CPL Article 730 • Mental Hygiene Law Articles 9 & 15 • Mental Hygiene Law § 33.13(c)
Orders of Commitment of mentally ill inmates (and all papers in commitment proceeding)	<ul style="list-style-type: none"> • Parties to the proceeding and, upon court order, persons "properly interested" in the proceedings 	<ul style="list-style-type: none"> • Correction Law § 402(6)
Sealed records in cases which end favorably to the accused	<ul style="list-style-type: none"> • Person accused • Attorney or "designated agent" of person accused • Persons or agencies enumerated in CPL § 160.50(1)(d) 	<ul style="list-style-type: none"> • CPL § 160.50(1)(d)
Sealed records of criminal cases against juvenile offenders that are removed to family court	<ul style="list-style-type: none"> • No access except by court order or where a relevant statute expressly permits or requires access 	<ul style="list-style-type: none"> • CPL § 725.15 • Family Court provisions
Youthful Offender (Y.O.) Records	<ul style="list-style-type: none"> • Youthful offender • Youthful offender's attorney or "designated agent" • Designated Educational official (notice of Y.O. adjudication <u>only</u>) • Parole or probation, in accordance with CPL § 720.35(2) • Statewide OP registry may maintain OP or TOP (or OP warrant) issued in Y.O. case • Person or entity authorized pursuant to Y.O. Court's unsealing order 	<ul style="list-style-type: none"> • CPL § 720.35(2)
Criminal Court sex offender registry forms	<ul style="list-style-type: none"> • Defendant • Defendant's attorney • District Attorney 	<ul style="list-style-type: none"> • Correction Law § 168-b

APPENDIX G

NEW YORK STATE UNIFIED COURT SYSTEM



INTEGRATED DOMESTIC VIOLENCE COURT

MODEL COURT COMPONENTS

Office of Court Administration
25 Beaver Street, Suite 1128
New York, New York 10004

Hon. Judy Harris Kluger
Deputy Chief Administrative Judge
Court Operations and Planning

INTEGRATED DOMESTIC VIOLENCE COURT MODEL COURT COMPONENTS

Purpose of the Model Court Components

The New York State Integrated Domestic Violence (“IDV”) Court Model envisions a court designed to handle multiple related cases pertaining to a single family where the underlying issue is domestic violence. The Model was developed through research, experience, identification of best practices, and an analysis of the court system’s current methods of addressing domestic violence. The goals of the IDV Court include providing integrated services to families, increasing offender accountability, ensuring victim safety, improving court efficiency, and enhancing informed and consistent judicial decision-making while protecting the rights of all litigants.

The purpose of this document, the Model Court Components, is to provide guidance to planning teams and IDV Judges and staff as they implement the IDV Court Model. It identifies the key components of IDV planning, implementation, and operations, and it presents those components in a detailed outline format. In addition to serving as a guide in the planning process, this document may be used by individual IDV Court planning teams to track their own progress. The IDV Courts will also receive guidance from the office of the Deputy Chief Administrative Judge for Court Operations and Planning, which oversees the court planning process and the implementation and administration of the statewide model and, together with the Center for Court Innovation, provides on-going support to the IDV Courts.

There are twelve model court components, each of which is discussed in detail below.

I. Jurisdiction

The first component, which provides the underpinning for the IDV Court structure, is jurisdiction. The offices of the Chief Administrative Judge and the Deputy Chief Administrative Judge for Court Operations and Planning have researched and analyzed carefully the question of the IDV Courts’ jurisdiction. The result of their interpretation of the state constitution and the law is that the IDV Courts can only properly be created as state Supreme Court parts. Accordingly, while the individual IDV Courts should be aware of this component, they need not focus their efforts on studying it.

- A. Cases Heard by the IDV Courts: To successfully achieve the goals of the IDV Court Model, IDV Courts must be able to hear and decide three types of cases:
1. Criminal cases, such as violation and misdemeanor domestic violence cases and matters involving violations of orders of protection (felonies may be phased in at a later stage),
 2. Family Court cases, such as family offenses, custody and visitation disputes, and support proceedings¹; and
 3. Supreme Court cases, specifically, contested matrimonial actions.
- B. The New York State Supreme Court is the only trial-level court in the state that has the jurisdiction to hear and decide all three types of cases listed above. Accordingly, when an IDV Court is created, it is created as an Integrated Domestic Violence Part ("IDV Part") in the Supreme Court of a particular county. Nonetheless, cases heard by the IDV Courts are governed by the originating courts' substantive and procedural law.
- C. Under the IDV Court Model, for a family's cases to be eligible for the IDV Court, there must be at least a domestic violence criminal case and one additional matter in another court (that is, a proceeding or case in Family Court or Supreme Court, Matrimonial Part) involving:
1. the defendant in the criminal action, and/or
 2. the complaining witness in the criminal action.
- D. For each IDV Part, the Chief Administrative Judge will implement an administrative order creating the Part.
- II. Planning, Staffing and Technical Assistance

IDV Courts should go through a comprehensive planning process to ensure that their operations run smoothly and that the court is prepared to handle the legal and technological needs of a multi-jurisdictional part. Careful planning will also ensure consistency and uniformity among all the IDV Courts while serving the goals of increasing offender accountability, ensuring victim safety, integrating the delivery of services, and eliminating inconsistent and conflicting judicial orders.

¹Individual IDV Courts' planning documents may provide for categories of family court matters other than custody and visitation and orders of protection to be phased in over time.

Because the IDV planning process involves multiple courts, judicial and non-judicial personnel, attorney organizations, and related agencies as well as the coordination of services, implementation of an IDV Court inevitably takes time. Prior experience suggests that new IDV Courts should set aside at least six months for their planning period, followed by at least a six-month implementation period to test protocols and practices before expanding to full capacity.

A. Planning

1. Each IDV site should create a Working Group as well as several subcommittees comprised of members from each of the contributing courts to create operational protocols, write a planning document, and address the particular needs of the IDV Court.
2. As a crucial piece of the planning process, the Working Group should identify and meet with stakeholders, including the District Attorney office, the defense bar, family court and matrimonial attorneys, assigned counsel panelists, law guardians, city/county attorneys, domestic violence agencies, child welfare agencies, batterer intervention programs, substance abuse treatment providers, supervised visitation providers, departments of probation, and any other groups identified by the Working Group as having an interest in the outcome of the IDV planning process.
3. Each court's Working Group should develop a detailed six-month planning timeline.
4. Following the six-month planning period, there should also be a six-month implementation period for each court to assess protocols and practices and make any necessary adjustments.

B. Staffing

1. Each IDV Court must have a Supreme Court Justice or Acting Supreme Court Justice presiding over the court and a Supreme Court Justice or Acting Supreme Court Justice as a back-up judge.
2. Each IDV Court should have a court attorney/law clerk to assist the presiding judge with judicial decisions and review transfer orders for signature.
3. Each IDV Court should have an IDV Part Clerk to prepare the daily calendar, maintain orders issued by the judge, and maintain and update court records and databases.

4. Each IDV Court should identify non-judicial personnel from each of the contributing courts to identify eligible cases, forward files to the IDV Court, and calendar and notify parties of transfer to the IDV Court once the IDV Judge orders the transfer.
5. Each IDV Court should identify a staff person to serve as a liaison to service providers, regularly gather compliance reports, and supply compliance information to the IDV Judge.
6. Each IDV Court should assign security personnel for courtroom proceedings and IDV-related offices in the court building who have received training on the unique issues related to domestic violence cases.
7. Back up staff for each of these roles should be identified and trained.

C. Technical Assistance

1. Technical Assistance teams, consisting of one staff member from the office of the Deputy Chief Administrative Judge for Court Operations and Planning and one staff member from the Center for Court Innovation, have been formed with the goal of providing guidance and assistance to the IDV Courts. A TA Team is assigned to each IDV Court.
2. The teams are also intended to be a link to the office of the Deputy Chief Administrative Judge for Court Operations and Planning and to committees formed through that office that focus on system wide issues, such as technology, operations, legal issues, evaluations, and training. The TA teams can communicate the suggestions and concerns of judges and staff in the IDV Courts to that office and those committees.
3. On-going regular meetings with Technical Assistance Teams and the local IDV Working Groups and subcommittees should be scheduled from the initial planning stage through implementation and full operation of the IDV Court.

III. Case Identification and Screening and Court Calendaring

The IDV Court planning team should develop protocols to identify and screen cases that are eligible to be transferred to and handled by the IDV Court. It should develop procedures to effect the transfer of cases to the IDV Court once they have been found eligible. Finally, the planning team should provide for appropriate calendaring of IDV cases before the IDV Court.

- A. **Defining IDV Eligibility:** For cases to be IDV eligible, there must be a criminal case involving a crime or violation between spouses, former spouses, or parent and child or between “members of the same family or household” as defined in section 530.11(1) of the Criminal Procedure Law *and* an overlapping Family Court case or Supreme Court contested matrimonial case or both. The criminal case is the lynchpin of IDV eligibility, and the overlapping case must involve as a party either the defendant or the complaining witness in the criminal case or both. The overlapping cases together are deemed IDV eligible.

- B. **Determining IDV Eligibility:** IDV Planning teams should work with local criminal courts, Family Court, the Supreme Court Matrimonial Part, and any other contributing courts to develop protocols for identifying and screening IDV eligible cases at the earliest possible point in the court proceedings. Determining eligibility is a two-step process.
 - 1. **Identification:** First, IDV planning teams should develop procedures for identifying criminal cases as domestic violence cases, that is, cases involving a crime or violation between spouses, former spouses, or parent and child or between “members of the same family or household,” as defined in section 530.11(1) of the Criminal Procedure Law.
 - a. In many places, the District Attorney’s office and/or local law enforcement agencies identify domestic violence cases when they arise. This may be helpful to IDV Courts in their own identification process. Where the District Attorney’s office and local law enforcement agencies do not identify domestic violence cases, the IDV planning team may want to encourage them to establish the practice.
 - b. Where the District Attorney’s office and local law enforcement agencies are not prepared to assist in identifying domestic violence criminal cases, judges should identify domestic violence cases at arraignment.
 - c. In the absence of identification procedures by the District Attorney’s office or local law enforcement, courts should also (or alternatively) identify staff who will be responsible for reviewing new cases for key identifying terms or information typical of domestic violence cases.

2. Screening: Second, IDV Courts should develop procedures for screening domestic violence criminal cases against available databases to determine whether there is an overlapping family or matrimonial case.
 - a. Screening procedures should be developed not only for the IDV Court, but also for the originating courts.
 - b. The courts' procedures should provide for pre-arraignment and on-going post-arraignment screening.
 - c. Cases should be screened by running the names of the defendant and complaining witness through the Domestic Violence Registry ("DVR"). This process will identify any currently active related Orders of Protection. Criminal DV cases should also be checked against automated case management systems maintained by Family Court or Supreme Court, Matrimonial Part. Family Court and the Supreme Court should check their newly-filed cases and petitions against the local criminal court's database.
 - d. IDV Courts should work with Town and Village Justice Courts, which ordinarily do not have access to automated case management systems, to develop protocols of their own to ensure that their criminal domestic violence cases are screened for overlapping cases. IDV planners may want those protocols to provide for the Justice Courts to communicate information on domestic violence criminal cases to the IDV Court immediately, either by fax or some other method, so that the IDV Court staff may do any necessary screening. If the IDV staff locates an overlapping family or matrimonial case, the criminal case and the overlapping case or cases will be subject to transfer to the IDV Court. However, where that screening does not locate an overlapping family or matrimonial case, the domestic violence criminal case will remain in the Justice Court.

C. Transfer

When a set of two or more overlapping cases (a criminal case and at least one other overlapping case) have been identified as IDV eligible, they should be sent to the IDV Judge for review. The IDV Judge will sign a transfer order and the cases will be formally transferred, in their entirety, unless one of the cases has proceeded so far in the originating court, or such exceptional circumstances are present, that the IDV Judge decides that transfer would not promote the administration of justice. Litigants in transferred cases may not opt out of the IDV Court.

The IDV Planning teams should develop procedures for effecting case transfer, including procedures for notifying other originating courts and for sending all papers and other documents filed in connection with the eligible cases to the IDV Court.

D. Court Calendaring: The IDV Court should coordinate the scheduling of cases in an effort to increase court efficiency and eliminate unnecessary appearances by all litigants.

1. IDV Courts should strive to calendar all related family, criminal, and matrimonial cases on the same day while preserving the integrity of each matter.
2. The IDV Court should handle all criminal cases first to the extent possible.
3. Each case type must be called separately in order to maintain the integrity of each individual IDV case.
4. The IDV Court should reserve specific time periods for holding trials and monitoring compliance.

IV. Legal Representation

Ensuring quality legal representation for all eligible parties as quickly as possible is of central importance if the IDV Courts are to function effectively. The IDV Court planning teams should identify all potential sources of legal representation within their localities and facilitate litigants' access to these sources of representation. If a planning team anticipates any problem related to the availability of counsel, it should address the problem in its planning document.

- A. Potential sources of legal representation for litigants in the IDV Courts include:
1. Assigned counsel panels and the Assigned Domestic Violence Counsel program ("ADVC"),
 2. Public defender organizations,
 3. Legal Aid and legal services groups,
 4. Non-profit organizations,
 5. Law guardian panels, and
 6. The private bar. Members of the private bar, particularly those willing to represent litigants in the IDV Courts on a *pro bono* basis, may be identified through local bar associations. Local bar associations may also be helpful in identifying or locating the other sources of representation listed above.
- B. There will be a right to counsel in the IDV Courts to the extent that such a right existed in the originating court. IDV Courts do not create a right to counsel where none existed before. However, IDV personnel should assist litigants in obtaining the assistance of counsel where possible.

V. Judicial Monitoring and Offender Accountability

One of the goals of the IDV Courts is to allow for intensive judicial monitoring of offenders. This monitoring will ensure on-going compliance with court orders and will allow the courts to hold offenders accountable immediately when violations occur. To meet this goal, each IDV Court should institute protocols to supervise and monitor offenders.

The IDV Courts should also develop effective offender accountability protocols to ensure immediate and comprehensive enforcement of violations and to protect victims' safety. Offender accountability is best achieved by the IDV Court establishing strong links with local departments of probation and service providers that administer mandated programs. Probation and mandated programs can assist the court both in monitoring offender compliance with court-ordered sentences and in developing appropriate sanctions for offenders who are not sentenced to prison or jail terms. The IDV Court planning team should include probation and services organizations in developing its judicial monitoring and offender compliance protocols.

Listed below are elements to be incorporated in the IDV Courts' judicial monitoring and offender accountability protocols.

A. Judicial Monitoring

1. IDV Judges should maintain a separate compliance calendar for on-going appearances for offenders post-disposition in both criminal cases and family cases, including those involving support, visitation, and orders of protection.
2. The court should encourage probation and mandated programs to attend these court appearances.
3. The terms and conditions of court orders should be clearly specified so that standards for compliance are clear.

B. Offender Accountability

1. IDV Courts should identify and develop relationships with departments of probation and mandated programs, such as batterer intervention and substance abuse programs, counseling, parenting skills classes, and supervised visitation agencies.
 - a. Required attendance at mandated programs should, where appropriate, be a sanction for domestic violence crimes.
 - b. IDV planning teams should develop protocols to ensure that providers of mandated programs for offenders and departments of probation report to the IDV Court immediately whenever an offender fails to comply with the terms of a court order or program requirement or fails to enroll in or is terminated from a mandated program. Those protocols should include an agreed-upon definition of compliance and explicit compliance standards and policies. They should also include a specific mechanism or format for reporting.
 - c. In addition to asking mandated programs and probation to do special reporting in the event of offender non-compliance, the IDV Courts should ask them to report regularly on offender participation and compliance.
2. Where it is determined that offenders have failed to comply with a court order, IDV Courts should hold them accountable through immediate referral to programs or through swift enforcement and the use of graduated sanctions.

VI. Judicial and Non-Judicial Training

Judges, court staff and local agencies will be invited to participate in comprehensive training programs. Training in the policy, law and dynamics of domestic violence is critical to the successful implementation and execution of an integrated domestic violence court. The Office of the Deputy Chief Administrative Judge for Court Operations and Planning, in conjunction with the Center for Court Innovation, will provide and coordinate training for IDV Judges and staff² in these basic areas:

- A. IDV Court orientation, planning and implementation, and follow-up, including:
 - 1. mission and goals of IDV Courts,
 - 2. time lines,
 - 3. best practices, and
 - 4. court operations.
- B. Local site training, taking advantage of local expertise and cross-training opportunities by encouraging the court and stakeholders to plan and hold multiple training sessions throughout the year that focus on the impact of domestic violence.
- C. Education seminars for judges, court attorneys, and other lawyers working in the IDV Courts, focusing on legal issues in the area of domestic violence in criminal, family, and matrimonial practice.
- D. Centralized technology training for IDV Court staff responsible for case eligibility screening and case-management data entry.

Additionally, IDV Judges are encouraged to attend and participate in training to satisfy the requirements of §§ 17.3 and 17.4 of the Rules of the Chief Judge.

²In addition, individual IDV Courts are encouraged to reach out to their local victims' services providers, who may be in a position to provide court staff with training on domestic violence offenses and their effect on victims and families.

VII. Technology

The Office of Court Administration is currently developing a case management system, UCMS, that will link the various courts' systems together and improve on current information management. Until that project is completed, IDV Courts must continue to take advantage of and utilize existing technology for case identification, record keeping, and statistical purposes. These tools can also assist the court in the collection of relevant information on all pending cases. Current systems include:

- A. ADBM (Supreme Court and City Courts outside NYC, County Courts)
- B. CCIS (Supreme Court)
- C. CRIMS (City Courts and District Courts outside NYC, Supreme Court, Criminal Court in NYC)
- D. UCMS (Family Court)

While the IDV Courts will use some or all of these databases as well as the Domestic Violence Registry (DVR) for case management and eligibility screening, they are required to use a separate IDV application, developed for use in the IDV Courts, to track and manage their cases. This application will also be used for data collection and analysis.

VIII. Courthouse Safety

IDV Courts should provide a safe and secure environment in which to adjudicate family related civil and criminal court proceedings. Planners should re-examine existing security plans and protocols to address the following:

- A. Sufficient security personnel should 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.
- B. Clear and visible signs should be installed directing litigants to needed services and waiting areas.
- C. Safe waiting areas should exist for victims of domestic violence and their children (see also Component X below).
- D. IDV Courts should evaluate the security services that are provided on contractual basis to ensure that they meet the above requirements.
- E. In planning for courthouse safety, IDV Court planners should be mindful of the requirements of the Fair Treatment Standards for Crime Victims codified at New York State Executive Law §§ 640-649.

IX. Case Integrity, Confidentiality and Record Keeping

Each IDV Court should take utmost care to preserve the integrity and distinct characteristics of each type of proceeding. Particular attention should be paid to the fact that there are different information sharing rules and policies as well as burdens of proof for the different types of cases. Rules and statutes concerning confidentiality and record-sharing should be strictly adhered to.

- A. When a set of IDV eligible cases has been transferred to the IDV Court, IDV Court staff should create a master IDV family unit folder.
- B. Each companion case (criminal, family, and matrimonial) shall be maintained separately in its own file folder within the master IDV family unit folder.
- C. Each separate companion case folder is subject to the statutes and rules governing access, confidentiality, and record retention that apply to the corresponding case type in the court of origin.
- D. IDV Courts should be particularly careful to maintain the confidentiality of victims' addresses and should develop protocols to comply with New York Domestic Relations Law §254 and Family Court Act §154-b

X. Domestic Violence Services

IDV Courts should facilitate a victim's immediate access to victim advocates. In particular:

- A. Frontload domestic violence advocacy services to victims and their children at the earliest possible point in the litigation (i.e. arraignment, petition room).
- B. If an advocate is provided to a victim at an earlier stage of litigation (prior to IDV identification), protocols should be developed to try to maintain the advocate/client relationship that has already been established when the case is transferred to IDV Court.
- C. IDV Courts should work with local independent, non-profit domestic violence agencies during the planning process to ensure that dedicated on-site victim advocates and coordinated services can be made available.
- D. Victim advocates should provide a full range of services such as: safety planning, explaining the court process, shelter, food, support groups for victims and children, and access to a range of other service needs.
- E. Courts should provide a safe and secure location for victims (and their children) and advocates to meet and discuss issues. This location should be monitored by court security staff and should also be a resource for victims to receive information and referrals as needed.

XI. Use Community Resources

As outlined above in Components V and X, IDV Courts should collaborate with service providers to ensure a coordinated community response and identification of comprehensive services for all parties. IDV Courts should:

- A. Identify local stakeholders, both legal and non-legal (as discussed above in II A 2).
- B. Try to establish dedicated liaisons from these agencies to the IDV Court (some agencies may be able to dedicate one staff person to be in the IDV Court, others may not have the resources).
- C. Establish protocols between these agencies and the IDV Court, particularly with agencies that report to the IDV Court about a defendant/respondent's compliance with court orders.
- D. Establish effective protocols and lists for judges to appoint counsel, if needed.
- E. Where appropriate, facilitate cross-training for lawyers on both criminal and civil matters so that lawyers can represent litigants on multiple matters.
- F. Link to existing coordinated community response task forces and protocols that have already been established.
- G. Hold regular, ongoing stakeholder meetings where agencies and the court can report on progress of the project as well as identify any new gaps in services.
- H. Court staff should do regular outreach to new stakeholders in order to ensure comprehensive service provision.
- I. Court staff should offer regular domestic violence related training opportunities for stakeholders in order to continually educate the community about cutting edge issues.

XII. Assessment

IDV Courts should consider evaluation a critical part of their mission. The Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation have developed evaluation plans that will ensure reports to managers and policy makers on the effectiveness of the courts. IDV Courts should cooperate in statewide data collection so that reports can be created for local and statewide monitoring and assessment. Before IDV Court personnel initiate or participate in any study of the IDV Courts or if they learn of any proposed or on-going outside study of a New York IDV Court, they should contact the Office of the Deputy Chief Administrative Judge for Court Operations and Planning.

A. Quarterly Reports

Starting in the first quarter of 2004, each IDV Court will be asked to submit a Quarterly Report on such indicators as:

- the number of cases of each type heard by the court;
- factors contributing to any change in those numbers;
- staffing levels (both internally and within stakeholder groups);
- numbers of staff and stakeholder meetings;
- staff assignments;
- training;
- record keeping;
- contacts with Technical Assistance Teams; and
- goals and benefits of the IDV Court.

The TA Teams will work with individual IDV Courts to assist them in setting up systems for collecting this data if they are not already in place.

B. Technology and Future Goals

The Office of Court Administration, with the guidance of the Office of the Deputy Chief Administrative Judge for Court Operations and Planning, is currently developing technology to assist the IDV Courts in capturing data and managing their cases. That new technology will ultimately enable the IDV Courts to capture data in many additional areas of their operations. The eventual goal is to collect data in the areas of:

- number of families seen;
- number of cases heard (by type and by family);
- number of appearances per case and total per family;
- percentage of cases where the same judge presides over all appearances for all a family's cases;
- time from arraignment or initial appearance to IDV transfer;
- number of appearances in originating courts prior to transfer to the IDV Court;
- levels of representation by attorneys;

- statistics on involvement of victim advocates and referrals to services;
- number of victims/petitioners with children;
- number of offenders for whom final Orders of Protection are issued in both a family case and a criminal case;
- statistics on terms and conditions of Orders of Protection;
- statistics on the use of programs and program compliance;
- frequency of various types of judicial response to allegations of violations of Orders of Protection;
- number of court team and stakeholder meetings; and
- frequency and type of specialized training received by judges, attorneys, and/or court staff.

08.06.2004

APPENDIX H

DOMESTIC VIOLENCE REGISTRY
PROTOCOLS FOR SCREENING CONTESTED MATRIMONIAL CASES

Screening contested matrimonial cases in the Domestic Violence Registry can be accomplished in a variety of ways. The screening process should always occur subsequent to the filing of the Request for Judicial Intervention (RJI). Once the RJI is filed in Supreme Court, the case will be assigned to a Judge. At this point, one of the following methods should be utilized:

1. At the *intake* stage of the case (*when the RJI is filed in Supreme Court*), the Registry can be checked by back office court personnel. If the Registry search reflects a current Order of Protection or a prior Order naming either the plaintiff/petitioner or defendant/respondent, a printout should be given to the Judge assigned to the case; or,

2. After the case is assigned to a Judge, the Judge's part clerk can screen the case. A weekly assignment report can be provided to the part clerk by back office court personnel. The part clerk can then check the Registry for each assigned case; or,

3. Some counties notify the Judge of contested matrimonial case assignments by sending a copy of the filed RJI. Part clerks can screen these cases from the information on the RJI.

Any of these methods will provide the Judge with a history of the issuance of Orders of Protection.

How To Access The Domestic Violence Registry

The most common and routine way to access the DV Registry is through the use of a personal computer :

- a. specific software is installed on the personal computer; or,
- b. the Registry program can be accessed through the court intranet web page.

It is necessary to be able to log on to the DV Registry. This requires an access code to enter orders and/or search the Registry. Every court should have at least one person with an access code. Contact your supervisor for information on how to obtain an access code.

If for some reason, a court does not have access to the Registry, or is having a problem accessing it, then a phone call can be made to the Registry for information or for a request for information by facsimile. This is not a common practice, but is a solution in the event

information is needed and the usual options are unavailable.

Check with your supervisor if you have questions. Otherwise, contact George DiPietro, 1(800) 266-9511, who is very knowledgeable in this area.

Revised 7/2005

APPENDIX I



UNIFIED COURT SYSTEM
SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF **1**
INTEGRATED DOMESTIC VIOLENCE PART

DEFENDANT: **2**

Revised 01/24/2005
IDV Docket No. **3**
JUDGE: **4**

IDV TRACKING NUMBER: **5**

CRIMINAL CASE		FAMILY CASE		MATRIMONIAL CASE	
IDV DOCKET NUMBER	6	FAMILY COURT FAMILY FILE NUMBER:	14	INDEX NUMBER	31
ORIGINATING COURT	7	DOCKET NUMBER	15	PLAINTIFF	31
DOCKET NUMBER	8	PETITIONER	17	PLAINTIFF'S ATTORNEY	32
ATTORNEY:	9	PETITIONER'S ATTORNEY	18	DEFENDANT	31
CHARGES:	10	RESPONDENT	19	DEFENDANT'S ATTORNEY	32
DISPOSITION:	11	RESPONDENT'S ATTORNEY	20	COMMENT:	32
SENTENCE:	12	LAW GUARDIAN:	21		
COMMENTS:	13	DISPOSITION:	22		
		COMMENTS:	23		
IDV DOCKET NUMBER		DOCKET NUMBER		DISPOSITION:	30
ORIGINATING COURT		RESPONDENT		DATE OF JUDGMENT:	31
DOCKET NUMBER		PETITIONER'S ATTORNEY			
ATTORNEY:		DEFENDANT			
CHARGES:		RESPONDENT'S ATTORNEY			
DISPOSITION:		LAW GUARDIAN:			
SENTENCE:		DISPOSITION:			
COMMENTS:		COMMENTS:			
IDV DOCKET NUMBER		DOCKET NUMBER			
ORIGINATING COURT		PETITIONER			
DOCKET NUMBER		RESPONDENT'S ATTORNEY			
ATTORNEY:		RESPONDENT			
CHARGES:		DEFENDANT'S ATTORNEY			
DISPOSITION:		LAW GUARDIAN:			
SENTENCE:		DISPOSITION:			
COMMENTS:		COMMENTS:			

INTEGRATED DOMESTIC VIOLENCE COURT
FILE FOLDER
FIELD GUIDE

- 1) Name of IDV Court (County / City)
- 2) Name of Defendant on the earliest criminal case used to establish IDV eligibility
- 3) This field can be used to record a unique number issued by the County Clerk or for another purpose as needed. **It should be noted that the number is not the same as the IDV Tracking number.**
- 4) Name of the IDV Judge. (It should be the judge who signed the transfer orders, unless that Judge is not the same as the IDV judge)
- 5) The IDV Tracking number is generated from the IDV Application. One number is assigned to each family and links all of that family's cases together.

Criminal Cases

- 6) The IDV number is the Supreme Court docket number which is assigned to the IDV criminal case.
- 7) Name of the local criminal court that was processing the case before it was identified and transfer to the IDV Court.
- 8) The local criminal court docket number
- 9) The attorney of record on the criminal case in the IDV Court.

- 10) The top charge at a minimum ; additional charges may also be entered.
- 11) the final disposition of the criminal case in the IDV Court.
- 12) The sentence issued by the IDV judge.
- 13) Related comments (This field can be used to record additional information as needed).

Family Cases

- 14) Docket number for a family case generated by UCMS Family when the case is filed with the Family Court.
- 15) Docket number for the family case generated by UCMS Supreme when the case is transferred to the IDV Court.
- 16) Family Unit number generated by UCMS Supreme when the first family case is transferred to the IDV Court
- 17) Petitioner's name
- 18) Petitioner's attorney of record in the IDV Court.
- 19) Respondent's name
- 20) Respondent's attorney of record in the IDV Court
- 21) Assigned Law Guardian in the IDV Court
- 22) The final disposition of the Family matter in the IDV Court.
- 23) Related comments

Matrimonial Cases

- 24) Index number issued by the County Clerk. (**It should be noted this may be the same number referred to in number 3)**)
- 25) Plaintiff's name
- 26) Plaintiff's attorney of record in the IDV Court
- 27) Defendant's name
- 28) Defendant's attorney of record in the IDV Court
- 29) Related comments
- 30) Final disposition of the Matrimonial case in the IDV Court.
- 31) Date the judgment is filed
- 32) A list of any post judgment activity handled by the IDV Court.