

22 NYCRR 17.1

N.Y. Comp. Codes R. & Regs. tit. 22, § 17.1

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF
NEW YORK

TITLE 22. JUDICIARY

SUBTITLE A. JUDICIAL ADMINISTRATION

CHAPTER I. STANDARDS AND ADMINISTRATIVE POLICIES

SUBCHAPTER A. RULES OF THE CHIEF JUDGE

PART 17. JUDICIAL EDUCATION AND TRAINING

Text is current through September 15, 2005.

Section 17.1 Visitation of facilities and institutions for detention, treatment, examination and confinement; visitation of residential facilities for victims of domestic violence.

(a) In order to ensure that every judge or justice be familiar with those facilities where the judge or justice is authorized to direct the detention, treatment, examination or confinement of any person in connection with Criminal or Family Court proceedings, the following steps shall be taken:

(1) each judge or justice designated in subdivision (d) of this section, holding office before October 1, 1981, shall visit a facility or institution of each type specified in subdivision (d) of this section. To comply with this requirement, visits shall be completed no later than October 1, 1982, or shall have been made no earlier than January 1, 1979;

(2) each judge or justice designated in subdivision (d) of this section, who shall assume office on or after October 1, 1981, shall visit a facility or institution of each type specified in subdivision (d) of this section. To comply with this requirement, visits shall be completed no later than one year after the assumption of office, or shall have been made no earlier than three years before the assumption of office;

(3) each judge or justice whose term of office is four years or longer or who is appointed to or elected to consecutive terms of office that, in the aggregate, equal four years or more and who regularly sits in a criminal term or in a term with criminal as well as civil jurisdiction, each judge of the New York City Criminal Court, and each judge of the Family Court, having complied with the provisions of paragraph (1) or (2) of this subdivision, shall, within every four years thereafter during the term or terms of office of said judge or justice, visit at least one facility or institution of each type specified in subdivision (d) of this section;

(4) a judge or justice, for the purposes of this Part, shall be deemed to regularly sit in a criminal term, or in a term with criminal as well as civil jurisdiction, if such judge or justice sits in a part of court exercising criminal jurisdiction for at least one trial term in a year.

(b) The Deputy Chief Administrator of the Courts for the courts outside the City of New York shall be responsible for ensuring compliance with subdivision (a) of this section by the judges and justices of courts outside the City of New York and shall report to the Chief Administrator of the Courts as to the implementation of the provisions thereof at such times and in such form as the Chief Administrator of the Courts shall require.

(c) The Deputy Chief Administrator of the Courts for the courts within the City of New York

shall be responsible for ensuring compliance with subdivision (a) of this section by the judges and justices of courts within the City of New York, and shall report to the Chief Administrator of the Courts as to the implementation of the provisions thereof at such times and in such form as the Chief Administrator of the Courts shall require.

(d) The following types of facilities and institutions shall be visited.

(1) Justices of the Supreme Court, judges of the County Court, and judges of the Court of Claims, regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction, shall visit one facility in each of the following categories:

(i) a facility operated by the New York State Department of Correctional Services for the confinement of persons convicted of a felony;

(ii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the confinement of persons convicted of a misdemeanor or violation;

(iii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the detention of persons accused of an offense;

(iv) a secure facility maintained by the New York State Office of Children and Family Services for the care and confinement of juvenile offenders; and

(v) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(2) Judges of the New York City Criminal Court shall visit one facility in each of the following categories:

(i) a facility operated by the New York City Department of Correction for the confinement of persons convicted of a misdemeanor or violation;

(ii) a facility operated by the New York City Department of Correction for the detention of persons accused of an offense; and

(iii) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(3) Judges of the District Court and judges of the City Court, regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction, shall visit one facility in each of the following categories. Justices of the Town and Village Courts shall visit one facility in each of the following categories if located in the county where the justice is sitting:

(i) a facility operated by a county or municipality for the confinement of persons convicted of a misdemeanor or violation;

(ii) a facility operated by a county or municipality for the detention of persons accused of an offense; and

(iii) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(4) Judges of the Family Court shall visit one facility in each of the following categories:

(i) a secure facility certified by the New York State Office of Children and Family Services for the detention of alleged juvenile delinquents held prior to completion of a Family Court proceeding;

(ii) a nonsecure facility certified by the New York State Office of Children and Family Services for the detention of alleged juvenile delinquents and Persons In Need of Supervision held prior to completion of a Family Court proceeding;

(iii) a facility of the New York State Office of Children and Family Services for the care, treatment or confinement of juvenile delinquents or Persons In Need of Supervision;

(iv) a facility operated by a voluntary authorized agency, as defined by section 371, subdivision 10(a) of the Social Services Law, for the care and treatment of children; and

(v) either (a) or (b):

(a) a children's psychiatric center or children's unit of a psychiatric center operated by the New York State Office of Mental Health, or a developmental center or intermediate care facility for the mentally retarded or developmentally disabled operated by the New York State Office of Mental Retardation and Developmental Disabilities for the evaluation and treatment of children; or

(b) a facility of a county or municipality, or a private institution, to which the Family Court refers children for evaluation or in which the Family Court places children for treatment of mental illness or retardation.

Historical Note

Sec. added by renum. and amd. 20.17, filed Feb. 2, 1982; amds. filed: July 10,

1998; Jan. 10, 2000; Sept. 20, 2000; Dec. 1, 2000 eff. Nov. 17, 2000. Repealed (e).