



# PROGRAM COMPLIANCE FAX SHEET

[ON PROGRAM LETTERHEAD]

## FAX

To: (name of court contact), Integrated Domestic Violence Court

Fax number:

### ATTENDANCE REPORT

Program:

Date:

Referred Person:

Registered on:

Scheduled to Attend 1<sup>st</sup> class/appointment on:

Attended 1<sup>st</sup> class/appointment on:

Next class/appointment:

#### ATTENDANCE INFORMATION

Referred Person has been scheduled for: [# of classes/appointments]

Referred Person has attended: [# of classes/appointments]

Referred Person has missed: [# of classes/appointments]

Dates of absences: \_\_\_\_\_

Referred Person is adhering to the attendance requirements: \_\_\_ Yes \_\_\_ No

Referred Person is adhering to other program requirements: \_\_\_ Yes \_\_\_ No

Referred Person completed the program on:

Referred Person was dismissed on:

Comments/Program Policies:

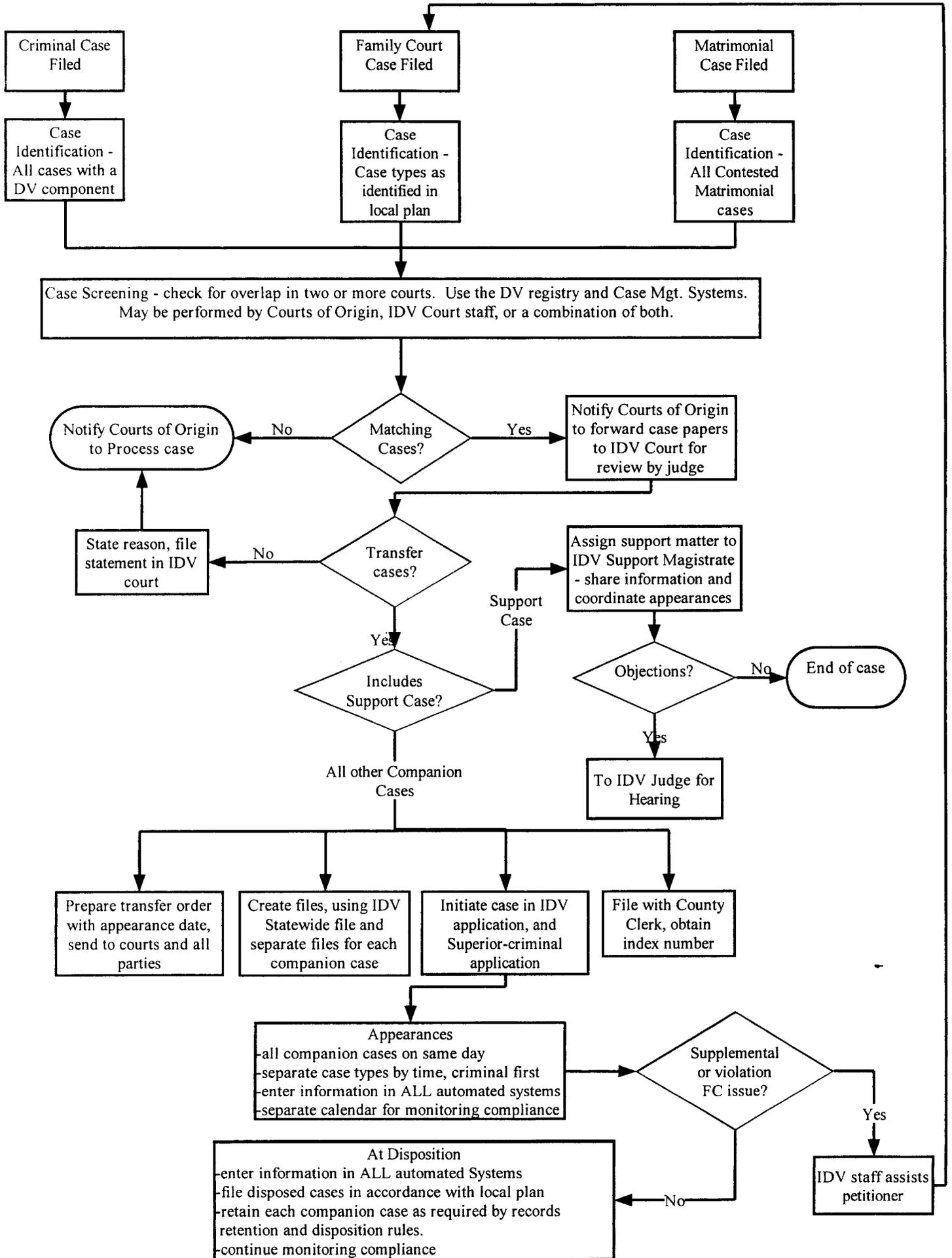
Program Representative Signature/Print: \_\_\_\_\_

Program Representative Contact Number: \_\_\_\_\_





INTEGRATED DOMESTIC VIOLENCE CASE FLOW





STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
OFFICE OF COURT ADMINISTRATION  
25 BEAVER STREET, SUITE 1128  
NEW YORK, NEW YORK 10004  
(212) 428-2130  
FAX (212) 428-2192

**JONATHAN LIPPMAN**  
Chief Administrative Judge

**JUDY HARRIS KLUGER**  
Deputy Chief Administrative Judge  
Court Operations & Planning

June 22, 2005

Dear IDV Judges,

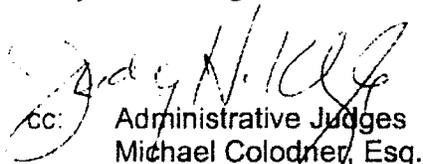
I am delighted to share with you the attached confidentiality guideline summary sheets for use by IDV staff and clerk's office personnel.

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**

<b><u>Who Is Asking</u></b>	<b><u>Can They See the Records in a Family Case?</u></b>	<b><u>Authority</u></b>
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 <b>OR</b> 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>
Another court	<p>Yes, <b>BUT ONLY</b> 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><b>AND THEN,</b> 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 CRIMINAL PROCEEDINGS:**  
**A CLERK'S GUIDE**

<b><u>Criminal Cases:</u></b> <b><u>Confidential Records</u></b>	<b><u>Who may have access to or view records?</u></b>	<b><u>Authority</u></b>
Defendant's criminal history record (i.e., rap sheet, NYSIIS sheet)	<ul style="list-style-type: none"> <li>• Defendant</li> <li>• Defendant's attorney</li> <li>• District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>• 42 USC § 3789g</li> <li>• 28 CFR Part 20</li> <li>• NYS UCS &amp; NYS DCJS Use &amp; Dissemination Agreement</li> </ul>
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"> <li>• Defendant</li> <li>• Defendant's Attorney</li> <li>• District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>• NYS Pretrial Release Services Standards (VI. Confidentiality)</li> </ul>
Alcohol or drug treatment records	<ul style="list-style-type: none"> <li>• Patient</li> <li>• 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</li> <li>• Person or entity specified in disclosure order that complies with 42 CFR Part 2 (subpart E)</li> </ul>	<ul style="list-style-type: none"> <li>• 42 CFR Part 2</li> </ul>
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"> <li>• Victim</li> <li>• Any person or agency upon victim's written consent to such disclosure</li> <li>• Public officers or employees charged with investigation or prosecution of case or keeping records of case</li> <li>• Defendant</li> <li>• Defendant's attorney</li> <li>• Any person upon court order for good cause shown</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Rights Law § 50-b</li> </ul>
Grand jury minutes	<ul style="list-style-type: none"> <li>• District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>• CPL § 190.25(4)(a)</li> <li>• PL § 215.70</li> </ul>
Probation reports and pre-sentence memoranda	<ul style="list-style-type: none"> <li>• Defendant</li> <li>• Defendant's attorney</li> <li>• District Attorney</li> </ul> <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"> <li>• CPL § 390.50 (2)</li> </ul>

## **DESCRIPTION OF THE RESOURCE COORDINATOR POSITION**

The Resource Coordinator is primarily responsible for gathering and organizing all related court information, helping to establish and strengthen communication with stakeholders and coordinating the operations of the court. Specifically, the Resource Coordinator:

- assists with intake for defendants sentenced to programs;
- provides ongoing information to courtroom staff on programmatic issues;
- develops and implements protocols with off-site agencies;
- oversees the submission of required reports and compliance-related paperwork and explains monitoring to defendants;
- works collaboratively with attorneys, staff and criminal justice and social service agencies to coordinate the delivery of services;
- serves as a liaison between the court and private and public agencies;
- participates in program planning and development;
- identifies and monitors appropriate services for referral; and
- facilitates linkages with community service providers.

Court administrators look for someone with familiarity with the local criminal courts, family court and Supreme Court (Matrimonial parts), a background in domestic violence issues; ability to interact with members of the judiciary and social service providers; excellent written and oral communication skills; strong organization skills and ability to manage multiple projects simultaneously and other related duties. Familiarity with computer technology applications is desirable.



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
OFFICE OF COURT ADMINISTRATION  
25 BEAVER STREET, ROOM 1128  
NEW YORK, NEW YORK 10004  
(212) 428-2130  
FAX (212) 428-2192

**JONATHAN LIPPMAN**  
Chief Administrative Judge

**JUDY HARRIS KLUGER**  
Deputy Chief Administrative Judge  
Court Operations & Planning

## MEMORANDUM

To: 2006 IDV Court Planning Sites

From: Judy Harris Kluger

Date: March 2006

Re: Statewide IDVC Transfer Orders

Attached please find standard transfer orders for use by the IDV Courts in transferring cases from the Family Court and local criminal courts or superior courts. These orders were developed in consultation with Counsel's Office, and they are consistent with the Supreme Court's authority to transfer cases to itself under existing law and with the statewide model for IDV Court operations. In creating these transfer orders, we took into account and incorporated some elements of orders drafted by individual IDV Court planning groups and staff.

These form orders were developed in an effort to support the judges and staff of the IDV Courts and promote statewide consistency. If you have any suggestions or requests for substantive changes, please feel free to contact your Technical Assistance (TA) team.

Because the authority to reassign Supreme Court cases lies with the Administrative Judge in the Supreme Court, each IDV Judge and his or her staff should work with the appropriate Administrative Judge to develop protocols for reassigning cases from the Matrimonial Part of the Supreme Court to the IDV Part. Local practice and preference may differ as to whether a formal order is necessary and if so what an order would look like. However, my office and your TA team are available to provide any assistance you may want or need in developing protocols or orders.

If you have any questions, please do not hesitate to contact a member of your TA team or my office.

STATE OF NEW YORK  
SUPREME COURT, \_\_\_\_\_ COUNTY  
INTEGRATED DOMESTIC VIOLENCE PART

-----X  
People of the State of New York,  
Plaintiff,  
- against -

**Transfer Order  
of Criminal Case  
to the IDV Court**

**Defendant.**  
-----X

The case of \_\_\_\_\_ v. \_\_\_\_\_  
docket number or other identifying number \_\_\_\_\_, being pending in \_\_\_\_\_ Court  
(originating court), \_\_\_\_\_ County; and

Such case having been determined to be eligible for transfer to the Integrated Domestic  
Violence Court (along with the case of \_\_\_\_\_ v. \_\_\_\_\_, docket  
number \_\_\_\_\_, pending in Family Court, \_\_\_\_\_ County and/or the case of  
\_\_\_\_\_ v. \_\_\_\_\_, docket number \_\_\_\_\_, pending in Supreme  
Court, Matrimonial Part, \_\_\_\_\_ County); and

This Court having found that the transfer of such case to the Supreme Court,  
\_\_\_\_\_ County, for disposition in the Integrated Domestic Violence Court  
thereof would promote the administration of justice; it is hereby

**ORDERED**, that such case be transferred immediately to the Supreme Court,  
\_\_\_\_\_ County, and, upon such transfer, that it be referred to the IDV Part  
thereof for all further proceedings. It is further

**ORDERED**, that the Clerk<sup>1</sup> of the \_\_\_\_\_ Court (originating court),  
\_\_\_\_\_ County, upon receipt of this order, shall forward any papers in the  
aforementioned proceedings remaining in the \_\_\_\_\_ Court (originating court) to  
the Clerk of the Integrated Domestic Violence Part, who will assign a single IDV tracking  
number to the case and all companion cases in the IDV Part, and it is further

**ORDERED**, that the defendant, defendant's counsel, and the Assistant District Attorney  
shall appear before the undersigned on \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ am/pm.

ENTER:

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Judge's Name and Title)

<sup>1</sup> "Clerk" means the clerk of the particular court to which this order is referring, or the non-judicial person performing the functions of such office; if the particular court has no such clerk or non-judicial person, it means the justice of such court.



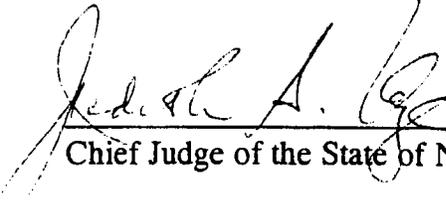
**ADMINISTRATIVE ORDER OF THE  
CHIEF JUDGE OF THE STATE OF NEW YORK**

Pursuant to the authority vested in me, 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 amend, effective immediately, section 41.1(a) of the Rules of the Chief Judge, relating to Integrated Domestic Violence Parts, to read as follows:

§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. The Chief Administrator may also provide that domestic violence cases pending in a criminal court in the county shall be eligible for disposition in the Integrated Domestic Violence Part if necessary to best utilize available court and community resources for domestic violence cases.

  
\_\_\_\_\_  
Chief Judge of the State of New York

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

Date: October 11, 2006

AO/ 05 /06



**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:

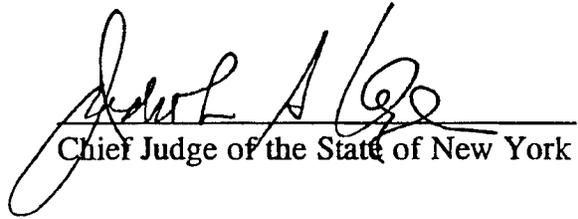
**PART 41. INTEGRATED DOMESTIC VIOLENCE PARTS OF SUPREME COURT**

**§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