

**PLANNING DOCUMENT
ROCKLAND COUNTY
INTEGRATED DOMESTIC VIOLENCE COURT**

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ROCKLAND COUNTY INTEGRATED DOMESTIC VIOLENCE COURT

Planning Document

I. INTRODUCTION

A. Brief Summary of IDV and Historical Background

In an effort to better serve families in crisis, New York State Chief Judge Judith S. Kaye announced in her 2003 State of the Judiciary, a comprehensive plan to expand Integrated Domestic Violence Courts (IDV Courts) across the state and appointed the Hon. Judy Harris Kluger as the Deputy Chief Administrative Judge to spearhead that effort. IDV Courts are currently operating in twenty eight locations around the state and Rockland County is one of nine courts opening by the end of 2006.

IDV Courts are specialized Supreme Court Parts developed to better serve families in crisis. Our current court structure often requires domestic violence victims and their families to appear in multiple courts (in front of multiple judges) to address their criminal, family and matrimonial legal problems. IDV Courts, by contrast, are dedicated to the idea of "One family - One judge", allowing a single judge to hear related cases involving domestic violence victims and their families. The goal of the court is to change the way the justice system treats families and children by promoting more informed judicial decision-making, creating consistency in orders of protection and reducing court appearances, as well as providing enhanced services to victims and ensuring offender accountability.

Rockland County began planning for an IDV Court in February 2006 following a meeting with Judge Kluger and her staff as well as a representative from the Center of Court Intervention. At the February meeting Judge Kluger gave a presentation introducing the IDV Court to court staff, agency personnel and some local stakeholders. On March 29, 30, and 31, 2006, the IDV court team attended three days of training at the Judicial Institute at Pace University. During the months of April and May biweekly meetings commenced between Judge Kluger's staff and the Rockland County IDV team.

The success of our IDV Court can only be effective if it incorporates and utilizes the resources of our community and the needs of the individuals it serves. This Planning Document represents our effort to specifically outline our vision for an Integrated Domestic Violence Court in Rockland County. Our goal is to clearly and publicly articulate what we seek to accomplish and how we seek to achieve our goals. The active participation of providers of services to families and children who will be affected by this project – community agencies, lawyers and law enforcement, must have a voice in this process. From the outset, service providers have been informed and involved in the decision making process. Their input will be continually sought throughout every stage, including after the project is implemented. This document contains the culmination of our work to date and specifically sets forth the procedures we propose to use.

B. Goals and Objectives

Under the statewide model the IDV Court is designed to promote:

- ▶ informed judicial decision-making by obtaining comprehensive and up-to-date information on multiple issues involving the family;
- ▶ consistent handling of multiple matters relating to the same family by a single presiding judge;
- ▶ efficient use of court resources, with reduced numbers of appearances and speedier dispositions due to greater availability of complete information;
- ▶ coordination of social services and other resources;
- ▶ victim safety, by eliminating conflicting orders of protection and decisions that do not reflect domestic violence or child neglect histories;
- ▶ increased confidence in the court system by reducing inefficiencies for litigants; and
- ▶ coordinated response and collaboration among criminal justice and child welfare agencies, community-based social services and domestic violence and child victim advocacy groups.

Our goal is to identify and remove to the IDV Part domestic violence cases pending in Rockland County, when there is a County, Town or Village case and any corresponding family and/or matrimonial cases involving the defendant and complaining witness and transfer the cases to the IDV Part in accordance with eligibility guidelines described in the jurisdiction section on page 3.

We anticipate opening the Integrated Domestic Violence Court in Rockland County on October 5, 2006 with a limited number of cases, with our official opening being held on October 26, 2006. This will coincide with Domestic Violence Awareness Month.

C. Caseload Projections

We conducted an initial survey for the period of 2/7/06-2/25/06 and identified four (4) families as eligible for transfer to the IDV Part. Effective 8/14/06, Clarkstown and Spring Valley Courts, those with a dedicated Domestic Violence part, sent, via fax, a computer generated list of cases where: (1) a criminal arrest was made on a domestic violence case and there was a pending Family Court case; (2) there was a pending criminal domestic violence case and a new Family Court filing; or (3) cases with a new domestic violence criminal filing and a pending contested matrimonial case.

The Domestic Incident Reports (DIR) are a critical document needed to identify and screen possible IDV cases. Effective September 2006, once per week a representative from the Department of Criminal Justice Services sends a report to Rockland County listing all the individuals arrested in Rockland during the previous week in which a DIR was filed. The report is encrypted and can only be accessed by authorized court personnel who were given a password. When accessed, it is used as the foundation to initialize the screening to determine if a matter should be considered for the IDV Court.

Cases will be scheduled all day on Thursday (a morning and an afternoon calendar) in order to accommodate the anticipated cases.

II. Jurisdiction

The Rockland County criminal court system is composed of 5 local Town and 19 Village Justice Courts, and the County Court. Misdemeanors and lesser offenses as well as preliminary matters involving felony cases are heard in the Justice Courts while the County Court has jurisdiction over the prosecution of felonies. In order to establish a smooth transition of eligible criminal cases and Family Court cases to the IDV Part, cases will be added in three distinct phases over the course of six months.

During Phase I, Clarkstown and Spring Valley Courts will be the primary criminal courts participating in the IDV Court transfer process. These courts currently have a dedicated Domestic Violence Part. Phase I(a) will add Haverstraw and Orangetown, the courts that are currently in the planning stages of creating a dedicated domestic violence part as well as smaller local courts. A criminal case will only be considered eligible for transfer to the IDV part prior to a guilty plea or finding of guilt after a trial. Additionally, cases will not be transferred from either Family Court, a criminal court, or Supreme Court where transfer would not promote the administration of justice, such as when a trial has already been scheduled. Where there is a companion Family Offense (FCA Art 8), Custody/Visitation (FCA Art 6) or a Neglect (FCA Art 10) pending in Family Court, the criminal case and Family Court case will be transferred to the IDV Part.

An additional instance where a case will be automatically transferred to the IDV Part regardless of whether there are companion cases pending is when there is a criminal case for a violation of an Order of the IDV Part (e.g. a violation of probation, conditional discharge, or a violation involving cases from the IDV Order of Protection).

Phase II will add to the pool of eligible IDV Part cases, criminal and felony cases from the County Court.

Finally, under Phase III, contested matrimonial actions from Supreme Court will be included in IDV Part eligible cases.

For a case to be considered as eligible for the IDV Part of the Rockland County Supreme Court, one of the following relationships must exist between the parties, as outlined in Article 8 of the Family Court Act and §530.11 of the Criminal Procedure Law:

- ▶ Married
- ▶ Previously married
- ▶ Child(ren) in common
- ▶ Related by consanguinity or affinity (including parent and child)

Once the relationship criterion has been met, in Phase I there must be a pending criminal case involving domestic violence in the local court, with an overlapping Family Court matter (not including support only cases). We anticipate following the Phase implementation schedule, however, the Judge will always have the discretion of taking cases from other phases earlier where appropriate.

Once all phases have been implemented, the IDV Part of Rockland County Supreme Court will have jurisdiction over the cases removed from local criminal court, Family Court, County Court and contested matrimonial cases where at least two cases of different court types overlap and one is a criminal matter. Where the parties to a case in the IDV Court are also involved in a support case, that support case will be assigned to the designated IDV Support Magistrate. If there is a referral in that case or an objection filed, the support case will be transferred to the IDV Part for resolution by the IDV Judge. See Appendix "A" for general IDV Support Magistrate protocols.

III. PLANNING, STAFFING and TECHNICAL ASSISTANCE

A. Planning

1. IDV Court Planning Team/Working Group

The members of the Rockland County IDV Court Working Group are:

The Honorable Linda Christopher, Presiding Justice
The Honorable Robert Berliner, Backup Justice
Hon. Victor Alfieri, Clarkstown Justice Court
Hon. Susan Smith, Spring Valley Justice Court
Catherine M. Miklitsch, Support Magistrate
Phyllis Goldberg, Esq., Court Attorney
Sondra Holt, Esq., Court Attorney
John Hussey, Chief Clerk Supreme Court
Eileen M. Stanford, Chief Clerk Family Court
Cynthia Salters, Deputy Chief Clerk, Supreme Court
Diane Gould, Deputy Chief Clerk, Family Court
Captain Richard Torrisi
Lt. Thomas Carroll

Paul Piperato, Rockland County Clerk

Tomme Berg, Esq., Executive Assistant to the Honorable Francis Nicolai,
Administrative Judge 9th Judicial District

Angela Badamo, Esq., Assistant Deputy Counsel, Office of the Hon. Judy Harris Kluger, Deputy
Chief Administrative Judge for Court Operations and Planning

~~Charlotte Davidson, Esq., Assistant Deputy Counsel, Office of the Hon. Judy Harris Kluger,
Deputy Chief Administrative Judge for Court Operations and Planning~~

Samantha Moore, Sr. Domestic Violence Planning Associate
Center for Court Innovation

The goals of the working group have included:

- ▶ Becoming educated about the goals and philosophy of the Integrated Domestic Violence Court Model through training;
- ▶ Reviewing the policies and procedures of existing IDV Courts;
- ▶ Establishing a framework to organize our planning process including the creation of subcommittees and assignment of tasks to the appropriate individuals;
- ▶ Holding regular working group meetings to review our progress and receive reports from our subcommittees;
- ▶ Meeting with individual stakeholders to inform them of the project, answer their questions, and enlist their support.

The working group has established the following subcommittees:

Operations
Technology
Security
Stakeholders
Training

2. Stakeholders

We recognize that our local stakeholders – those persons and organizations who will have direct contact with the IDV Court through referrals, attendance in court, or service providers – must be fully integrated into our planning process. Their roles will range from assisting in identifying IDV eligible cases to representing litigants to providing services to victims of domestic violence. For example, Rockland Family Shelter will provide victims with a panoply of services such as advocacy, counseling and shelter. In the courtroom, we recognize the need for a dedicated prosecutor, dedicated Legal Aid lawyers and a core group of 18-B attorneys trained to provide representation to the parties if they are indigent. The local Town and Village Judiciary are committed to assisting in the identification and transfer of IDV eligible cases.

The stakeholders have been overwhelmingly responsive to the formation of the IDV Court. In addition, Judge Christopher has met with a subcommittee of attorneys, including the Director of the Legal Aid Society of Rockland County and a representative of the 18-B Panel, Assistant District Attorney dedicated to the IDV Part and the IDV court attorneys. A presentation to the Rockland County Bar is anticipated to be scheduled for the Fall. Judge Christopher met with the Rockland County Magistrates Association on June 13, 2006 to discuss the IDV Court.

The following is a list of stakeholders who have been involved with the planning process:

Legal:

Rockland County District Attorney
Rockland County Attorney
Legal Aid Society
18-B Panel
Law Guardians
Rockland County Bar Association
Women's Bar Association
State Magistrate Association
Court Officers

Service Providers:

Rockland Family Shelter
Big Brothers Big Sisters of Rockland County (Managers of SV Program)
VCS Community Change Project-Domestic Violence Program for Men
Rockland County Probation Department
Rockland County Department of Social Services
Rockland County Department of Mental Health
CASA
Rockland Council on Alcohol
Police Departments
Family Treatment Court Coordinator/Case Manager

Approximately 75 people attended Judge Christopher's presentation at the IDV Stakeholder Forum on June 20, 2006 and reinforced the commitment of the service providers to the formation and implementation of the IDV Court. The Coalition meets the third Thursday of every month. We meet with the Coalition on a regular basis in an effort to review the planning and implementation of the project.

3. Implementation Task Time Line

Planning for this project began in February 2006. After attending the IDV Training in March 2006, the team became more focused on the task ahead and began meeting a minimum of once a month since May 2006. Sub-committees met as necessary to meet the time line goals.

The Rockland County IDV Court is scheduled to open October 5, 2006. We will begin screening criminal cases one month earlier. During Phase I, we plan to only consider cases arising in the larger local Criminal Courts of Clarkstown and Spring Valley, where a dedicated Domestic Violence Part is already established. During this phase the court will hear criminal contempt cases arising out of violations of Family Court orders (if the Family Court case is still pending). Within six months we expect to extend our jurisdiction to include Towns of Haverstraw and Ramapo as well as smaller local criminal courts.

4. Staffing Plan

The IDV Judge, 2 Court Clerks (one from Family, one from Supreme/County), Court Officers and a Court Reporter will be present when IDV Court is in session. In addition, an Assistant District Attorney and a Senior Probation Officer will also be present for the Compliance and Criminal calendars. An advocate from Rockland Family Shelter, counsel for the parties and law guardians will also be present.

Two Senior Court Clerks will be assigned to the IDV part. On Thursday, they will be present in court, presumably for the entire day. The clerk from County Court will be responsible for annotating the criminal and/or Matrimonial court calendar and later entering data into the appropriate applications. She will also be responsible for the filing of related papers and communication with the various Town and Village Courts. The Family Court Clerk will be responsible for data entering information directly into UCMS/Supreme for Family cases during court proceedings. Both clerk's will prepare the appropriate notices and orders as it relates to the cases they are responsible for.

The IDV Intake Clerk (Sr. Court Clerk), will act as liaison with the local criminal court point persons to determine case eligibility for the IDV Part. This individual will research case history from available data bases (E-Justice, CCIS, CRIMS, UCMS) to determine eligibility and refer to IDV Judge for review/approval. After case is accepted into IDV, the Intake Clerk will prepare transfer orders and process case initialization. This individual will also be assigned to the part on IDV calendar day to assist the Court Clerk in preparing and serving orders and accepting fees if applicable.

Until such time as a court Resource Coordinator position is approved, an Assistant Court Analyst will serve as acting Resource Coordinator. This individual will assist the IDV Judge in monitoring defendants compliance with court mandated programs and court orders. In addition, the Court Analyst will compile, analyze and prepare statistical reports to measure the effectiveness of the part and assist court staff in updating the IDV Application.

Probation will assign a Senior Probation Officer to IDV each Thursday. The Probation Officer will be assigned for the entire day. The Family Treatment Court Coordinator/Case Manager will be available for random drug testing if needed.

IV. CASE IDENTIFICATION AND SCREENING

Cases will be identified and screened as they are filed, through several methods by the Clerks and Judges of the local Justice Courts, Family Court and Supreme Court. The local Justice Courts will also designate point persons but, as the Justice Courts do not have the capability of accessing UCMS, case screening will be by the IDV Intake Clerk. Domestic Incident Reports will be screened by the IDV Intake Clerk when a new custody or family offense petition is filed. The DCJS Interface DIR Report is generated weekly and sent to the IDV Intake Clerk for research.

Additionally, the local village and town justices will be inquiring of defendants at arraignment as to whether they currently have a Family Court or matrimonial case pending.

The clerks of the local criminal courts will be required to complete a Letter of Instruction Form to forward to the court when there is a possible match.

A. Local Criminal Court Screening:

The IDV Intake Clerk has been designated as the point person, and will be given access to UCMS/Inquiry. Cases filed in the Justice Courts will be cross-referenced with Family Court cases via UCMS. Initially, screening will be for custody and visitation cases, "V" dockets, family offenses, "O" dockets, expanding to include abuse and neglect cases, "N" dockets in Phase II and juvenile delinquency cases, "D" dockets, and persons in need of supervision, "S" cases in Phase III. If a parallel case is identified in UCMS, the IDV Intake Clerk will request from the Justice Court, copies of the arrest report, information or complaint and supporting depositions for further IDV screening. Screening will take place on a daily basis.

The IDV Intake Clerk will request the Family Court case and pre-screen for eligibility. If the case meets the requirements, it will be sent to the IDV Judge for final determination. When the IDV Judge determines a case meets the criteria, that judge will sign a Transfer Order, which will be digitally sent to courts with Internet access, or faxed to courts without Internet. Along with the Transfer Order will be a request to the Local Criminal Court to send all original papers to the IDV Intake Clerk. The IDV Intake Clerk will then create an IDV file.

Once the case has been identified as being transferred to the IDV Court, the local court will notify all parties as to the transfer.

B. Family Court Screening:

All family offense and custody and visitation petitions, and in later phases the other petitions, will be cross-referenced by the IDV Intake Clerk. This individual will cross-reference cases in the DV Registry

as well as conduct DIR research. As local Justice Courts are added according to the schedule outlined in Section II, DIR screening will include those additional courts.

It is necessary that the IDV Intake Clerk as well as the Town and Village Courts identify from available databases in order to ensure no cases “fall through the cracks”. There may already be a criminal case pending when a Family Court petition is filed or there may be a delay from the time an arrest is made and a family court petition is filed. Additionally, families that have criminal cases pending in multiple jurisdictions will be identified because each data base will be referenced even if one case is identified in one jurisdiction, other cases may still be pending in other criminal courts.

Cases identified as having a criminal case and a Family Court case will be flagged and reviewed by the IDV Intake Clerk. The IDV Intake Clerk will call the point person in local court. Local court point persons will then fax or e-mail copies of the arrest reports, information, complaints and supporting depositions to the IDV Intake Clerk. These cases will be pre-screened, and if eligible will be brought to the IDV Judge. The IDV Judge will review the case and determine eligibility. If deemed to be an IDV appropriate case, the IDV Judge will sign a transfer order which will be scanned or faxed to the point person in local court. Original case files will be mailed to the IDV Court within 24 hours of receiving the transfer order. The IDV Intake Clerk will then set up an IDV file.

C. County Court Screening:

The IDV Intake Clerk will research in UCMS all family related Indictments and Superior Court Informations (where there is a requisite relationship between the defendant and the victim) to determine if a Family Court case is also pending and eligible for the IDV Court. The IDV Judge will review the Indictment and the Family Court case to determine whether to transfer the cases to the IDV part. When a case is determined to be eligible for the IDV part, the IDV Judge will sign the transfer orders and will request the entire criminal file from the County Court. The County Court will send the file to the IDV Intake Clerk via inter-office mail as soon as the Transfer Order is received (within 5 days).

D. Supreme Court Screening:

Criminal cases that do not have a Family Court case will be forwarded to Supreme Court on a weekly basis. These cases will then be further reviewed by the designated IDV Intake Clerk to determine whether a pending matrimonial action would make the case eligible for reassignment to the IDV part. If there is a contested matrimonial pending, the IDV Intake Clerk will send a copy of the RJI to the IDV Judge for review . If the case is deemed appropriate, IDV Intake Clerk will process re-assignment of the matrimonial action to the IDV Court. In addition, members of the matrimonial bar will be encouraged to make the Court aware of instances where there may be cases in criminal court with the pending matrimonial.

Judges, clerks, attorneys and agencies have been instructed to pay close attention in court or while interviewing clients for possible IDV cases and complete “IDV Referral to Judge” (Appendix D) to ensure that no cases fall through the system and fail to get identified. The referral is sent directly to the IDV Intake clerk for research and processing.

V. DOCKETING, CALENDARING, & FILE CREATION

A. Docketing

Cases that have been determined as eligible for the IDV Part will be transferred to Supreme Court - IDV Part. A transfer order will be produced and signed by the IDV Judge. This order will reference the docket number, index number or case number assigned by the criminal or family court.

A copy of the Order of Transfer and related papers will be forwarded to the County Clerk - Receiving Room. The County Clerk will record the IDV number originally assigned by the IDV Intake Clerk, Number IDV 2006-_____. These numbers will be sequential and will only be issued for cases designated for handling in the IDV Part. A special track will be set up for IDV cases within the County Clerks Office. Within each IDV case, existing case identifiers for individual dockets/cases will be maintained.

For example, assume an IDV Part eligible case from Clarkstown Justice Court has a docket # 2006-0001 and a Family Court case has a docket # O-0001-06: these two cases would be transferred to Supreme Court - IDV Part and would be given a new IDV case number and the file would be IDV 2006-0001. The case from Justice Court would maintain the docket number 2006-0001. The Family Court case would continue to be tracked within the IDV case number as O-0001-06. Matrimonial cases will be reassigned to the IDV part and will retain the original index number.

Once the cases are transferred to the IDV part, the IDV Intake Clerk will notify all parties of the IDV court date. The transfer order will serve as the notice and will be sent to each party, including attorneys. Included as part of the notice will be court date and time, location and the Judges Rules for the Rockland County IDV Part.

All papers relative to this case will be forwarded to the County Clerk for docketing and to be entered into the County Clerk system. Only the names of the parties and the type of papers filed will be available for the public to review - for example, the notes referred to as "minutes" by the County Clerk's office would say a motion was filed with a date, a petition was transferred from Family Court to IDV, a criminal case was transferred to IDV. No other information will be available from the County Clerk while the case is pending.

Cases that are pending will be maintained by the IDV Court Clerk. Court staff will be trained by the County Clerk and Chief Clerks of the various Courts as to what documents are available to the public on criminal and matrimonial cases. Family Court staff is already trained on procedures regarding the confidentiality of Family Court records. Requests for documents in pending IDV files received by the Supreme Court or County Clerk will be referred to the IDV Court Clerk.

Closed IDV cases will be routed to the County Clerk by IDV staff (IDV court part clerk and/or Chief Clerk or Designee). The Family Court portion of the file will be marked as sealed and will not be available to the public. Matrimonial and criminal records will be handled by the County Clerk as current procedure dictates. Family Court will maintain copies of family court documents that are placed in the IDV Part in the respondent's Family File.

B. Calendaring

Calendars will be generated utilizing the IDV application. Judge Christopher will call her IDV calendar each Thursday commencing at 9:15 am. If Judge Christopher is not available, Judge Berliner will hear these cases.

Compliance calendars will be called at 9:15 am, followed by the Criminal cases, Family cases and matrimonial cases. Thursday afternoon will be reserved for conferences, hearings and trials for all case types.

During calendar call, the clerk will secure the Court files in the courtroom. This will ensure that parties will not inadvertently view court papers from other case types within that family unit folder. The entire file will be available for the judge to view if requested, but only the folder for the case type for that part of the calendar will be given to the judge.

The IDV Senior Court Clerks will update the IDV application as cases are called. Adjournments will

also be entered into the IDV application as they are given to ensure calendar controls are maintained. Case summary sheets will be generated by the IDV application or be manually kept by the IDV clerk. Summary sheets will be kept separately by case type within the IDV folder. An example of a case summary sheet is attached hereto as "Appendix M & N"

C. File Creation

The Office of Court Administration has developed a Family Unit folder. This folder has three separate compartments to house three separate court jackets. Each case type will be kept separately and will be handled in accordance with the rules applicable to the originating court. The clerks and staff assigned to IDV Part will be trained in the rules for accessing records in each court.

Individual folders will be color coded by case type (criminal - Blue, family - Red, matrimonial - Green) and handled independently. Related cases will not be consolidated, and the distinction between cases will be maintained.

All IDV Family Units will be stored in a record room located in Supreme/County Court, separate. Court folders will be checked by the court clerk at the end of the IDV calendar to ensure court papers are in the correct jackets within the IDV Family File.

VI. RECORD KEEPING AND CONFIDENTIALITY / CASE INTEGRITY

A. IDV Record Keeping

Key to maintaining the integrity of each proceeding is the absolute separation of court records for each family's court action. Records from the existing Criminal Court, Family Court and Supreme Court clerk's offices will be forwarded to the IDV Intake Clerk.

The IDV Intake Clerk will prepare an "IDV Family Unit" folder that is separated into three sections. The first section will always be for the criminal court file, the second section for the family court file and the third section will contain the matrimonial file. A single "IDV Family Unit" number will be assigned to the file as referenced in Section V. Each proceeding must be handled according to the procedures currently in place for that type of case.

The entire Family Unit folder must never be turned over to a party seeking discovery of court records. The party must show entitlement to each file, separately, according to the statutory rules.

B. Confidentiality/Case Integrity

It is important to remember that the level of confidentiality is different amongst the different courts, therefore, it is important not to merge the files. Care must be exercised when recording information on the jacket covers to ensure that information is recorded for the proper court and that the legal documents, reports, correspondence and other paper work are properly filed.

In no case may the entire case file ever be turned over for inspection. The IDV records are for court personnel only.

The safety of the alleged victim is of extreme importance and must always be kept in mind. In Family Court cases where a party's address has been deemed confidential by order of the presiding judge, the IDV file will be flagged. When allowing any file in any action to be viewed, care must be exercised to ensure that the confidential address is not on any of the papers to be inspected.

Supreme Court Matrimonial Proceedings

Only a party, the attorney of record, or a law guardian may see the file for the particular action for which they are retained. IDV Court staff will check for any confidential papers, notes, documents, reports or addresses before allowing inspection of the file.

Criminal Court Proceedings

Sex offense cases, youthful offender cases, and juvenile offender cases are confidential. The NYSID report (rap sheet), pre-sentence investigation reports, probation reports and any alcohol, drug or psychiatric treatment reports are also confidential and must not be disclosed without an appropriate court order, or pursuant to statute.

Extreme care must be exercised to ensure that when permitting inspection or copying of complaints, supporting depositions, etc. the victim's confidential address is not disclosed.

Family Court Proceedings

The following are entitled to see Family Court pleadings if they are involved in the action:

1. The petitioner, presentment agency, adult respondents and the attorney of record;
2. The law guardian;
3. Protective agency case workers (i.e. Child Protective Services);
4. Probation officers;
5. The parent or guardian of a child in the proceeding.

Under no conditions may a report, other than a probation report, be reviewed by any person without obtaining the permission of the judge. The presentment agency attorneys and the law guardian may see the probation reports.

Again, caution must be exercised to ensure that a party or victim's confidential address is not disclosed.

Attached as Appendix "B" are the confidentiality guidelines for Supreme Court, Family Court and Criminal Court.

VII. LEGAL REPRESENTATION

Although the concept of an IDV Court is to maximize the efficiency of the Court system, the representation of litigants coming within the system will be determined by the persons to be represented. Any party is entitled to hire the attorney of their choosing. Ideally, there will be one attorney to represent all of the interests of a person appearing before the IDV Court. Realistically, however, most of the parties appearing before the IDV will qualify for court appointed assigned counsel. Indigent representation in Rockland County is provided through the Rockland County Assigned Counsel Program under 18-B and through the Legal Aid Society of Rockland County, Inc. Legal Aid represents clients in proceedings both in Family Court and in Criminal Court. Many attorneys on the 18-B plan are qualified to represent litigants in Family Court and in criminal cases. There will be a cross over of attorneys who are qualified to handle both the Family Court and the criminal court aspects of IDV cases.

The issue of indigent representation in the IDV Court regarding matrimonial Supreme Court cases is more problematic, as no 18-B attorneys will be assigned in those cases. Rockland Family Shelter has

two 18-B attorneys who specialize in domestic violence and are assigned family court cases that involve domestic violence. Rockland Family Shelter also provides a free legal consultation which can include matrimonial issues to individuals that identify as victims of domestic violence.

VIII. JUDICIAL MONITORING OF OFFENDERS

What is the goal of judicial monitoring?

Strict judicial monitoring of court orders increases offender accountability and reduces future violence among intimate partners. In addition, judicial monitoring will assist the victims and their families in receiving the services they need such as counseling, financial assistance and other treatment.

How will the compliance be monitored?

The offenders will personally appear before the court at which compliance will be monitored by written reports from the Domestic Violence Program for Men, treatment agencies and counseling services mandated by the Court. In addition, a probation officer will be present at the compliance calendar to apprise the court of the compliance of an offender sentenced to probation. A domestic violence advocate working with the family will also be present in the courtroom.

Who will gather the reports?

If the IDV Court receives grant monies for a Resource Coordinator, then the coordinator will be responsible for overseeing court updates from the service providers. If not, the updates will be sent at least bi-weekly, or if directed, weekly, directly to the judge, advising of whether there has been compliance. In addition, the service providers have agreed to immediately notify the court should there be a violation.

What form will be used and what information is needed in these compliance reports for the court to effectively respond to a defendant's/respondent's non-compliance?

A simple reporting form indicating offender, supervising probation officer (if any), required programs, dates of attendance, notation of any delinquent payment for counseling, and a blank space for additional concerns or recommendations from treatment agencies, VCS Community Change, a domestic violence program for men, or probation officer will be utilized. A sample VCS Community Change Project Domestic Violence referral and compliance forms are attached as Appendix "E".

How often will compliance be monitored?

The probation sentencing report will make a recommendation as to how often monitoring will occur. In general in the early phase it is anticipated that monitoring will occur on a bi-weekly basis by court appearances. Thereafter, monitoring will occur on a monthly basis unless there is a notification of a violation or if an interested party requests a court review during the interim period.

Will there be a compliance calendar and who will be present?

As previously stated, the compliance calendar will be called first. The Judge, the Resource Coordinator (if approved), the offender, a victim advocate, an Assistant District Attorney and a Probation Officer will be present. The defendant's attorney will be notified of the calendars and will be required to appear if there is an alleged violation of the court orders. The victim and the victim's counsel, the Law Guardian, if any, will also be notified and kept apprised of the outcome of the proceedings, however, their appearance is optional. Their appearances may be necessary on issues such as monitoring visitation.

Will visitation be monitored?

When supervised visitation is ordered, Big Brothers/Big Sisters of Rockland County or any other professional supervisor that may be employed will provide written reports to the court. If someone else (such as a family member) is providing supervision of visitation, the domestic violence advocate will contact the victim and advise the court as to whether the visitations are proceeding smoothly or if there are any problems.

IX. JUDICIAL & NON-JUDICIAL TRAINING

IDV Judges, law clerk and court personnel attended the March training at the Judicial Institute. Training for the local magistrates was held in September at the Judicial Institute. Additionally, Judge Christopher gave a presentation at the Rockland County Bar Association Dinner on March 30, 2006.

We have scheduled a Continuing Legal Education program which is being sponsored by the Rockland County Bar Association and the Women's Bar Association for eight sessions from September, 2006 through January, 2007.

The IDV Judge, Supreme and Family Chief Clerks visited the Orange County IDV Court On May 18, 2006. Judge Christopher and Judge Berliner along with their court attorneys attended the legal training held in Buffalo, New York on September 27th and 28th, 2006. It is contemplated that Support Magistrate Catherine Miklitsch will attend a similar training in the future.

Court personnel attended an IDV application training on September 3 and 4, 2006 at the Division of Technology in Troy, NY.

X. TECHNOLOGY

A variety of databases and/or computer programs must be utilized for the IDV part. These programs will be accessed and updated by personnel in the courts and by the County Clerk.

- ▶ UCMS will be accessed by the IDV Intake Clerk for Inquiry to determine if new criminal filings are eligible for transfer to IDV. If a Family Court case is transferred to Supreme - IDV, the Family Court Clerk will update UCMS to indicate the case as disposed of - Transferred to Supreme. UCMS will be used to look up Orders of Protection and update them as necessary. Case data from Family cases transferred to IDV will be maintained in UCMS Supreme.
- ▶ Supreme Court cases (contested matrimonial cases with RJI's) will be updated by the IDV Intake Clerk in CCIS. These cases are slated for eligibility in Phase III. Case data from these cases will be maintained in CCIS
- ▶ The County Clerk will assign Index numbers to IDV cases in the form described in the docketing section. The County Clerk Record room staff will update the minutes section of their database, including the dates and type of filings for cases transferred to IDV - Supreme.
- ▶ IDVA will be updated by the IDV Resource Coordinator. IDVA will be used for statistics, generation of calendars and case disposition. The IDV application will also be updated to include Index numbers received from the County Clerk. Cases originating in UCMS will be transferred into the IDVA whenever possible. Data that is not transferred, i.e. petitioner information, will be entered by the Resource Coordinator.
- ▶ In Phase III, the IDV Intake Clerk will update felony cases transferred to IDV - Supreme in CRIMS as necessary. Data for misdemeanors and violations cases that were transferred will be maintained in CRIMS.

The current courtroom that will be utilized by the IDV Judge and the back-up Judge have networked computers. Additional programs will be added to the network, including DB Master databases for all IDV court staff to include the DIR file and the IDVA. UCMS is already available and access to UCMS has been given to all IDV staff.

XI. COURTHOUSE USE & SECURITY

As the initial caseload is anticipated to be relatively small, Judge Christopher will conduct the IDV Part in her present courtroom – Courtroom 2 Rm. # 361 – which is located on the third floor of the Rockland County Courthouse. Judge Christopher will conduct the IDV part on Thursday, with compliance, preliminary proceedings, arraignments and dispositions in the morning. The afternoon calendar will be available for motions, hearings and trials. Judge Berliner will be available as the back-up Judge and will utilize additional courtroom, Courtroom #5, Rm. # 362. However, these courtrooms do not have a jury box. In the event a jury trial becomes necessary, Courtroom # 479 located on the 4th floor would have to be utilized. This courtroom will remain available on Thursday afternoons.

On the third floor of the courthouse there are two large waiting rooms and two conference rooms. Access to this floor can be by either elevator or stairwell and there is a separate stairwell for prisoners. Accordingly, the parties can be separately escorted to the courtrooms or waiting rooms as necessary. The waiting rooms are conspicuously marked for petitioners and respondents. There is a court officer desk in the center of the hallway where one or two court officers oversee hallway and waiting room security. The Children's Center, the Court's daycare facility, is also located on this floor.

Both Judge Christopher and Judge Berliner's courtrooms have a secure, separate access via an elevator from the holding cells for prisoners. The seating is limited but adequate for attorneys, court observers, and service providers.

One of the conference rooms also has access via a secure elevator from the holding cells for interviewing prisoners. There is a barricade between the prisoner and the interviewer for additional safety. Witnesses are routinely held in the District Attorney offices. If a witness is an Inmate, the conference rooms, while primarily for attorney/ client conferences, may also be utilized as witness waiting areas if a private area is required.

There is currently one court officer assigned to each courtroom. Capt. Richard Torrisi and Lt. Thomas Carroll have recommended that an additional court officer be assigned to each courtroom when the IDV part is in session. The Rockland County Sheriff's Department will continue to be responsible for prisoners in the courthouse and the New York Corrections Officers shall likewise continue to be responsible for state prisoners.

XII. DOMESTIC VIOLENCE SERVICES

Rockland Family Shelter will provide services to victims of domestic violence and their children. Rockland Family Shelter has been providing shelter, support, advocacy and education to victims of domestic violence for more than twenty five years. Their services include a 24 hour hotline, crisis intervention, emergency shelter, support groups, accompaniment to legal proceedings and other services, legal advocacy, safety planning, information and referral, and domestic violence prevention, outreach and training. The primary contact person is Lyn Davidson, Senior Coordinator of Domestic Violence Courts.

Victims of domestic violence are initially referred to Rockland Family Shelter by various means. When the local police respond to a domestic violence call as a matter of protocol they should refer the victims to said agency. The Probation Department also refers petitioners filing for orders of protection to the Rockland Family Shelter as well as the Department of Social Services. Rockland Family Shelter has advocates that accompany victims to court and the agency has agreed to have an advocate present at all times that the IDV Part is in session.

A conference room will be reserved and so designated for the Rockland Family Shelter when IDV Court is in session to enable the advocate to privately interview the victim. The advocate will advise and support each complainant/petitioner as she navigates through the IDV Part. The advocate will have contact with every complainant/petitioner to make sure that her questions about the legal process in IDV are answered. The advocate will also be able to keep the complainant/petitioner in touch with Rockland Family Shelter broad network of domestic violence services.

Rockland Family Shelter will be provided with a non identifying statistical information sheet to complete and return to the IDV Resource Coordinator twice a year. Such information will include number of victims/survivors served, number partially served, and not served; race/ethnicity, gender, age; relationship to offender; types of services received and the number of temporary and/or final protection orders requested and granted for which Rockland Family Shelter staff provided assistance to victims/survivors. This information is needed for the biannual report which is to be submitted to the Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the District Administrative Judge.

XIII. COMMUNITY RESOURCES

What is the role of services in the IDV Court?

Services in the IDV Court will be provided to meet the special needs of domestic violence victims and their families. The overall goal of such services is to provide legal protection for persons entitled to such protection, to closely monitor offenders and to make appropriate services available to family members in need of them.

Offenders will be supervised and their compliance with court orders will be monitored regularly. Offenders will face sentences that may include probation, conditional discharge or adjournment in contemplation of dismissal. Sentences may include the requirements of a batterers intervention program, a mental health assessment and drug and alcohol screening. In addition, these programs may be implemented as part of a Release on Recognizance (ROR) pending disposition of the case.

Who are the service providers and what is their expertise?

Big Brothers Big Sisters of Rockland County will provide supervised visitation at a specific site within the County. The primary contact person is the Executive Director, Gillian Ballard. In addition, the "Y" provides child care to litigants in the courthouse Children's Center.

Rockland County Mental Health Department has a forensic Mental Health Assessment Team (MHAT) which currently provides the Family Court with family and individual evaluations to aid the Court in reaching its decisions. As part of those evaluations the MHAT assesses and recommends appropriate services for the family. In addition, the Mental Health Department operates and contracts out to various agencies, to numerous mental health clinics and programs providing a panoply of services, including psychiatric treatment, counseling, support groups, substance abuse treatment, etc. The primary contact person is Maryann Walsh Tozer, Commissioner of Mental Health.

Rockland County Probation Department supervises defendants placed on probation. They have agreed to have a probation officer dedicated to oversee all IDV cases. In addition, the Probation Department prepares the petitions for self-represented litigants in family offense proceedings. The primary contacts are Jacqueline Stormes, Probation Director.

VCS Community Change Project Domestic Violence Program for Men has been conducting a batterers intervention program since 1979. It is the New York model for Batterers Programs. The primary contact is Phyllis Frank, Director, a secondary contact is Jim McDowell, Court Liaison.

How will referrals be made?

Litigants who are referred to the Mental Health Assessment Team, supervised visitation program or VCS Domestic Violence Program for Men are given instructions on who to contact as well as a copy of the court order. A copy of the court order is sent directly to the agency.

How will you get updates from the service providers?

If the IDV Court receives grant monies for a Resource Coordinator, then the coordinator will be responsible for overseeing court updates. If not, the updates will be sent directly to the Judge. The Court will forward to the appropriate agencies a copy of the order delineating the terms and conditions of the offender's sentence. The agency, in return will provide the court with monthly reports regarding compliance with their program and will immediately notify the court should there be a violation.

In addition, a Rockland Family Shelter Advocate, the Domestic Violence Probation Officer and an Assistant District Attorney will be present in court at every IDV compliance session.

All service providers will be required to track attendance, payment information and general compliance for offenders.

XIII. ASSESSMENT

The Rockland County IDV Court considers evaluation a critical part of its mission to provide the best delivery of judicatory services to the citizens of Rockland County. Rockland County IDV is committed to cooperating in the statewide data collection process developed by the Office of the Deputy Chief Administrative Judge for Court Operations and the Center for Court Innovation.

Bi-Annual reports will be prepared by the Resource Coordinator, or until funding for a Resource Coordinator is obtained, by the IDV Senior Court Clerk, Chief Clerk or Designee. The IDV Senior Court Clerk or Chief Clerk will also be responsible for reviewing the term caseload activity reports.

The Technical Assistance Team from the Office of Court Administration and the Center for Court Innovation will assist in creating the systems needed by Rockland County IDV Court for collecting the data noted below.

Beginning in the fourth Quarter of 2006, Bi-Annual Reports will be submitted to the Office of Court Administration on such indicators as:

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

APPENDIX "A" - IDV Judge's Rules



SUPREME COURT OF THE STATE OF NEW YORK
INTEGRATED DOMESTIC VIOLENCE PART
ROCKLAND COUNTY COURTHOUSE
1 SOUTH MAIN STREET
NEW YORK, NY 10956
845-638-5300
Fax: 845-638-5319

Hon. LINDA CHRISTOPHER
Presiding Justice, IDV Part
Acting Supreme Court Justice

John Hussey, Chief Clerk
Supreme and County Court

Hon. ROBERT BERLINER
Justice, IDV Part
Acting Supreme Court Justice

Eileen M. Stanford, Chief Clerk
Family Court

NOTICE OF POLICY AND RULES FOR THE IDV PART

In an effort to adjudicate cases as quickly and efficiently as possible, the IDV Part, Supreme Court, Rockland County is setting forth the following rules which counsel¹ will be required to know and follow:

- (1) The respective cases involving family or household members in common shall be scheduled, where feasible, to enable counsel and the parties in the separate cases to appear in the same courtroom and before the same Judge on the same day, date, and time.
- (2) While each case, and the parties and counsel specific to that case, shall be separately called to come forward before the Court, the attorneys and parties in the companion cases shall be present in the seating area of the courtroom. Counsel and the parties waiting to be heard shall pay attention to all proceedings and discussions involving the companion cases, particularly as to discussions for future appearances and scheduling.
- (3) When the court is scheduling future appearances for the specific case being heard, if the proposed future scheduling date is objectionable to counsel in one of the companion cases, counsel shall then and there in an orderly manner make the court aware of the objection. The purpose of this rule is to ensure that all parties and attorneys are able to attend future appearances. **Failure to advise the Court at such time of an objection to a proposed future appearance date constitutes a waiver of the right to object to the date fixed for a reason which could have been then raised.**
- (4) Once a court date has been fixed in the IDV Part, because of the multiplicity of cases, parties, and attorneys, an adjournment or modification of the court date will not be granted except for extraordinary circumstances. **No adjournment will be granted or is effective without approval of the Court.**
- (5) Each case, when transferred to the IDV Part, receives a new case number and docket number specially created for the IDV Part which replaces any former File No. and Docket No. It is counsel's responsibility to make note of or obtain from the court the correct "IDV Case No." and "IDV Docket No." assigned to the particular case in which counsel represents a party. These numbers appear on the Transfer Order. All written communications to the Court concerning a case transferred to the IDV Part shall set forth the correct caption of the proceeding and the "IDV Case No." as well as the "IDV Docket No." for each proceeding which the letter addresses; and a copy shall be sent to opposing counsel and pro se litigants.
- (6) In a matrimonial action which has been transferred to the IDV Part, such transfer is accomplished by order of the Administrative Judge of the Ninth Judicial District. However, it remains necessary that when a Request for Judicial Intervention (RJI) is filed with the Supreme Court Clerk's Office involving a party to an IDV case, that counsel immediately alert the IDV Part, in writing, of such filing, the Supreme Court Index No. assigned, and the name of the Supreme Court Justice to whom the case has been assigned.
- (7) When filing an order to show cause or notice of motion in an IDV case which originated in the Family Court, the order to show cause or notice of motion and supporting papers must first be filed with the Chief Clerk of the Family Court. Do not send such papers directly to chambers.
- (8) When filing an order to show cause or notice of motion in an IDV case in a criminal case or matrimonial action, the order to show cause or notice of motion and supporting papers must first be filed with the Chief Clerk of the Supreme and County Courts. Do not send such papers directly to chambers.

¹ If a party is representing himself or herself, the party is required to follow these rules.

APPENDIX "B" - Court Screening Form

**INTEGRATED DOMESTIC VIOLENCE (IDV)
SCREENING REQUEST FORM**

**TO THE ATTENTION OF: THE IDV COURT CLERK
FAX: (845) 638-5799**

JUSTICE COURT	
CLERK, ATTORNEY, OR AGENCY REQUESTING SCREENING	
CLERK, ATTORNEY, OR AGENCY'S TELEPHONE NUMBER	
DATE OF REQUEST	
DEFENDANT'S NAME	
IS AN INTERPRETER REQUIRED? WHAT LANGUAGE?	
DEFENDANT'S NYSID	
DEFENDANT'S DATE OF BIRTH	
PLAINTIFF / PETITIONER'S NAME	
ARRESTING AGENCY	
WAS A DOMESTIC INCIDENT REPORT FILED	
DATE OF ARREST	
NEXT JUSTICE COURT APPEARANCE	
NAME OF DEFENSE ATTORNEY	

APPENDIX "C" - IDV Worksheet

IDV Worksheet

Referred by:

Original Court _____
 Other _____

Rockland Family Shelter DA
 Police Agency

Attorney

Family:

FU: _____ Docket #(s): _____

Adj. FC Date: _____

TOP Exp. Date: _____

Petitioner: _____ DOB: _____

Address: _____

Respondent: _____ DOB: _____

Address: _____

Criminal: _____ CA _____

Originating Court: _____ Arresting Agency: _____ LG

Index #: _____ Charges: _____ PD _____

ADA: Tierney OTHER: _____ Private _____

TOP Exp. Date: _____ AC _____

NYSID: _____ Pro Se _____

Plaintiff: _____ DOB: _____

Defendant: _____ DOB: _____

Attorney: _____ Release Status: _____

DOA: _____ DOC: _____

Supreme:
Index #: _____

Plaintiff: _____

Defendant: _____

MATCH

NO MATCH

APPENDIX "D" - IDV Referral to Judge

IDV REFERRAL TO JUDGE

Date:

To: Linda Christopher, Acting Supreme Court Justice
 Robert Berliner, Acting Supreme Court Justice

Attached please find

- Family Court Case
- Criminal Court Case (Orig. Ct.:
_____)
- Supreme Court Case

for possible entry to IDV. Please review and respond below:

Accepted.

Denied. Reason:

Referred to Resource Coordinator on _____

September 13, 2006

APPENDIX "E" - Transfer to IDV from Criminal

State of New York — Supreme Court, Rockland County
Integrated Domestic Violence Part

Docket #)

People of the State of New York,

Plaintiff

- vs -

KEYBOARD(Defendant's Name),

Defendant.

Docket #KEYBOARD(Original

**TRANSFER ORDER OF
CRIMINAL CASE TO IDV COURT**

The above captioned case being pending in KEYBOARD(Originating Court) and having been determined to be eligible for transfer to the Integrated Domestic Violence Court; and

This Court having found that the transfer of such case to the Supreme Court, Rockland 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, Rockland 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 of the KEYBOARD(Originating Court), Rockland County, upon receipt of this order, shall forward any papers in the aforementioned proceedings remaining in the KEYBOARD(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 KEYBOARD(Appearance date & year), at KEYBOARD(Appearance time)located at the **Rockland County Courthouse, 1 South Main St., New City, NY 10956..**

Hon. Linda Christopher

Dated: _____

APPENDIX "F" - Transfer to IDV from Family

State of New York — Supreme Court, Rockland County
Integrated Domestic Violence Part

File #: KEYBOARD(Orig. File #)
Docket #KEYBOARD(Orig.

Docket #)

KEYBOARD(Petitioner's Name),

Petitioner

- vs -

**TRANSFER ORDER OF
FAMILY CASE TO IDV COURT**

KEYBOARD(Respondent's Name).

Respondent.

The above captioned case being pending in Rockland County Family Court and having been determined to be eligible for transfer to the Integrated Domestic Violence Court; and

This Court having found that the transfer of such case to the Supreme Court, Rockland 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, Rockland 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 of the Family Court, Rockland County, upon receipt of this order, shall forward any papers in the aforementioned proceedings remaining in the Family 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 petitioner, respondent and all counsel shall appear before the undersigned on KEYBOARD(Appearance date & year), at KEYBOARD(Appearance time) located at the **Rockland County Courthouse, 1 South Main St., New City, NY 10956**.

Hon. KEYBOARD(Judge's Name)

Dated: _____

APPENDIX "G" - Transfer to IDV from Matrimonial Part

State of New York — Supreme Court, Rockland County
Integrated Domestic Violence Part

Docket #)

People of the State of New York,

Plaintiff

- vs -

KEYBOARD(Defendant's Name),

Defendant.

Docket #KEYBOARD(Original

**INTER-JUDGE TRANSFER ORDER
MATRIMONIAL CASE TO IDV COURT**

The above captioned case being pending in KEYBOARD(Originating Court) and having been determined to be eligible for transfer to the Integrated Domestic Violence Court; and

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

ORDERED, that such case be transferred immediately to the Supreme Court, Rockland 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 of the KEYBOARD(Originating Court), Rockland County, upon receipt of this order, shall forward any papers in the aforementioned proceedings remaining in the KEYBOARD(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 KEYBOARD(Appearance date & year), at KEYBOARD(Appearance time)located at the **Rockland County Courthouse, 1 South Main St., New City, NY 10956..**

Hon. Linda Christopher

Dated: _____

APPENDIX "H" - Request for IDV Tracking number

**UNIFIED COURT SYSTEM
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND**

REQUEST FOR IDV TRACKING NUMBER

DEFENDANT / RESPONDENT _____

IDV 2006 - _____

CASES ASSIGNED

COURT	DOCKET / INDEX #	CAPTION

(Not included in this automated document)

APPENDIX "I" - Domestic Violence Program for Men

APPENDIX "J" - Confidentiality Guidelines for Supreme, Family and Criminal Courts

APPENDIX "K" - Support Magistrate Protocols

These PDF Documents are available and will be included in the final printed document

APPENDIX "L" - Local Court Instruction Sheet

INSTRUCTIONS FOR PROCESSING CASES WHEN REMOVED TO IDV-SUPREME COURT

WHEN A CASE IS IDENTIFIED AS A "POSSIBLE" IDV SUPREME COURT CASE:

1. IDV Court Clerk will notify your court and you will be required to fax a **COPY** of :
Accusatory Instrument/Complaint
Temporary Order of Protection (if one exists)

Family Court will be required to submit copy of Petition and Temporary Order of Protection

Supreme Court will be required to submit required documentation to request
Inter-Judge Transfer
2. Packet will be referred to IDV Judge for review/acceptance into IDV Court. Judge's decision should be made within 5 business days.

WHEN A CASE IS ACCEPTED/NOT ACCEPTED IN IDV-SUPREME:

ACCEPTED:

3. Signed Supreme Court Transfer Order will be served (via Regular US Mail) upon agencies, attorneys and litigants (if they are Pro Se). Your court will receive a copy of the Transfer Order via Facsimile.
4. Your court will be **required to submit ORIGINAL accusatory instrument/complaint and Temporary Order of Protection within 5 days of receipt of the Transfer Order.**
5. The Transfer Order will reflect the scheduled IDV Court date. To avoid unnecessary appearances by litigants in the **JUSTICE COURT**, please notify the parties involved in your case not to appear in your court on the date your case was originally scheduled.
6. Justice Court/Family Court must dispose of their original case in their appropriate computer systems to avoid duplicate charges and possible bench warrants.

NOT ACCEPTED:

Your court will be sent a notice via Facsimile indicating cases was Not Accepted into IDV Court.

Contact List for IDV Team:

Jennifer Ladue	Court Clerk	845-638-5376 (Fax) 845-638-5799
Colleen Farrell	(Acting) Resource Coordinator	845-708-7158 (Fax) 845-638-5284

APPENDIX "M" - Criminal Court Summary Sheet



CRIMINAL COURT SUMMARY SHEET

Date of Appearance _____

Ind/Docket/IDV Number _____

People of the State of NY Assistant District Attorney _____

Vs.

_____ Defense Attorney _____

Purpose of Appearance: Arraignment / Conference / Determination of Readiness

Hearing before trial / Jury trial / Non-jury trial / Sentencing / Resentencing

Post disposition hearing / Violation of Probation / Other _____

Individuals Present : Assistant District Attorney _____

Defense Attorney _____ / Defendant / Interpreter _____

Senior Court Reporter _____ / Other Agency _____

Case Summary: _____

Was an Order of Protection Granted: Yes / No : **Expiration Date:** _____

Adjourned to: _____

Adjourned for: Arraignment / Conference / Determination of Readiness

Hearing before trial / Jury trial / Non-jury trial / Sentencing / Resentencing

Post disposition hearing / Violation of Probation / Other _____

SUPREME COURT MATRIMONIAL SUMMARY SHEET

Date of Appearance _____

Index / IDV Number _____

Plaintiff's Attorney _____

vs.

Defense Attorney _____

Purpose of Appearance: Preliminary Conference / Status Conference / Pretrial Conference / Hearing before trial / Jury trial / Non-jury trial / Post disposition hearing / Other

Individuals Present : Plaintiff's Attorney _____

Defense Attorney _____ / Plaintiff / Defendant /

Interpreter _____ Senior Court Reporter _____ /

Other Agency _____

Case Summary: _____

Was an Order of Protection Granted: Yes / No : **Expiration Date:** _____

Adjourned to: _____

Issues to be resolved: Marital status/ Maintenance / Child support

Equitable distribution/ Custody/ Visitation/ Other _____

APPENDIX "O" - Notification of Supplemental IDV Cases



**SUPREME COURT OF THE STATE OF NEW YORK
INTEGRATED DOMESTIC VIOLENCE PART**

ROCKLAND COUNTY COURTHOUSE
1 SOUTH MAIN STREET
NEW YORK, NY 10956
845-638-5300
Fax: 845-638-5319

Hon. LINDA CHRISTOPHER

Presiding Justice, IDV Part
Acting Supreme Court Justice

John Hussey, Chief Clerk
Supreme and County Court

Hon. ROBERT BERLINER

Justice, IDV Part
Acting Supreme Court Justice

Eileen M. Stanford, Chief Clerk
Family Court

Date: _____

NOTIFICATION OF SUPPLEMENTAL IDV CASES

Please take notice that the Integrated Domestic Violence (IDV) Court, of the Supreme Court, hereby notifies the Rockland County Clerk that the cases noted below have been transferred to the IDV Court under IDV Number _____.

CASES TRANSFERRED

COURT	DOCKET / INDEX #	CAPTION

If you have any questions please feel free to contact Jennifer LaDue at 638-5376.

APPENDIX "P" - MOU-County Clerk



SUPREME COURT OF THE STATE OF NEW YORK
INTEGRATED DOMESTIC VIOLENCE PART
ROCKLAND COUNTY COURTHOUSE
1 SOUTH MAIN STREET
NEW YORK, NY 10956
845-638-5300
Fax: 845-638-5319

Hon. LINDA CHRISTOPHER
Presiding Justice, IDV Part
Acting Supreme Court Justice

John Hussey, Chief Clerk
Supreme and County Court

Hon. ROBERT BERLINER
Justice, IDV Part
Acting Supreme Court Justice

Eileen M. Stanford, Chief Clerk
Family Court

Memorandum of Understanding

The following document is a Memorandum of Understanding (MOU) between the Rockland County Integrated Domestic Violence Court (IDV Court) and the Rockland County Clerk's Office. The nature of the agreement is in regard to the issuance of IDV Court numbers and the file storage and information system of IDV Court cases.

This MOU requires that written records containing confidential information covered by the Rules of the Chief Judge, Civil Practice Law and Rules, Criminal Procedure Law, Penal Law, Family Court Act be adhered to. In addition, the Rockland IDV Court and Rockland Supreme Court must have written procedures controlling access to, and use of, such records. In adherence with the above noted guidelines this agreement will outline all of the procedures that will be necessary to protect the privacy rights of those individuals participating in the Rockland County IDV Court.

1) Upon receipt of the "request for IDV tracking form" the Rockland County Clerk will provide the IDV Court an IDV number. There will be no administrative fee for the number. The number will be sequential and will be a four digit number. The format will be year, followed by the case number. If the matter is the first case of 2006 the number will be IDV 2006-0001. If it is the 243rd case of 2007 the number will be IDV 2007-0243. The "request for IDV tracking form" can be delivered via fax, interdepartmental mail, scan, or personal service. The "request for IDV tracking form" will be returned to the IDV Clerk via the previously noted delivery methods. In addition, to providing the IDV clerk with an IDV number the Rockland County Clerk will also attach a docket sheet which will list all of the pertinent documents that are presently in the Rockland County Clerk's file.

2) All documents making reference to the IDV Court will be processed in accordance with the following procedures for records storage:

A) The Rockland County Clerk will receive case folders from the IDV Clerk. The folder will be unique in that it will have three (3) compartments within the folder. The three compartments will be subdivided by Supreme / Criminal / Family Court actions.

B) The Supreme Court matter will be matrimonial in nature and therefore be treated in the same standard as the current Rockland County Clerk practice, namely that only litigants and attorney who have filed a notice of appearance are entitled to review the file. No one else will be permitted to view the contents of the file without the express written permission of the IDV Court Judge.

C) The Criminal Court matter (County or Justice Court) is a public record and will be treated in the same standard as the current Rockland County Clerk practice, namely that any individual who requests to review the file has the right to do so.

The Rockland County Clerk will continue to follow the guidelines of the Youthful Offender status and if that status is granted the matter will remain sealed to the general public.

D) The Family Court compartment of the IDV file will have a sealed envelope containing the documents that concern the Family Court issues. This matter will be treated as a sealed case and will not be able to be viewed unless a Judge signs an order opening the sealed record for review. Certain portions of this record will be copied and retained with the Family Court. The attorney of record and litigants may be referred to the Chief Clerk of the Family Court for status with regard to their rights for case review. If there are any questions with regard to review a representative from the Rockland County Clerks office will notify a The Chief Clerk/ Deputy Chief Clerk of the Family Court for additional guidance.

3) It will be the responsibility of personnel from the Unified Court System to clearly identify those documents that are to be sealed. All documents that are to be "sealed" will be placed by UCS personnel in an envelope and sealed closed. Additionally, the outside of the envelope will be marked with the caption of the case to include the defendant's name, the IDV number and the word "sealed". Documents that are clearly marked "sealed" will be maintained in the IDVfile by personnel of the Rockland County Clerk's Office. It should be assumed that all IDV folders contain documents which are sealed and therefore UCS personnel will not be marking the outside of the folder. In the event that an IDV folder is requested for review it is the County Clerk's responsibility to remove any of the sealed documents prior to releasing the folder for review.

Print Name & Title
(On behalf of the Unified Court System)

Print Name & Title
(On behalf of the Rockland County Clerk)

Signed & dated

Signed & dated

APPENDIX“Q” - Agenda for Continuing Education Program Curriculum for RC IDV CLE Program

**CURRICULUM FOR ROCKLAND COUNTY IDV CLE PROGRAM
SPONSORED BY
ROCKLAND COUNTY BAR ASSOCIATION
ROCKLAND COUNTY WOMEN'S BAR ASSOCIATION
ROCKLAND COUNTY IDV COURT**

TIME: Lunch Sessions, Tuesdays – 12 noon to 2:00 p.m.
PLACE: Rockland County Courthouse, Jury Assembly Room

October 3, 2006	INTRODUCTORY REMARKS	HON. LINDA CHRISTOPHER IDV Presiding Justice
	Dynamics of Domestic Violence & Special Issues in the Legal System -	Julia Masch, Esq., Partner Masch, Coffey & Associates, LLP
	Effects of Domestic Violence On Children -	Judy McDermott, Director of Children's Services, Rockland Family Shelter & Lynn Sheinkin, Associate Executive Director, Rockland Family Shelter
October 17, 2006	IDV Courts Structure and Jurisdiction -	Charlotte Davidson, Esq., Assistant Deputy Counsel, Office of the DCAJ for Court Operations and Planning
	Family Offenses -	Julie Gamache, Esq., Director Mary Weingard Domestic Violence Law Project
November 21, 2006	Custody & Visitation -	Martin T. Johnson, Esq., Partner Johnson & Cohen, LLP
	Role of the Law Guardian -	Jacqueline Sands, Esq., Law Guardian, Legal Aid Society of Rockland County, Inc.
November 28, 2006	Child Support & Paternity -	Hon. Catherine Miklitsch, Support Magistrate Rockland County Family Court
	Child Protective Proceedings -	Carol Barbash, Esq., Director of Legal Services Department of Social Services
December 12, 2006	Penal Law Offenses & Domestic Violence -	TBA
December 19, 2006	Criminal Evidentiary Issues, Trial Issues & Sentencing	TBA
January 9, 2007	Suppression & Preclusion Issues Orders of Protection Dispositional Alternatives	TBA

APPENDIX "R" - IDV Personnel Directory

ROCKLAND COUNTY INTEGRATED DOMESTIC VIOLENCE COURT DIRECTORY

1 South Main Street – Suite 300
New City, NY 10956

IDV JUDICIAL AND NON-JUDICIAL PERSONNEL

Name and Title	Phone	Fax
Hon. Linda Christopher Presiding Judge, IDV Part	845-638-5328	845-638-5284
Phyllis Goldberg Court Attorney	845-638-5643	845-638-5284
Hon. Robert Berliner Back-up Judge	845-638-5365	845-638-5632
Sondra Holt Court Attorney	845-638-5333	845-638-5632
Catherine Miklitsch Designated Support Magistrate	845-638-5750	845-638-5284
Colleen Farrell Acting Resource Coordinator	845-708-7158	845-638-5284
Kathleen Ryan Court Clerk	845-708-7159	845-638-5319
Jennifer Ladue Court Clerk (Intake)	845-638-5376	845-638-5799

ADMINISTRATIVE PERSONNEL

District Administration	Hon. Francis Nicolai District Administrative Judge	914-824-5100
	Tomme Berg, Esq. Executive Assistant to Admin. Judge	914-824-5100
Supreme/County Court	John Hussey, Chief Clerk	845-638-5342
Family Court	Eileen M. Stanford, Chief Clerk	845-638-5311
Technology	Valerie Buzzell	845-291-2929
Security	Lt. Thomas Carroll	845-638-5587