

## ADMINISTRATIVE ORDER OF THE CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

### § 141.1. Definitions

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

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

(1) any case in criminal court, Family Court or Supreme Court where there is simultaneously pending in the county another case in any other of these courts having a common party or in which a disposition may affect the interests of a party to the first case; and

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

(3) [in Monroe County,] any domestic violence case pending in a criminal court in the county if necessary to best utilize available court and community resources for domestic violence cases where no Domestic Violence Part has been established in the county pursuant to section 141.2 of this Part.

(c) "DV Part" shall refer to a Domestic Violence Part established by the Chief Administrator of the Courts pursuant to section 141.2 of this Part in Nassau, Queens and Westchester Counties. For purposes of this rule and its application to a DV Part established in a county, a "DV-eligible case" shall refer to a domestic violence case pending in a criminal court in the county.

### 141.2. Establishment of IDV and DV Parts

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

### § 141.3. Identification of IDV- and DV-Eligible Cases

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

### § 141.4. Transfer of IDV- and DV-Eligible Cases

Unless the administrative order establishing an IDV Part or a DV Part in a county shall otherwise provide:

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

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

(2) Not later than five days following receipt of the original papers and other documents in an IDV-eligible case in an IDV Part or a DV-eligible case in a DV Part, the justice or judge presiding in such Part shall determine whether or not a transfer of the case to the [Supreme Court ]Part would promote the administration of justice. If the justice or judge determines that it would, he or she may order such transfer, in which event the case shall be referred for disposition to the [IDV] Part, all original papers, if

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

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, where the case is a criminal case and the defendant is held by the local criminal court for the action of a grand jury empaneled by a County Court, only copies of the papers and other documents filed with such court shall be delivered to the IDV Part or DV Part; and the justice or judge presiding therein may at any time order a transfer of the case to the [Supreme Court] respective Part provided he or she determines that such a transfer would promote the administration of justice. The original papers and other documents filed with the local criminal court shall be delivered to the County Court as required by section 180.30(1) of the Criminal Procedure Law.

(b) Where [the] an IDV-eligible case is a case pending in Supreme Court or where a DV eligible case is a case pending in the Supreme or County Court where a DV Part has been established, it shall be referred for disposition to the respective IDV Part or DV Part of such court and all further proceedings shall be conducted therein.

#### **§ 141.5. Procedure in an IDV [Part] and DV Parts**

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

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

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Chief Administrative Judge of the Courts