

PROCEDURE FOR JUDICIARY LAW § 35 (8)

Assignment of Counsel to Indigent Persons

Whenever supreme court shall exercise jurisdiction over a matter which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto pursuant to law, and under circumstances whereby, if such proceedings were pending in family court, such court would be required by section two hundred and sixty-two of the family court act to appoint counsel, supreme court shall also appoint counsel and such counsel shall be compensated in accordance with the provisions of this section.

Judiciary Law § 35 (8) Compensation Rate

Counsel appointed pursuant to Section 35 of the Judiciary Law are compensated at the rate of **one hundred fifty-eight dollars** per hour for both in-court and out-of-court time. Please note (For Kings, Queens and Richmond Counties), the rate increase took effect on February 2, 2022 and (For Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange and Rockland Counties), the rate increase took effect on April 1, 2023. Services provided prior to those dates should be charged at **seventy-five** per hour for in-court and out-of-court. Vouchers for eligible services must be approved by the Supreme Court Justice and should then be sent to the Office of Attorneys for Children for payment processing by the appropriate District Administrative Judge's office.

Voucher Procedure for Reimbursement

Vouchers pursuant to Judiciary Law Section 35(8) are to be completed online through SharePoint (Please see instructions). Your completed voucher should be emailed to the jurist who presided over the matter.

Each voucher should be sent separately in PDF format with a copy of:

- ❖ Court Order
- ❖ Worksheet
- ❖ Affidavit.

In the subject line, you must enter the name of the case, the associated Document ID number and Index number.