



NEW YORK STATE  
**Unified Court System**

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## **Division of Financial Management**

**DFM Bulletin**

**Number 1003**

**March 19, 2010**

TO : Holders of the Financial Planning and Control Manual

SUBJECT : Assigned Counsel - Chapter 538, Laws of 2006

*\* This supersedes Budget Bulletin number 367, issued January 23, 2007.*

Chapter 538 of the Laws of 2006 added a new subdivision 8 to section 35 of the Judiciary Law which provides that indigent adult parties in Supreme Court have the same right to counsel to which they would have been entitled pursuant to section 262 of the Family Court Act were they appearing in the Family Court. This statute applies primarily to parents seeking custody or contesting the infringement of his or her right to visitation, to litigants facing contempt or a determination of a willful violation of a child support order or order of protection, and to parties entitled to counsel pursuant to section 262 of the Family Court Act in other cases in which the Supreme Court invokes its constitutional authority to exercise the powers of the Family Court. This legislation took effect on August 16, 2006.

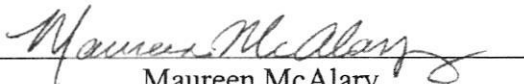
Although the cost of Family Court indigent adult representation is a local responsibility pursuant to section 722 of the County Law, chapter 538 provides for State reimbursement of such representation in the Supreme Court. Counsel appointed pursuant to these provisions are to be compensated in accordance with the provisions of section 35 of the Judiciary Law, that is, at the rate of \$75 per hour of in-court or out-of-court work.

Vouchers for such services must be authorized for payment by the presiding Supreme Court Justice who is also responsible for ensuring the allocation of the costs of representation between the State and the respondent as provided by law. The State is not responsible for the costs of representation associated with divorce, annulment or equitable distribution, for example, as only cases involving custody and visitation could have been brought in the Family Court.

An Assigned Counsel Voucher - Judiciary Law 35(8) and Attorney Activity Sheet must be completed and submitted to the Court by the attorney assigned. Vouchers for eligible services must be approved by the Supreme Court Justice. **Effective April 1, 2010, these vouchers should then be directed to the appropriate Appellate Division for certification and payment.**

Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who may be responsible for the processing of, or the monitoring of internal controls relating to, the payment of court professional services expenses.

NYS UNIFIED COURT SYSTEM  
FOR ADMINISTRATIVE  
PURPOSES ONLY

  
Maureen McAlary