NEW YORK STATE
UNIFIED COURT SYSTEM

LEGISLATIVE PROGRAM

2025

Court Operations Proposals

UCS #1 – Increasing juror per diem payments
Enacted in Chapter 55 of the Laws of 2025, Part LL

This bill would increase, from $40 to $72, the per diem paid to jurors for each day of jury service.

The juror per diem payment has not been increased since 1998, and the proposed increase from $40 to $72 is necessary simply to keep up with inflation. The bill's fiscal impact would be entirely borne by the Judiciary's annual budget, with no fiscal impact upon local governments. Considering the sacrifices that persons serving on juries are routinely asked to make, the value of their service, and the importance of juries reflecting a fair cross section of the community, it is good public policy for the State to ensure that juror compensation is periodically adjusted.

UCS #2 – Addressing inequities relating to court officer retirement benefits
S.8207 (Jackson) / A.8801 (Pheffer-Amato)
Passed Both Houses

This proposal would: (1) allow uniformed court officers and peace officers employed by the Unified Court System (UCS) to retire without a reduction in pension benefits at age 55 if they have 30 years of service; (2) reduce the normal retirement age for such employees from 63 to 62; and (3) lessen the reductions in benefits for those employees who retire prior to normal retirement age.

The UCS employs highly trained peace and court officers who protect and serve each and every day, but they are treated like other non-law enforcement Tier VI employees, and only are entitled to retire at age 63, regardless of how many years of service credit they have accumulated. This disparity has made it difficult for the UCS to attract and retain personnel, which in turn impedes the courts' ability to hear cases, as a judge cannot be in a courtroom without an officer present and officers are needed to transport defendants within the courthouse and ensure the safety of all present. This proposal would bring retirement benefits for uniformed court officers or peace officers employed by the Unified Court System in line with other law enforcement titles.

Civil Practice Proposals

UCS #3 – Expanding the use of affirmations in lieu of affidavits
A.8302 (O'Pharrow) / S.8195 (Hoylman-Sigal)
Passed Both Houses

This proposal would make clarifying amendments relating to the circumstances in which affirmations can be used instead of affidavits.

Section 2106 of the Civil Practice Law and Rules (CPLR) has permitted attorneys and physicians to file unsigned affirmations in lieu of affidavits since 1963, and there have been recent efforts to broaden this option to all persons, which promotes uniformity, reduces confusion

regarding differences in federal and state litigation practice (as federal law has allowed unsworn affirmations by all persons in federal courts for decades), and bridges an access to justice gap by sparing court users the cost of finding and paying notaries public. Amendments were made to CPLR § 2106 in both 2023 and 2024, but there is still some confusion regarding what documents are affected, and whether CPLR § 2106 allows affirmations to replace other sworn statements, such as verified pleadings, answers to interrogatories, responses to notices to admit, and bills of particulars. This proposal makes much-needed clarifying amendments to CPLR § 2106 to enumerate the types of documents for which affirmations may be substituted in civil matters.

UCS #4 – Enhancing jurisdiction over foreign corporations doing business in New York
A.8303 (Lunsford) / S.8186 (Gianaris)
Passed Both Houses

This proposal would allow consent as a basis of general personal jurisdiction over foreign corporations authorized to do business in New York State.

Until 2014, a foreign corporation doing business in New York could be sued here on claims arising anywhere in the world. In *Daimler AG v. Bauman*, 571 U.S. 117 (2014), however, the United States Supreme Court held that due process requires more than doing business in a state before the courts of that state may assert general jurisdiction, and the New York State Court of Appeals agreed with that rationale. *Aybar v. Aybar,* 37 N.Y.3d 274, 283 (2021).

This proposal amends the Business Corporation Law to allow consent as a basis of general personal jurisdiction over foreign corporations authorized to do business in New York State. A prior version of this proposal was vetoed by Governor Hochul in 2023, and this proposal has been amended to addresses the Governor's concerns. Specifically, this proposal significantly limits the class of potential plaintiffs who could sue foreign business organizations, by specifying that only New York residents and businesses licensed in New York would be able commence an action against a foreign company that conducts business in New York. This proposal would thereby re-establish the jurisdiction of New York courts over foreign companies doing business in this state, conform our law with the law in multiple other states, and balance protections for companies in New York with New Yorkers' interest securing justice in our state courts.

Children and Family Proposals

UCS #5 – Adjournments in contemplation of dismissal in family offense and child protective proceedings in Family Court
A.8304 (Lavine)

Family Court requires a comprehensive menu of pre-dispositional and dispositional options to respond appropriately to civil cases of domestic violence and child neglect and abuse. This measure would remedy the significant disparity between treatment of family offenses cases in Family Court and Criminal Court by authorizing Adjournments in Contemplation of Dismissal (ACDs) in family offense proceedings, whether before or upon a finding a that a family offense has occurred. The ACD would require the consent of both the respondent and petitioner, as well as

the approval of the Family Court, both as to the ordering of the ACD and as to any conditions. This would also permit a temporary order of protection and an order of restitution to be issued simultaneously with the ACD. Finally, this proposal would delineate requirements and procedures for ACDs in child protective proceedings. Perhaps most significant, it would eliminate the requirement for child protective agencies to consent to ACDs after a fact-finding or admission, a long-time obstacle to resolution of child neglect and abuse proceedings in Family Court.

UCS #6 – Clarifying procedures for orders to seize firearms in Family and Supreme Court A.8406 (Levenberg)

This proposal will facilitate Family Court compliance with the critically important firearms seizure requirements in cases involving orders of protection. It clarifies that litigants (rather than only law enforcement officers, district attorneys or other public servants) may apply for seizure orders and that judicial hearing officers and court attorney referees (not merely judges) may hear the applications. It also increases access to justice by providing that local criminal courts may act as family courts to issue firearms seizure orders when Family Courts are not in session. Finally, it clarifies that the firearms seizure requirements apply to matrimonial proceedings in Supreme Court, just as in Family Court.

UCS #7 – Enhancing the right to counsel in Family Court child abuse and neglect proceedings A.8272 (Davila)

This proposal ensures that determinations of financial eligibility for assigned counsel in Family Court are made in accordance with the Family Court rules, and that pre-petition representation in child protective and destitute minor proceedings is considered part of the legal representation to which parents are entitled and is eligible for compensation under County Law § 18-b. The proposal also amends Social Services Law § 422 to ensure that prospective attorneys for both parents and children have access to reports made to the Statewide Central Register of Child Abuse and Maltreatment to check for conflicts and to provide assistance to prospective clients prior to petitions being filed.

Parents are often unrepresented at the critical first court appearance in child neglect and abuse proceedings in Family Court, at which children may be removed from their care. In addition, parents are rarely represented during the important investigative stage when intervention to provide services has been shown to prevent the need for court action altogether in many cases. This proposal addresses both of these issues by facilitating early access to counsel in Family Court. Representation provided during the investigative stage of child protective cases has resolved many cases without the need for filing of petitions, and where filed, has reduced the need for foster case. The reduction in contested proceedings would benefit the Family Court, as well as the affected children and families, and would significantly reduce the disparate racial impact of the child protective prosecution.

UCS #8 – Clarifying the time limit for filing objections in child support cases
A.8298 (P. Carroll) / S.8176 (Persaud)
Passed Both Houses

Since the pandemic, Family Courts have been sending orders electronically in all categories of cases whenever the Courts have email addresses for parties and/or their attorneys. However, recent appellate case law has held that because the emailed orders were not provided by mail or in-person, they were not subject to any statutory deadlines. This measure would clarify the law by providing statutory time-limits for both notices of appeal and for the filing of objections to Support Magistrate determinations.

In addition, this proposal provides a more objective, reasonable deadline for Family Court judges to rule on child support objections. Currently, the statute requires judges to rule on child support objections either within 15 days after submission of a rebuttal or, if none has been submitted, within 15 days after the expiration of the rebuttal period. In each case, the court must assess which time limit for ruling on objections is applicable. This proposal eliminates this extra consideration to provide that objections must be ruled upon within 35 days after the date the objection is filed. This predictable, consistent standard would apply regardless of whether a rebuttal has been filed in a particular case.

UCS #9 – Expanding the right to counsel in Family Court child support violation, paternity, and parentage proceedings
A.8271 (Davila) / S.8197 (Brisport)
Passed Both Houses

The Family Court Act contains anomalous restrictions on the right to appointed counsel for parties who cannot afford to hire lawyers in Family Court proceedings. Although prospective parents may be either petitioners or respondents in proceedings to establish paternity, only respondents are entitled to appointed counsel. And although both petitioners and respondents in proceedings to determine willful violations of child support may need attorneys, only respondents are entitled to assigned counsel. Additionally, under the Child-Parent Security Act, while persons acting as surrogates have a right to have their attorneys paid for by the intended parents, no provisions are made for assigned counsel in parentage proceedings for other individuals who receive notice of and have a right to intervene in these cases. This proposal would advance access to justice in each of these types of proceedings by ensuring that all parties have a right to assigned counsel if they cannot afford to hire attorneys and, if a child is a party, that an attorney for the child be appointed.

UCS #10 – Facilitating records checks in family offence proceedings
A.8407 (Lavine) / S.8198 (Brisport)
Passed Both Houses

Currently, Family Court and Supreme Court are required to check the domestic violence registry, the sex offender registry, and the courts' record of child protective proceedings and warrants prior to issuing temporary and final orders of custody and visitation. However, no similar

requirement exists regarding orders of protection in family offense proceedings under Article 8 of the Family Court Act, which is another context in which the Court renders decisions regarding custody and visitation for which the information would be essential.

This proposal would correct this omission by applying the records-check requirement to temporary and final orders of protection that include an award of custody or visitation. Ensuring the safety of a child when awarding custody or visitation as a condition of an order of protection is as important as it is when issuing similar orders in a Family Court custody proceeding or as part of a matrimonial proceeding in Supreme Court. Therefore, in all of these proceedings, courts should be subject to the same requirements to check the records of individuals who may be granted custody or access to children.

UCS #11 – Expanding alternative dispute resolution and navigator services in child support matters
A.8297 (Lunsford) / S.8374 (Persaud)
Passed Both Houses

This proposal would establish a State-funded pilot program using Alternative Dispute Resolution (ADR) mediation services in child support matters in at least two counties in New York City and at least in one county outside of New York City. The program would also provide navigation assistance to all child support litigants in the pilot counties, since the lack of assistance to litigants, almost all of whom are not represented by counsel, in bringing proper financial documents required for the resolution of their cases is a prime cause of adjournments and delays in Family Court. The navigators would also provide assistance in making the referrals for ADR services and in guiding litigants when their cases are referred back to Family Court either for approval of a mediated agreement or for litigation of cases in which mediation was either not appropriate or not successful. Both the ADR and navigator services would be provided through the UCS Community Dispute Resolution Center program, which would contract with private non-profit organizations in the pilot counties.

Matrimonial Practice Proposals

UCS #12 – Allowing alternative service of divorce summonses

This proposal enhances the due process rights of adverse parties in divorce proceedings by authorizing alternative service of divorce summonses by email.

Personal service upon a defendant is required in divorce actions, but when it is not possible because the defendant cannot be found, the CPLR allows several other methods of service by court order, including service by publication as a last resort. However, it is extremely unlikely that a defendant will ever see the published notice, and email is a much more efficient, inexpensive, and reliable form of service, especially since the bill requires that the email account to which service is authorized has been used in the last 30 days.

UCS #13 – Enhancing automatic orders in matrimonial cases
A.8299 (Lavine) / S.8270 (Webb)
Passed Both Houses

This proposal would make two important improvements to the automatic order provisions of Domestic Relations Law. First, current law provides that automatic orders remain in effect "during the pendency of the action," which may leave room for a litigant to incorrectly conclude that the automatic orders are no longer in effect once a trial has concluded, but the court's decision has not yet been rendered, a period which could span several months. This proposal addresses this issue by making clear that each automatic order remains in full effect until the judgment of divorce is entered or the action is dismissed, discontinued or stayed, whichever occurs first, unless the order is terminated, modified or amended by further order of the court.

Second, the proposal requires a spouse who has received notice of a tax lien, foreclosure, bankruptcy, or litigation, or the filing of same, or of the lifting of a stay in bankruptcy, which could adversely affect the marital estate, to notify the other spouse within 10 days thereafter. This provision is needed because after spouses separate, they frequently do not inform each other that important legal proceedings are taking place which may have a major effect on the marital estate. For example, sometimes property is titled in only one spouse's name, and if the notice is sent only to that spouse, the spouse who does not receive the notice will have no opportunity to appear in the legal proceeding to protect their interest.

UCS #14 – Facilitating the payment of expenses in matrimonial actions
A.8305 (Berger) / S.8372 (Brisport)
Passed the Assembly

This proposal would create a new rebuttable presumption on proof of expenses in matrimonial actions that differs from the general rule in civil cases. Currently, an itemized invoice for up to $2,000 is prima facie evidence of the reasonable value and necessity of the "services or repairs" that are itemized, and no more than one bill or invoice from the same person to the same debtor is admissible in evidence in the same action. Those limitations are unworkable in matrimonial cases, where it is often necessary for small expenses to be incurred for multiple children and other family members.

This proposal addresses this problem by creating a new rule for matrimonial cases that removes the "services or repairs" limitation, increases the monetary cap from $2,000 to $10,000, and permits more than one invoice per provider. This will make it easier for litigants, especially self-represented litigants, to admit documents into evidence without having to call witnesses at trial, thereby reducing legal fees and trial time. The proposed rule is also fairer and more understandable for self-represented litigants than Rule 4533-a. It provides the adverse party with 30 days' notice of intent to admit rather than 10 days as in Rule 4533-a. It also makes clearer to both parties that it applies to expenses (rather than damages) and that the admissibility of the expenses can be rebutted since it is called a "rebuttable presumption of expenses" rather than "prima facie proof of damages" as Rule 4533-a is titled. Unlike Rule 4533-a, the proposed rule also provides a procedure to follow for rebuttal.

UCS #15 – Allowing courts discretion to award recurring payments to non-custodial parents in special circumstances to facilitate the child's relationship with both parents
A.8296 (McMahon)

This proposal would amend the Child Support Standards Act (CSSA) to allow a court to order a custodial parent to make recurring payments to the non-custodial parent in special circumstances, without changing the basic concept that child support is to be paid by the non-custodial parent to the custodial parent regardless of the facts and circumstances, which can sometimes have harsh consequences. The proposal prioritizes the needs and best interests of the child by laying out factors for courts to consider in deciding whether to direct recurring payments to the non-custodial parent (or third parties), borrowing from the existing factors in the CSSA that must be considered in determining whether the basic child support obligation is unjust or inappropriate. Those factors indicate a concern about cases in which the parties' financial disparity may negatively impact the child. However, in certain situations, merely reducing the non-custodial parent's child support obligation would not be sufficient to allow that parent to maintain a relationship with the child by meeting the child's needs when in their care. This proposal will enable courts to facilitate the child's relationship with both parents by exercising discretion in special circumstances, without making the child suffer a lesser standard of living when in the care of the non-custodial parent as a result of the parents' separation.

Surrogate's Court and Guardianship Proposals

UCS #16 – Facilitating compensation for court evaluators and court examiners

This proposal would add court evaluators and court examiners appointed pursuant to Mental Hygiene Law (MHL) Article 81 to the professionals eligible for compensation under County Law Article 18-b.

A court evaluator is a fiduciary appointed by the court to help determine the capacity of an alleged incapacitated person (AIP). The court evaluator acts as "the eyes and ears of the court," and their work is crucial in determining the issues involved in a guardianship proceeding. Court examiners are fiduciaries appointed by the court to examine initial and annual reports filed by a guardian. Where a guardian fails to timely file an annual report or files an incomplete report, the court examiner may take certain actions to prompt compliance. Court evaluators and court examiners are essential appointees of the court who assist in determining the appropriateness of a guardianship for an AIP and monitor the guardian and the proper use of the powers and duties afforded to each guardian, respectively.

Court evaluators and court examiners should be afforded the appropriate resources for their important work to allow them to continue this work. By including these fiduciaries as service providers eligible for payment under County Law Article 18-b, New York State will ensure that these fiduciaries are duly compensated, encourage qualified persons to join the lists for appointment, ensure that these important positions are filled by qualified individuals, and help to meet the need for such services reported by guardianship judges.

UCS #17 – Eliminating inequities in charitable trustee commissions
A.8300 (McMahon) / S.8373 (Hoylman-Sigal)
Passed Both Houses

This proposal eliminates inequities relating to the commissions received by a charitable trustee. Specifically, it would provide that an individual trustee of a wholly charitable trust would receive commissions on the same basis as an individual trustee of a non-charitable trust, with a reduced rate of 80% of the rates allowed for a trustee of a non-charitable trust for trusts with a principal value of up to $20,000,000, and a reduced rate of 50% of such rates for any portion of a trust exceeding a value of $20 million.

Under the existing law, a trustee of a wholly charitable trust is entitled to compensation consisting of 6% of the annual income collected, while a trustee of a non-charitable trust is entitled to compensation at the rate of $10.50 per $1,000 (or major fraction thereof) on the first $400,000 of principal, $4.50 per $1,000 (or major fraction thereof) on the next $600,000 of principal and $3.00 per $1,000 (or major fraction thereof) on all additional principal. This discrepancy in compensation is unwarranted, since the duties of the trustee of a wholly charitable trust and those of the trustee of a non-charitable trust are comparable. This measure reduces the gap in treatment between the treatment of trustees of private trusts and charitable trusts.

UCS #18 – Enhancing Article 17-A guardianships
A.8301 (Lavine)

This proposal would amend the Article 17-A of the Surrogate's Court Procedure Act to better reflect the rights of individuals with developmental disabilities and traumatic brain injuries by removing obsolete language and addressing due process concerns in proceedings for the appointment of a guardian for such individuals.

Article 17-A ensures that family members or other individuals interested in the welfare of a person born with a developmental disability, or who suffered a traumatic brain injury at a young age, can procure the appointment of a guardian of the person and/or property in an inexpensive and generally more efficient manner than if they had to obtain such relief by proceeding under Mental Hygiene Law Article 81. This proposal amends Article 17-A to modernize its clinical terminology to conform with current usage and to reflect today's medical knowledge regarding the capabilities of persons with intellectual disabilities is imperative. Additionally, the proposal more clearly defines existing procedural requirements, while establishing new provisions that enhance due process. Specifically, this measure would: (1) clarify the burden of proof; (2) ensure the respondent's right to a jury trial; (3) modify the decision-making standard for guardians by requiring them to encourage self-determination and consider the respondent's desires and values; and (4) establish guidelines for the duration, modification and revocation of a guardianship. This proposal ensures due process for the individual involved, while still allowing the appointment of a guardian in an inexpensive and efficient manner.

UCS #19 – Improving service of process in Surrogate's Court proceedings
A.8408 (Dais) / S.8175 (Sepulveda)
Passed Both Houses

This proposal would simplify and modernize service of process requirements for Surrogate's Court proceedings. During the pandemic personal delivery of citations and other documents was impossible, and so other means of service of process had to be permitted for the courts to function, which allowed testing of new modes of service. This proposal would amend the Surrogate's Court Procedure Act to allow service of process by registered or certified mail without the necessity of obtaining a court order, and to allow the court to order service of process by electronic means. This measure would also update the time for service of process, allowing for 10 days where service is made by personal delivery, 20 days where service is made by other than personal delivery within the United States, and 30 days in all other cases and where the Office of the Attorney General is a party.

Criminal Justice Proposals

UCS #20 – Enhancing procedures for obtaining digital data search warrants

This proposal would codify the use of and create formal procedures for search warrants for the collection of cell phone geolocation data and other digital location information.

Currently, there is no provision of the Criminal Procedure Law that expressly authorizes or regulates the issuance of geolocation cell-site warrants. Instead, courts routinely review and grant such applications guided by applicable constitutional requirements and through analogy to other sections of law that set forth New York's statutory search warrant procedural safeguards. In addition to the standard showing that there was reasonable cause to believe that a crime was committed by the person targeted for arrest, under this proposal, law enforcement officers seeking geolocation data would also have to establish that diligent efforts had been undertaken to locate and apprehend the person sought by other means without success, or that exigent circumstances exist which make immediate application necessary, to adequately protect the privacy interests implicated by these effective but invasive law enforcement tools. This proposal would codify best practices and ensure proper due process protections for this increasingly common form of search warrant.

UCS #21 – Increasing the number of judges eligible to preside over Youth Parts
S.8196 (Hoylman-Sigal) / A.8890 (Burroughs)
Passed Both Houses

This proposal would permit Court of Claims Judges and Supreme Court Justices outside of New York City, who are Acting Supreme Court Justices assigned to the Criminal Term, to preside over designated Youth Parts. This would immediately expand the number of qualified judges who can serve in the Youth Parts under the Raise the Age Law by relaxing the current statutory requirement that all such Youth Part Judges be Family Court Judges and allow all judges of the

superior criminal courts whom the Chief Administrative Judge has deemed qualified—based upon training and experience—to be Youth Part Judges.

UCS #22 – Sex Offender Registration Act (SORA) reforms

This proposal would reform the Sex Offender Registration Act (SORA) to: (1) require all individuals convicted of sexually motivated felonies to register under SORA; (2) ensure that the designation of "sexually violent offenders" is applied equally to out-of-state offenders; (3) properly account for the number of days a sex offender was registered in another state when they register and are assessed under SORA upon moving to New York State; and (4) ensure that sex offenders' risk levels can be reassessed upon being released under the Sex Offender Management and Treatment Act (SOMTA).

UCS #23 – Enhancing judicial discretion to impose shorter felony sentences

The Criminal Procedure Law contains multiple restrictions on plea bargaining that often frustrate courts' and parties' ability to negotiate acceptable, fair, and just dispositions because of requirements that defendants plead to more serious crimes, often with higher mandatory minimum sentences. This proposal addresses this problem by allowing courts, with the consent of the prosecutor and the defendant, to sentence predicate felony offenders to the mandatory minimum sentences applicable to offenders without such predicate convictions, and to accept pleas below current statutory plea reduction thresholds.

The first prong of the proposal allows a plea to go forward despite the restrictions mandating a more serious plea and sentence when the court and the prosecution agree that it is just to do so in light of the nature and circumstances of crime, the available evidence, and the history and character of the defendant. The second prong of the proposal allows the court, on consent of the prosecutor, to accept a guilty plea with a promised sentence below current mandatory minimum thresholds for predicate felony offenders when the nature and circumstances of the criminal conduct, the available evidence and the history and character of the defendant, support that it is in the interest of justice to do so. When such a lesser sentence is appropriate, the court may then impose a sentence that would be authorized if the offender were not a predicate felon. These two prongs will increase the Court's ability to justly resolve cases.

UCS #24 – Expanding virtual appearances in criminal cases
Enacted in Chapter 55 of the Laws of 2025, Part WW

This proposal would repeal and replace Criminal Procedure Law Article 182 to authorize virtual criminal proceedings statewide, expand the types of proceedings authorized, requires party consent for most virtual appearances, and establish due-process rights to protect defendants who appear virtually.

Currently, Article 182 authorizes virtual appearances for only limited categories of proceedings, under certain conditions, and with the consent of the defendant. Current authority is

also limited geographically to 42 of New York's 62 counties. This proposal neither requires nor creates a presumption in favor of virtual appearances, and instead simply provides clear rules when courts and parties opt for virtual appearances. Under this proposal, routine calendar calls and arguments could be conducted virtually by courts. Courts would also be empowered to accept guilty pleas, impose sentences, and conduct evidentiary hearings or non-jury trials through virtual appearances, but only with the consent of both parties. The proposal would not authorize grand jury proceedings or jury trials to be conducted virtually.

These common-sense changes minimize a defendant's absences from work, school, and possible family-care commitments; eliminate undue disruptions in hospitals and other healthcare settings; avoid unnecessarily long detentions of defendants; and ensure the safety of defendants, judges and law enforcement personnel during times of hazardous travel conditions.

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