

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to enacting the court order protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "court
2 order protection act".

3 S 2. Rule 5016 of the civil practice law and rules, subdivision (d) as
4 amended by chapter 93 of the laws of 1970, is amended to read as
5 follows:

6 Rule 5016. Entry of judgment. (a) What constitutes entry. A judgment
7 is entered when, after it has been signed by the clerk, it is filed by
8 him.

9 (b) Judgment upon verdict. Judgment upon the general verdict of a
10 jury after a trial by jury as of right shall be entered by the clerk
11 unless the court otherwise directs; if there is a special verdict, the
12 court shall direct entry of an appropriate judgment.

13 (c) Judgment upon decision. Judgment upon the decision of a court or
14 a referee to determine shall be entered by the clerk as directed there-
15 in. When relief other than for money or costs only is granted, the
16 court or referee shall, on motion, determine the form of the judgment.

17 (d) PERIOD OF ENTRY. JUDGMENT MUST BE ENTERED IMMEDIATELY UPON ISSU-
18 ANCE.

19 (E) DOCUMENTATION OF PAYMENT. THE CHIEF ADMINISTRATIVE JUDGE OF THE
20 STATE OF NEW YORK WILL CREATE A DOCUMENT THAT OUTLINES PAYMENT OF AWARDS
21 ORDERED BY COURTS OF THE STATE. THE DOCUMENT WILL THEN BE DISTRIBUTED
22 ELECTRONICALLY, OR BY OTHER MEANS AS DETERMINED BY THE CHIEF ADMINISTRA-
23 TIVE JUDGE, FOR USE BY COURTS OF THE STATE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (F) After death of party. No verdict or decision shall be rendered
2 against a deceased party, but if a party dies before entry of judgment
3 and after a verdict, decision or accepted offer to compromise pursuant
4 to rule 3221, judgment shall be entered in the names of the original
5 parties unless the verdict, decision or offer is set aside. This
6 provision shall not bar dismissal of an action or appeal pursuant to
7 section 1021.

8 [(e)] (G) Final judgment after interlocutory judgment. Where an
9 interlocutory judgment has been directed, a party may move for final
10 judgment when he becomes entitled thereto.

11 S 3. Subdivision (e) of rule 5016 of the civil practice law and rules,
12 as added by section one of this act, is amended to read as follows:

13 (e) Documentation of payment. 1. The chief administrative judge of the
14 state of New York will create a document that outlines payment of awards
15 ordered by courts of the state. The document will then be distributed
16 electronically, or by other means as determined by the chief administra-
17 tive judge, for use by courts of the state.

18 2. UPON THE ISSUANCE OF A COURT ORDER, AND THE IMMEDIATE ENTRY OF
19 JUDGMENT, IN ANY COURT OF THE STATE OF NEW YORK, IN THE CASE WHERE MONEY
20 DAMAGES OF ANY KIND ARE AWARDED TO EITHER PARTY, THE DEBTOR MUST
21 COMPLETE A DOCUMENT ISSUED AND SIGNED BY BOTH THE PLAINTIFF AND DEFEND-
22 ANT, NOTARIZED AND KEPT ON FILE WITH THE COURT THAT INDICATES THAT
23 EITHER IMMEDIATE PAYMENT IS BEING MADE, THAT A DEFINITIVE PAYMENT SCHED-
24 ULE IS BEING ARRANGED, OR THAT PAYMENT WILL BE MADE IN EITHER OF THESE
25 FORMS AFTER THE COMPLETION OF THE APPEALS PROCESS.

26 S 4. This act shall take effect immediately; provided that the amend-
27 ments to subdivision (e) of rule 5016 of the civil practice law and
28 rules made by section three of this act shall take effect 90 days after
29 this act shall have become a law.