S T A T E O F N E W Y O R K

320

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:

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

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

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

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

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

(d) PERIOD OF ENTRY. JUDGMENT MUST BE ENTERED IMMEDIATELY UPON ISSUANCE.

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

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

LBD00136-01-3

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

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

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

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

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

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