

# STATE OF NEW YORK

8792

2019-2020 Regular Sessions

## IN ASSEMBLY

November 25, 2019

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

AN ACT to amend the judiciary law, in relation to a pilot program to  
create an elder court

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The judiciary law is amended by adding a new article 5-C to  
2 read as follows:

3 ARTICLE 5-C  
4 ELDER COURT PILOT PROGRAM

5 Section 178. Definition.

6 178-a. Elder court pilot program.

7 § 178. Definition. For purposes of this article "elder court" shall  
8 refer to both of the following when they are simultaneously pending in  
9 the county: an elder abuse, domestic violence, or criminal case involv-  
10 ing a caretaker commenced in a criminal court; and a case commenced in  
11 supreme or family court that involves a party or witness in the elder  
12 abuse, domestic violence or criminal case. The chief administrator of  
13 the courts shall promulgate through rules and regulations any other  
14 elder court eligible case.

15 § 178-a. Elder court pilot program. 1. Within amounts appropriated,  
16 the chief administrator of the courts shall establish an elder court  
17 pilot program to operate in up to six counties in the state to study the  
18 effectiveness of senior-specific judicial programming in the state.  
19 Following consultation with and agreement of the presiding judge of the  
20 judicial department in which a county is located, the chief administra-  
21 tor, by administrative order, may establish an elder court pilot program  
22 in such county, make monies available for the operation of the elder  
23 court pilot program, and assign one or more judges or justices to

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

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1 preside therein. The chief administrator of the courts shall establish  
2 through rules and regulations each pilot court so as to ensure that  
3 cases pending before it are identified as elder court-eligible at the  
4 earliest possible time, and establish procedures for the transfer of  
5 eligible cases.

6 2. The chief administrator of the courts, and participating counties,  
7 may partner with local not-for-profit organizations, universities, muni-  
8 cipalities, TRIAD teams, multi-disciplinary teams, or senior advocacy  
9 groups to track information, assess service needs, and collect informa-  
10 tion for the pilot program study. Upon completion of the pilot program,  
11 the chief administrator of the courts shall issue a report documenting  
12 the elder court pilot program initiatives and include recommendations  
13 for the establishment of statewide elder court operations. The report  
14 shall include, but not be limited to, recommendations regarding:

15 a. Judicial officer and court staff training regarding specific needs  
16 and issues that may arise in elder cases, including but not limited to,  
17 the development of elder-specific curriculum and technical assistance  
18 materials for judges and court staff;

19 b. The characteristics and needs of elderly litigants and their cases,  
20 including but not limited to adjustment of court hours, coordination  
21 with social services or not-for-profit entities, transportation  
22 concerns, and community support available during the course of the case  
23 and after;

24 c. Best practices for the establishment of elder courts including, but  
25 not limited to, consideration of administration policies, court prac-  
26 tices, and litigant experiences; and

27 d. Policy and statutory changes that are generalized across programs  
28 and may assist in the prosecution of elder abuse cases.

29 3. Nothing in this section shall preclude the chief administrator of  
30 the courts from designating a preexisting program that qualifies as an  
31 elder court from participating in the pilot program. The chief adminis-  
32 trator of the courts shall also, within his or her discretion, utilize  
33 preexisting integrated courts parts for operation of the elder court  
34 pilot program where compatible.

35 4. Nothing in this section shall preclude the chief administrator of  
36 the courts, or a state entity, from applying for qualifying federal  
37 monies or private funds to assist in the operation of the elder court  
38 pilot program.

39 5. The chief administrator of the courts shall submit the report to  
40 the governor, the temporary president of the senate and the speaker of  
41 the assembly within two years of the effective date of this section. The  
42 report shall also be distributed on the office of court administration  
43 public website.

44 § 2. This act shall take effect immediately.