STATE OF NEW YORK

2730

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

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 Assembly, do enact as follows:

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

ARTICLE 5-C
ELDER COURT PILOT PROGRAM

Section 178. Definition.
178-a. Elder court pilot program.

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

§ 178-a. Elder court pilot program. 1. Within amounts appropriated, the chief administrator of the courts shall establish an elder court pilot program to operate in up to six counties in the state to study the effectiveness of senior-specific judicial programming in the state. Following consultation with and agreement of the presiding judge of the judicial department in which a county is located, the chief administrator, by administrative order, may establish an elder court pilot program in such county, make monies available for the operation of the elder 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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preside therein. The chief administrator of the courts shall establish through rules and regulations each pilot court so as to ensure that cases pending before it are identified as elder court-eligible at the earliest possible time, and establish procedures for the transfer of eligible cases.

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

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.