

STATE OF NEW YORK

7524

2023-2024 Regular Sessions

IN SENATE

June 2, 2023

Introduced by Sen. HOYLMAN-SIGAL -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, the civil practice law and rules, the court of claims act, the New York city criminal court act, the uniform district court act, the uniform city court act, the uniform justice court act, the criminal procedure law and the family court act, in relation to filing by electronic means; to amend chapter 237 of the laws of 2015 amending the judiciary law, the civil practice law and rules and other laws relating to the use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof; and to repeal certain provisions of the civil practice law and rules, the criminal procedure law and the family court act, relating to court filings

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

1 Section 1. Clause (A) of subparagraph (i) and subparagraphs (iv), (v)
2 and (vi) of paragraph (u) of subdivision 2 of section 212 of the judici-
3 ary law, clause (A) of subparagraph (i) as amended by chapter 99 of the
4 laws of 2017, subparagraphs (iv), (v) and (vi) as added by chapter 237
5 of the laws of 2015 and such paragraph as relettered by section 1 of
6 part BB of chapter 55 of the laws of 2017, are amended to read as
7 follows:

8 (A) Not later than February first in each calendar year, the chief
9 administrator of the courts shall submit to the legislature, the gover-
10 nor and the chief judge of the state a report evaluating the state's
11 experience with programs in the use of electronic means for the
12 commencement of actions and proceedings and the service of papers there-
13 in as authorized by law and containing such recommendations for further
14 legislation as he or she shall deem appropriate. In the preparation of
15 such report, the chief administrator shall consult with each county

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

LBD03573-01-3

1 clerk in whose county a program has been implemented in [~~civil cases in~~
2 the supreme [~~court~~] and/or county court, each district attorney in whose
3 county a program has been implemented in criminal cases in the courts of
4 such county, the advisory committees established pursuant to subpara-
5 graphs (ii) through (vi) of this paragraph, the organized bar including
6 but not limited to city, state, county and women's bar associations; the
7 office of indigent legal services; institutional legal service provid-
8 ers; not-for-profit legal service providers; public defenders; attorneys
9 assigned pursuant to article eighteen-B of the county law; unaffiliated
10 attorneys who regularly appear in proceedings that are or have been
11 affected by any programs that have been implemented or who may be
12 affected by the proposed recommendations for further legislation; repre-
13 sentatives of victims' rights organizations; and any other persons in
14 whose county a program has been implemented in any of the courts therein
15 as deemed to be appropriate by the chief administrator, and afford them
16 an opportunity to submit comments with respect to such implementation
17 for inclusion in the report and address any such comments.

18 Public comments shall also be sought via a prominent posting on the
19 website of the office of court administration. All comments received
20 from any source shall be posted for public review on the same website.

21 (iv) The chief administrator shall maintain an advisory committee to
22 consult with him or her in the implementation of laws affecting the
23 program in the use of electronic means for the commencement of civil
24 actions and proceedings and the service and filing of papers therein in
25 the civil court of the city of New York, the district courts, the city
26 courts outside New York city, and the town and village justice courts.
27 This committee shall consist of such number of members as the chief
28 administrator shall designate, among which there shall be the chief
29 clerk of the civil court of the city of New York; one or more chief
30 clerks of the district courts, the city courts outside New York city,
31 and the town and village justice courts; the president of the state
32 magistrates' association or his or her designee; representatives of the
33 organized bar including but not limited to city, state, county and
34 women's bar associations; [~~attorneys who regularly appear in actions~~
35 ~~specified in subparagraph (C) of paragraph two of subdivision (b) of~~
36 ~~section twenty one hundred eleven of the civil practice law and rules,~~]
37 and unaffiliated attorneys who regularly appear in proceedings that are
38 or have been affected by the programs that have been implemented or who
39 may be affected by any recommendations for further legislation concern-
40 ing the use of electronic means for the commencement of actions and
41 proceedings and the service and filing of papers therein in [~~the civil~~
42 ~~court of the city of New York~~] any of the courts specified in this
43 subparagraph; and any other persons as deemed appropriate by the chief
44 administrator. Such committee shall help the chief administrator to
45 evaluate the impact of such electronic filing program on litigants
46 including unrepresented parties, practitioners and the courts and to
47 obtain input from those who are or would be affected by such electronic
48 filing program, including unrepresented parties, city, state, county and
49 women's bar associations; institutional legal service providers; not-
50 for-profit legal service providers; attorneys assigned pursuant to arti-
51 cle eighteen-B of the county law; unaffiliated attorneys who regularly
52 appear in proceedings that are or have been affected by the programs
53 that have been implemented or who may be affected by any recommendations
54 for further legislation concerning the use of the electronic filing
55 program in any of the [~~civil court of the city of New York~~] courts spec-
56 ified in this subparagraph; and any other persons in whose county a

1 program has been implemented in any of the courts therein as deemed to
2 be appropriate by the chief administrator.

3 (v) The chief administrator shall maintain an advisory committee to
4 consult with him or her in the implementation of laws affecting the
5 program in the use of electronic means for the commencement of criminal
6 actions and the filing and service of papers in pending criminal actions
7 and proceedings[~~, as first authorized by paragraph one of subdivision~~
8 ~~(e) of section six of chapter four hundred sixteen of the laws of two~~
9 ~~thousand nine, as amended by chapter one hundred eighty-four of the laws~~
10 ~~of two thousand twelve, is continued]. The committee shall consist of~~
11 such number of members as will enable the chief administrator to obtain
12 input from those who are or would be affected by such electronic filing
13 program, and such members shall include county clerks; chief clerks of
14 supreme, county and other courts; district attorneys; representatives of
15 the office of indigent legal services; not-for-profit legal service
16 providers; public defenders; statewide and local specialty bar associ-
17 ations whose membership devotes a significant portion of their practice
18 to assigned criminal cases pursuant to subparagraph (i) of paragraph (a)
19 of subdivision three of section seven hundred twenty-two of the county
20 law; institutional providers of criminal defense services and other
21 members of the criminal defense bar; representatives of victims' rights
22 organizations; unaffiliated attorneys who regularly appear in
23 proceedings that are or would be affected by such electronic filing
24 program and other interested members of the criminal justice community.
25 Such committee shall help the chief administrator to evaluate the impact
26 of such electronic filing program on litigants including unrepresented
27 parties, practitioners and the courts and to obtain input from those who
28 are or would be affected by such electronic filing program, including
29 unrepresented parties, district attorneys, not-for-profit legal service
30 providers, public defenders, statewide and local specialty bar associ-
31 ations whose membership devotes a significant portion of their practice
32 to assigned criminal cases pursuant to subparagraph (i) of paragraph (a)
33 of subdivision three of section seven hundred twenty-two of the county
34 law; institutional providers of criminal defense services and other
35 members of the criminal defense bar, representatives of victims' rights
36 organizations, unaffiliated attorneys who regularly appear in
37 proceedings that are or would be affected by such electronic filing
38 program and other interested members of the criminal justice community.

39 (vi) The chief administrator shall maintain an advisory committee to
40 consult with him or her in the implementation of laws affecting the
41 program in the use of electronic means for the origination of [~~juvenile~~
42 ~~delinquency]~~ proceedings [~~under article three of the family court act~~
43 ~~and abuse or neglect proceedings pursuant to article ten of the family~~
44 ~~court act]~~ in family court and the filing and service of papers in such
45 pending proceedings[~~, as first authorized by paragraph one of subdivi-~~
46 ~~sion (d) of section six of chapter four hundred sixteen of the laws of~~
47 ~~two thousand nine, as amended by chapter one hundred eighty-four of the~~
48 ~~laws of two thousand twelve, is continued]. The committee shall consist~~
49 of such number of members as will enable the chief administrator to
50 obtain input from those who are or would be affected by such electronic
51 filing program, and such members shall include chief clerks of family
52 courts; representatives of authorized presentment and child protective
53 agencies; other appropriate county and city government officials; insti-
54 tutional providers of legal services for children and/or parents; not-
55 for-profit legal service providers; public defenders; representatives of
56 the office of indigent legal services; attorneys assigned pursuant to

1 article eighteen-B of the county law; and other members of the family
2 court bar; representatives of victims' rights organizations; unaffil-
3 iated attorneys who regularly appear in proceedings that are or would be
4 affected by such electronic filing program; and other interested members
5 of the family practice community. Such committee shall help the chief
6 administrator to evaluate the impact of such electronic filing program
7 on litigants including unrepresented parties, practitioners and the
8 courts and to obtain input from those who are or would be affected by
9 such electronic filing program, including unrepresented parties, repre-
10 sentatives of authorized presentment and child protective agencies,
11 other appropriate county and city government officials, institutional
12 providers of legal services for children and/or parents, not-for-profit
13 legal service providers, public defenders, attorneys assigned pursuant
14 to article eighteen-B of the county law and other members of the family
15 court bar, representatives of victims' rights organizations, unaffil-
16 iated attorneys who regularly appear in proceedings that are or would be
17 affected by such electronic filing program, and other interested members
18 of the criminal justice community.

19 § 2. Subdivision (a) of section 2111 of the civil practice law and
20 rules, as added by chapter 237 of the laws of 2015, is amended to read
21 as follows:

22 (a) Notwithstanding any other provision of law, the chief administra-
23 tor of the courts, with the approval of the administrative board of the
24 courts, may promulgate rules authorizing a program in the use of facsim-
25 ile transmission only in the court of claims and electronic means in the
26 [~~supreme court, the civil court of the city of New York, surrogate's~~
27 ~~courts and the court of claims~~] courts of New York having civil juris-
28 isdiction for: (i) the commencement of civil actions and proceedings, and
29 (ii) the filing and service of papers in pending actions and
30 proceedings. Provided, however, the chief administrator shall consult
31 with the county clerk of a county outside the city of New York before
32 the use of electronic means is to be authorized hereunder in the supreme
33 court or the county court of such county, afford him or her the opportu-
34 nity to submit comments with respect thereto, consider any such comments
35 and obtain the agreement thereto of such county clerk.

36 § 3. Paragraphs 1, 2 and 2-a of subdivision (b) of section 2111 of the
37 civil practice law and rules are REPEALED and two new paragraphs 1 and 2
38 are added to read as follows:

39 1. Participation in this program may be required or may be voluntary
40 as provided by the chief administrator, except that it shall be strictly
41 voluntary as to any party to an action or proceeding who is not repres-
42 ented by counsel.

43 2. (A) Where participation in this program is to be voluntary:

44 (i) commencement of an action or proceeding by facsimile transmission
45 or electronic means shall not require the consent of any other party;
46 nor shall a party's failure to consent to participation in an action or
47 proceeding bar any other party to the action or proceeding from filing
48 and serving papers by facsimile transmission or electronic means upon
49 the court or any other party to such action or proceeding who has
50 consented to participation;

51 (ii) all parties shall be notified clearly, in plain language, about
52 their options to participate in filing by electronic means;

53 (iii) no party to an action or proceeding shall be compelled, directly
54 or indirectly, to participate;

55 (iv) where a party is not represented by counsel, the court shall
56 explain such party's options for electronic filing in plain language,

1 including the option for expedited processing, and shall inquire whether
2 he or she wishes to participate, provided however the unrepresented
3 litigant may participate in the program only upon his or her request,
4 which shall be documented in the case file, after said party has been
5 presented with sufficient information in plain language concerning the
6 program.

7 (B) Where participation in this program is to be required:

8 (i) such requirement shall not be effective in a court in a county
9 unless, in addition to consulting with the county clerk of such county
10 and obtaining his or her agreement thereto if the court is a supreme
11 court or county court, the chief administrator shall:

12 (1) first consult with members of the organized bar including but not
13 limited to city, state, county, and women's bar associations and, where
14 they practice in such court in such county, with (a) institutional
15 service providers, (b) not-for-profit legal service providers, (c)
16 attorneys assigned pursuant to article eighteen-B of the county law, (d)
17 unaffiliated attorneys who regularly appear in proceedings that are or
18 have been affected by a program of electronic filing in such county, and
19 (e) any other persons as deemed to be appropriate by the chief adminis-
20 trator;

21 (2) afford all those with whom he or she consults pursuant to item one
22 of this clause the opportunity to submit comments with respect to the
23 program, which comments, including but not limited to comments related
24 to unrepresented litigants, he or she shall consider and shall post for
25 public review on the office of court administration's website; and

26 (ii) as provided in paragraph three of this subdivision, no party who
27 is not represented by counsel nor any counsel in an affected case who
28 opts out of participation in the program shall be required to partic-
29 ipate therein.

30 § 4. The opening paragraph of paragraph 3 of subdivision (b) of
31 section 2111 of the civil practice law and rules, as added by chapter
32 237 of the laws of 2015, is amended to read as follows:

33 Where the chief administrator [~~eliminates the requirement of consent~~]
34 requires participation in electronic filing as provided in paragraph
35 [~~two~~] one of this subdivision, he or she shall afford counsel the oppor-
36 tunity to opt out of the program, via presentation of a prescribed form
37 to be filed with the clerk of the court where the action is pending.
38 [~~Said~~] Such form shall permit an attorney to opt out of participation in
39 the program under any of the following circumstances, in which event, he
40 or she will not be compelled to participate:

41 § 5. Section 2112 of the civil practice law and rules, as amended by
42 chapter 99 of the laws of 2017, is amended to read as follows:

43 § 2112. Filing of papers in the appellate division by electronic
44 means. Notwithstanding any other provision of law, and except as other-
45 wise provided in subdivision (c) of section twenty-one hundred eleven of
46 this article, the appellate division in each judicial department may
47 promulgate rules authorizing a program in the use of electronic means
48 for: (i) appeals to such court from the judgment or order of a court of
49 original instance or from that of another appellate court, (ii) making a
50 motion for permission to appeal to such court, (iii) commencement of any
51 other proceeding that may be brought in such court, and (iv) the filing
52 and service of papers in pending actions and proceedings. Provided
53 however, such rules shall not require an unrepresented party or any
54 attorney who furnishes a certificate specified in subparagraph (A) or
55 (B) of paragraph three of subdivision (b) of section twenty-one hundred
56 eleven of this article to take or perfect an appeal by electronic means.

1 Provided further, however, before promulgating any such rules, the
2 appellate division in each judicial department shall consult with the
3 chief administrator of the courts and shall provide an opportunity for
4 review and comment by all those who are or would be affected including
5 city, state, county and women's bar associations; institutional legal
6 service providers; not-for-profit legal service providers; attorneys
7 assigned pursuant to article eighteen-B of the county law; unaffiliated
8 attorneys who regularly appear in proceedings that are or have been
9 affected by the programs that have been implemented or who may be
10 affected by promulgation of rules concerning the use of the electronic
11 filing program in the appellate division of any judicial department; and
12 any other persons in whose county a program has been implemented in any
13 of the courts therein as deemed to be appropriate by any appellate divi-
14 sion. To the extent practicable, rules promulgated by the appellate
15 division in each judicial department pursuant to this section shall be
16 uniform and may apply to any appellate term established by an appellate
17 division.

18 § 6. Subdivision 1 of section 11-b of the court of claims act, as
19 added by chapter 237 of the laws of 2015, is amended to read as follows:

20 1. Notwithstanding any other provision of law, the chief administrator
21 of the courts[~~, with the approval of the administrative board of the~~
22 ~~courts,~~] may authorize a program in the [~~voluntary~~] use of facsimile
23 transmission and electronic means in the court as provided in article
24 twenty-one-A of the civil practice law and rules.

25 § 7. The New York city criminal court act is amended by adding a new
26 section 42 to read as follows:

27 § 42. Use of electronic filing authorized. (1) Notwithstanding any
28 other provision of law, the chief administrator of the courts may
29 authorize a program in the use of electronic means in cases in the crim-
30 inal court of the city of New York as provided in section 10.40 of the
31 criminal procedure law.

32 (2) For purposes of this section, "electronic means" shall have the
33 same meaning as defined by subdivision (f) of rule twenty-one hundred
34 three of the civil practice law and rules.

35 § 8. The uniform district court act is amended by adding a new section
36 2103-a to read as follows:

37 § 2103-a. Use of electronic filing authorized.

38 (a) Notwithstanding any other provision of law, the chief administra-
39 tor of the courts may authorize a program in the use of electronic means
40 in civil cases in a district court as provided in article twenty-one-A
41 of the civil practice law and rules, and in criminal cases as provided
42 in section 10.40 of the criminal procedure law.

43 (b) For purposes of this section, "electronic means" shall have the
44 same meaning as defined by subdivision (f) of rule twenty-one hundred
45 three of the civil practice law and rules.

46 § 9. The uniform city court act is amended by adding a new section
47 2103-a to read as follows:

48 § 2103-a. Use of electronic filing authorized.

49 (a) Notwithstanding any other provision of law, the chief administra-
50 tor of the courts may authorize a program in the use of electronic means
51 in civil cases in a city court as provided in article twenty-one-A of
52 the civil practice law and rules, and in criminal cases as provided in
53 section 10.40 of the criminal procedure law.

54 (b) For purposes of this section, "electronic means" shall have the
55 same meaning as defined by subdivision (f) of rule twenty-one hundred
56 three of the civil practice law and rules.

1 § 10. The uniform justice court act is amended by adding a new section
2 2103-a to read as follows:

3 § 2103-a. Use of electronic filing authorized.

4 (a) Notwithstanding any other provision of law, the chief administra-
5 tor of the courts may authorize a program in the use of electronic means
6 in civil cases in a justice court as provided in article twenty-one-A of
7 the civil practice law and rules, and in criminal cases as provided in
8 section 10.40 of the criminal procedure law.

9 (b) For purposes of this section, "electronic means" shall have the
10 same meaning as defined by subdivision (f) of rule twenty-one hundred
11 three of the civil practice law and rules.

12 § 11. Paragraph (a) of subdivision 2 of section 10.40 of the criminal
13 procedure law, as added by chapter 237 of the laws of 2015, is amended
14 to read as follows:

15 (a) Notwithstanding any other provision of law, the chief administra-
16 tor, with the approval of the administrative board of the courts, may
17 promulgate rules authorizing a program in the use of electronic means
18 ("e-filing") in the [~~supreme court and in the county court~~] courts of
19 New York having criminal jurisdiction for: (i) the filing with a court
20 of an accusatory instrument for the purpose of commencement of a crimi-
21 nal action or proceeding [~~in a superior court, as provided by articles~~
22 ~~one hundred ninety five and two hundred of this chapter~~], and (ii) the
23 filing and service of papers in pending [~~criminal~~] actions and
24 proceedings. Provided, however, the chief administrator shall consult
25 with the county clerk of a county outside the city of New York before
26 the use of electronic means is to be authorized hereunder in the supreme
27 court or county court of such county, afford him or her the opportunity
28 to submit comments with respect thereto, consider any such comments and
29 obtain the agreement thereto of such county clerk.

30 § 12. Paragraph (b) of subdivision 2 of section 10.40 of the criminal
31 procedure law is REPEALED and a new paragraph (b) is added to read as
32 follows:

33 (b) Participation in this program may be required or may be voluntary
34 as provided by the chief administrator, except that it shall be strictly
35 voluntary as to any party to an action or proceeding who is not repres-
36 ented by counsel unless such party, upon his or her request, chooses to
37 participate.

38 § 13. Paragraphs (c) and (d) of subdivision 2 of section 10.40 of the
39 criminal procedure law, as added by chapter 237 of the laws of 2015, are
40 relettered paragraphs (d) and (e) and a new paragraph (c) is added to
41 read as follows:

42 (c) (i) Where participation in this program is to be voluntary: (A)
43 filing an accusatory instrument by electronic means with the court for
44 the purpose of commencement of an action or proceeding shall not require
45 the consent of any other party; nor shall a party's failure to consent
46 to participation in an action or proceeding bar any other party to such
47 action or proceeding from filing and serving papers by facsimile trans-
48 mission or electronic means upon the court or any other party to such
49 action or proceeding who has consented to participation;

50 (B) all parties shall be notified clearly, in plain language, about
51 their options to participate in filing by electronic means;

52 (C) no party to an action or proceeding shall be compelled, directly
53 or indirectly, to participate;

54 (D) where a party is not represented by counsel, the court shall
55 explain such party's options for electronic filing in plain language,
56 including the option for expedited processing, and shall inquire whether

1 he or she wishes to participate, provided however the unrepresented
2 litigant may participate in the program only upon his or her request,
3 which shall be documented in the case file, after said party has been
4 presented with sufficient information in plain language concerning the
5 program.

6 (ii) Where participation in this program is to be required:

7 (A) such requirement shall not be effective in a court in a county
8 unless, in addition to consulting with the county clerk of such county
9 and obtaining his or her agreement thereto if the court is a supreme
10 court or county court, the chief administrator shall:

11 (1) first consult with and obtain the agreement of the district attor-
12 ney and the criminal defense bar of such county, provide all persons and
13 organizations, or their representative or representatives, who regularly
14 appear in criminal actions or proceedings in the criminal courts of such
15 county with reasonable notice and opportunity to submit comments with
16 respect thereto and give due consideration to all such comments, and
17 consult with the members of the advisory committee specified in subpara-
18 graph (v) of paragraph (u) of subdivision two of section two hundred
19 twelve of the judiciary law; and

20 (2) afford all those with whom he or she consults pursuant to item one
21 of this clause the opportunity to submit comments with respect to the
22 program, which comments, including but not limited to comments related
23 to unrepresented litigants, he or she shall consider and shall post for
24 public review on the office of court administration's website; and

25 (B) as provided in paragraph (d) of this subdivision, no party who is
26 not represented by counsel nor any counsel in an affected case who opts
27 out of participation in the program shall be required to participate
28 therein.

29 § 14. The opening paragraph of paragraph (d) of subdivision 2 of
30 section 10.40 of the criminal procedure law, as added by chapter 237 of
31 the laws of 2015 and such paragraph as relettered by section thirteen of
32 this act, is amended to read as follows:

33 Where the chief administrator [~~eliminates the requirement of consent~~]
34 requires participation in electronic filing as provided in [~~subparagraph~~
35 ~~(ii) of~~] paragraph (b) of this subdivision, he or she shall afford coun-
36 sel the opportunity to opt out of the program, via presentation of a
37 prescribed form to be filed with the court where the criminal action is
38 pending. Said form shall permit an attorney to opt out of participation
39 in the program under any of the following circumstances, in which event,
40 he or she will not be compelled to participate:

41 § 15. Subparagraph (ii) of paragraph (e) of subdivision 2 of section
42 10.40 of the criminal procedure law, as added by chapter 237 of the laws
43 of 2015 and such paragraph as relettered by section thirteen of this
44 act, is amended to read as follows:

45 (ii) Notwithstanding any other provision of this section, no paper or
46 document that is filed by electronic means in a criminal proceeding [~~in~~
47 ~~supreme court or county court~~] shall be available for public inspection
48 on-line. Subject to the provisions of existing laws governing the seal-
49 ing and confidentiality of court records, nothing herein shall prevent
50 the unified court system from sharing statistical information that does
51 not include any papers or documents filed with the action; and, provided
52 further, that this paragraph shall not prohibit the chief administrator,
53 in the exercise of his or her discretion, from posting papers or docu-
54 ments that have not been sealed pursuant to law on a public website
55 maintained by the unified court system where: (A) the website is not the
56 website established by the rules promulgated pursuant to paragraph (a)

1 of this subdivision, and (B) to do so would be in the public interest.
2 For purposes of this subparagraph, the chief administrator, in determin-
3 ing whether posting papers or documents on a public website is in the
4 public interest, shall, at a minimum, take into account for each posting
5 the following factors: (A) the type of case involved; (B) whether such
6 posting would cause harm to any person, including especially a minor or
7 crime victim; (C) whether such posting would include lewd or scandalous
8 matters; and (D) the possibility that such papers or documents may ulti-
9 mately be sealed.

10 § 16. Subdivision (b) of section 214 of the family court act is
11 REPEALED and a new subdivision (b) is added to read as follows:

12 (b)(i) Notwithstanding any other provision of law, the chief adminis-
13 trator, with the approval of the administrative board of the courts, may
14 promulgate rules authorizing a program in the use of electronic means
15 ("e-filing") in the family court for: (1) the origination of proceedings
16 in such court, and (2) the filing and service of papers in pending
17 proceedings.

18 (ii) Participation in this program may be required or may be voluntary
19 as provided by the chief administrator, except that it shall be strictly
20 voluntary as to any party to an action or proceeding who is not repres-
21 ented by counsel unless such party, upon his or her request, chooses to
22 participate.

23 § 17. Subdivisions (c), (d), (e), (f) and (g) of section 214 of the
24 family court act, as added by chapter 237 of the laws of 2015, are
25 relettered subdivisions (d), (e), (f), (g) and (h) and a new subdivision
26 (c) is added to read as follows:

27 (c) (i) Where participation in this program is to be voluntary:

28 (1) filing a petition by electronic means with the court for the
29 purpose of originating a proceeding shall not require the consent of any
30 other party; nor shall the failure of a party or other person who is
31 entitled to notice of the proceedings to consent to participation bar
32 any other party from filing and serving papers by electronic means upon
33 the court or any other party or person entitled to receive notice of
34 such proceeding who has consented to participation;

35 (2) all parties shall be notified clearly, in plain language, about
36 their options to participate in filing by electronic means;

37 (3) no party to an action or proceeding shall be compelled, directly
38 or indirectly, to participate;

39 (4) where a party is not represented by counsel, the court shall
40 explain such party's options for electronic filing in plain language,
41 including the option for expedited processing, and shall inquire whether
42 he or she wishes to participate, provided however the unrepresented
43 litigant may participate in the program only upon his or her request,
44 which shall be documented in the case file, after said party has been
45 presented with sufficient information in plain language concerning the
46 program;

47 (5) upon the filing of a petition with the court by electronic means,
48 a party to the proceeding and any attorney for such person shall be
49 permitted to immediately review and obtain copies of such documents and
50 papers if such person or attorney would have been authorized by law to
51 review or obtain copies of such documents and papers if they had been
52 filed with the court in paper form.

53 (ii) Where participation in this program is to be required:

54 (1) such requirement shall not be effective in a court in a county
55 unless the chief administrator shall:

1 (A) first consult with and obtain the agreement of each authorized
2 presentment agency, child protective agency, the family court bar
3 providing representation to parents, and the family court bar providing
4 representation to children (as represented by the head of each legal
5 services organization representing parents and/or children, the head of
6 each public defender organization, and president of the local bar asso-
7 ciation as applicable) of such county, provide all persons or organiza-
8 tions, or their representative or representatives, who regularly appear
9 in proceedings in the family court of such county, in which proceedings
10 the requirement of consent is to be eliminated with reasonable notice
11 and an opportunity to submit comments with respect thereto and give due
12 consideration to all such comments, and consult with the members of the
13 advisory committee continued pursuant to subparagraph (vi) of paragraph
14 (u) of subdivision two of section two hundred twelve of the judiciary
15 law; and

16 (B) afford all those with whom he or she consults pursuant to clause
17 (A) of this subparagraph with a reasonable opportunity to submit
18 comments with respect to the program, which comments he or she shall
19 consider and shall post for public review on the office of court admin-
20 istration's website; and

21 (C) consult with the members of the advisory committee continued
22 pursuant to subparagraph (vi) of paragraph (u) of subdivision two of
23 section two hundred twelve of the judiciary law; and

24 (2) as provided in subdivision (d) of this section, no party who is
25 not represented by counsel nor any counsel in an affected case who opts
26 out of participation in the program shall be required to participate
27 therein.

28 § 18. Section 11 of chapter 237 of the laws of 2015 amending the judi-
29 ciary law, the civil practice law and rules and other laws relating to
30 the use of electronic means for the commencement and filing of papers in
31 certain actions and proceedings, as amended by chapter 554 of the laws
32 of 2022, is amended to read as follows:

33 § 11. This act shall take effect immediately[, ~~provided that sections~~
34 ~~four, five, six and seven of this act shall each expire and be deemed~~
35 ~~repealed September 1, 2027; and provided that paragraph 2-a of subdivi-~~
36 ~~sion (b) of section 2111 of the civil practice law and rules, as added~~
37 ~~by section two of this act, shall expire and be deemed repealed Septem-~~
38 ~~ber 1, 2027].~~

39 § 19. This act shall take effect immediately.