STATE OF NEW YORK

8339

IN SENATE

January 18, 2024

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, in relation to establishing standards for public access to family court

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

Section 1. The family court act is amended by adding a new section 161-a to read as follows:

§ 161-a. Access to family court proceedings. 1. The family court shall be open to the public. Members of the public, including the news media, shall have access to all courtrooms, lobbies, public waiting areas and other common areas of the family court otherwise open to individuals with business before the court.

2. The general public or any person shall be excluded from a courtroom only if the judge presiding in such courtroom determines, on a case-by-case basis that such exclusion is warranted. In exercising this discretion, such judge may consider, among other factors, the following:

(a) whether such person is causing or likely to cause a disruption in the proceedings;

(b) whether such person's presence is objected to by one of the parties before the court;

(c) the orderly and sound administration of justice, including the nature of such proceeding, the privacy interests of individuals before the court, and the need for protection of litigants, in particular, children, from harm; and

(d) whether less restrictive alternatives to exclusion are unavailable or inappropriate for the circumstances of the particular case.

3. Where a judge exercises their discretion in excluding any person, the general public, or news media from a proceeding or a part of a proceeding in family court, such judge shall make a finding on the record prior to ordering such exclusion.

4. When necessary to preserve the decorum of such proceedings, the judge shall instruct representatives of the news media and others regarding permissible use of such courtroom and other facilities of such

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

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court, the assignment of seats to representatives of such news media on an equitable basis, and any other matters that may affect the conduct of such proceedings and the well-being and safety of the parties before the court.

§ 2. This act shall take effect immediately.