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STATE OF NEW YORK

Fourteenth Annual Report

of

The Chief Administrator of the Courts

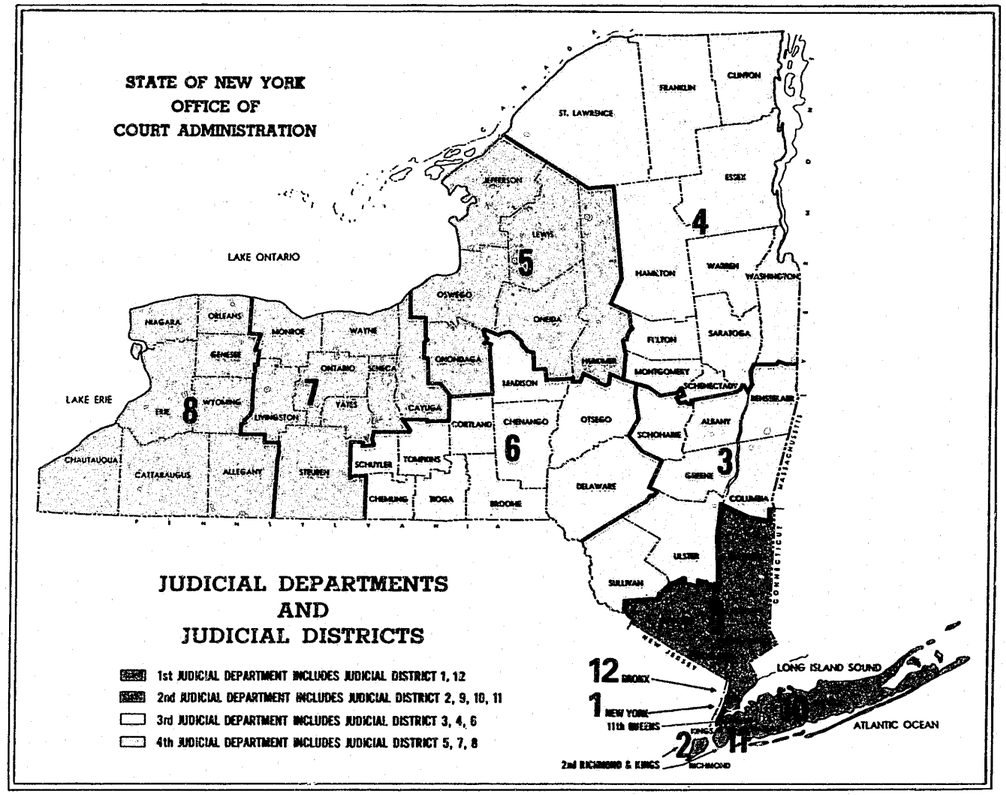
146418

U.S. Department of Justice
National Institute of Justice

New York State Unified Court System

1992

146418



146418

Letter of Transmittal

To:

THE HONORABLE MARIO M. CUOMO, Governor of the State of New York,
and
The Legislature of the State of New York:

Pursuant to Section 212 (j) of the Judiciary- Law, I submit this annual report of the activities and state of the unified court system in 1991.

Matthew T. Crosson
Chief Administrator

March 15, 1992

COURT OF APPEALS

Sol Wachtler, *Chief Judge*

Richard D. Simons
Judith S. Kaye
Fritz W. Alexander II
Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa

ADMINISTRATIVE BOARD OF THE COURTS

Sol Wachtler, *Chairman*

Francis T. Murphy
Guy J. Mangano
M. Dolores Denman
Leonard A. Weiss

STATE OF NEW YORK

Report
of
The Chief Administrator of the Courts

For the Calendar Year

January 1, 1991 - December 31, 1991

Court of Appeals

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A. Franklin Mahoney
Guy J. Mangano
M. Dolores Denman

UNIFIED COURT SYSTEM
1991

MATTHEW T. CROSSON
Chief Administrator

MILTON L. WILLIAMS
Deputy Chief Administrative Judge
New York City Courts

JONATHAN LIPPMAN
Deputy Chief Administrator
for Management Support

JOSEPH J. TRAFICANTI, JR.
Deputy Chief Administrative Judge
Courts Outside New York City

Administrative Judges

KATHRYN McDONALD
Administrator
New York City Family Court

JACQUELINE W. SILBERMANN
Administrative Judge
New York City Civil Court

ROBERT G. M. KEATING
Administrative Judge
New York City Criminal Court

STANLEY S. OSTRAU
Administrative Judge
First Judicial District
Supreme Court, Civil Branch

PETER J. McQUILLAN
Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

RONALD J. AIELLO
Administrative Judge
Second Judicial District
Supreme Court

ALFRED D. LERNER
Administrative Judge
Eleventh Judicial District
Supreme Court

BURTON B. ROBERTS
Administrative Judge
Twelfth Judicial District
Supreme Court

DONALD J. CORBETT, JR.
Presiding Judge
Court of Claims

EDWARD S. CONWAY
District Administrative Judge
Third Judicial District

J. RAYMOND AMYOT
District Administrative Judge
Fourth Judicial District

WILLIAM R. ROY
District Administrative Judge
Fifth Judicial District

ROBERT W. COUTANT
District Administrative Judge
Sixth Judicial District

CHARLES L. WILLIS
District Administrative Judge
Seventh Judicial District

JAMES B. KANE
District Administrative Judge
Eighth Judicial District

ANGELO J. INGRASSIA
District Administrative Judge
Ninth Judicial District

LEO F. McGINITY
Administrative Judge
Nassau County

ARTHUR M. CROMARTY
Administrative Judge
Suffolk County

— * —

MICHAEL COLODNER
Counsel

WILLIAM L. CLAPHAM
Director, Financial Management
and Audit Services

MARY deBOURBON
Director, Communications

THOMAS F. CHRISTIAN
Director, Community Dispute
Resolution Centers Program

MICHAEL F. McENENEY
Director, Court Operational Services

JOHN PERNO, JR.
Director, Court Security Services

HELEN A. JOHNSON
Director, Education and Training

HOWARD A. RUBENSTEIN
Director, Employee Relations

ADRIENNE WHITE
Director, Equal Employment Opportunity

WILLIAM J. GALLAGHER
Inspector General

RUTH A. FRALEY
Director, Libraries and Records
Management

WAYNE J. McGRATH
Director, Personnel

Preface

This is the Fourteenth Annual Report of the Chief Administrator of the Courts. It is submitted pursuant to section 212 (j) of the Judiciary Law and covers the period from January 1, 1991 through December 31, 1991.

This report is the fourteenth in a series that succeeded the annual reports of the Administrative Board of the Judicial Conference, the Judicial Conference, and the Office of Court Administration. That series, in turn, had succeeded the annual reports of the Judicial Council.

The report consists of four chapters. Chapter 1 describes the objectives, the structure, the administration and the financing of the courts in New York State. Chapter 2 presents the caseload activity report for court operations in calendar year 1991. Chapter 3 reports on education and training programs conducted, coordinated or assisted by the Office of Court Administration in 1991.

Chapter 4 summarizes (a) the legislation sponsored by the Office of Court Administration at the 1991 session of the Legislature and (b) rules revised or added during that year. It includes the *1992 Report of the Advisory Committee on Civil Practice to the Chief Administrator of the Courts of the State of New York*, the *1992 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts of the State of New York*, the *1992 Report of the Family Court Advisory and Rules Committee to the Chief Administrator of the Courts of the State of New York.*

The two appendices consist of: 1) Other Programs (Retainer and Closing Statements, Statements of Approval of Compensation, Appointment of Fiduciaries, Attorney Registration, and Adoption Affidavits); and 2) Family Court Data.

The narrative, reportorial and statistical data collected in this report are intended to help the reader understand the judicial branch a bit better. This report also can serve to assist us in planning for the future because by looking back we can often see more clearly ahead. This report cannot convey, however, the abiding commitment of all members of the judicial branch to the ideal of justice equally dispensed for all. That commitment cannot be measured statistically. But it can always be improved. And that improvement remains our foremost and constant goal.

Please Do Not Destroy or Discard This Report

When this report is of no further value to the holder, please return it to the Office of Court Administration, 270 Broadway, New York, N.Y. 10007, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

Acknowledgement

The Chief Administrator of the Courts gratefully acknowledges the assistance and cooperation extended to him and to the Office of Court Administration during the past year by the Governor and his staff, members of the Legislature, members of the Judiciary, court personnel, bar associations, and individual lawyers and laypersons.

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Chapter 1

The Courts

The *Judiciary* is one of the three branches of New York State Government. The powers and the structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI was approved by the voters in the 1961 election and became effective September 1, 1962, bringing about the first court reorganization in New York since 1894.

Article VI provides for a "unified court system for the state," specifies the organization and the jurisdiction of the courts in the state, and establishes the methods of selection and removal of judges and justices.

Article VI also provides for the administrative supervision of the courts. Since April 1, 1978, under a court reform constitutional amendment approved by the people in November 1977, the responsibility and the authority for that function have been vested in the Chief Judge of the Court of Appeals, who is the Chief Judge of the State.

The Judiciary (1) provides a forum for the peaceful, fair and prompt resolution of (a) civil claims and family disputes, (b) criminal charges and charges of juvenile delinquency and (c) disputes between citizens and their government and challenges to governmental actions; (2) determines the legality of wills, adoptions, uncontested divorces and other undisputed matters submitted to the courts for review and approval; (3) provides legal protection for children, mentally ill persons and others entitled by law to the special protection of the court; and (4) regulates the admission of lawyers to the Bar and their conduct and discipline.

1.1 Court Structure

In New York State the courts of original jurisdiction, or trial courts, hear a case in the first instance, and the appellate courts hear appeals from the decisions of those tribunals.

The *appellate courts* are the Court of Appeals, the Appellate Divisions and the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments. The *trial courts* of superior jurisdiction are the Supreme Court, the Court of Claims, the Family Court, the Surrogates' Courts and, outside New York City, the County Courts. The trial courts of lesser jurisdiction are the Criminal Court and the Civil Court of the City of New York and, outside New York City, City Courts, District Courts and Town and Village Justice Courts.

The appellate structure of these courts is shown in Figures 1-a and 1-b.

The *Court of Appeals* is the highest court of the state. It consists of the Chief Judge and six Associate Judges. They are appointed by the Governor for 14-year terms, with the advice and consent of the Senate, from among persons found to be well-qualified by the State Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision.

The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal case in which the judgment is of death or a case in which the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from the court of original jurisdiction to the Court of Appeals from a final judgment or order in an action or proceeding in which the only question is the constitutionality of a state or Federal statute. In other matters, the Constitution provides that certain cases can be taken to the Court of Appeals as a matter of right, while in still other cases an appeal to the Court of Appeals may be taken only with the leave of a justice of the Appellate Division or a judge of the Court of Appeals or upon the certification of the Appellate Division or the Court of Appeals.

The Court also hears appeals from determinations of the State Commission on Judicial Conduct.

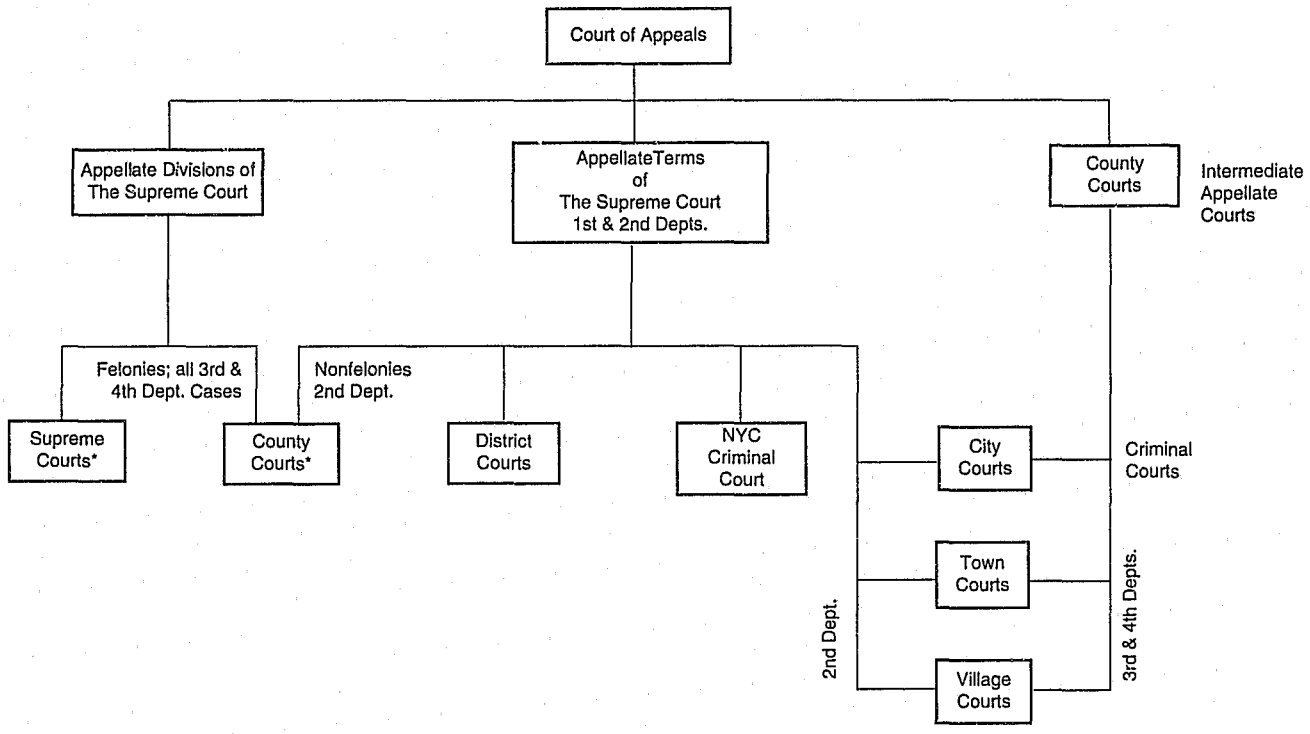
The Appellate Divisions of the Supreme Court are established in each of the state's four judicial departments (see the map at the beginning of this chapter). Their responsibilities are:

—Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.
—Conducting proceedings to admit, suspend, or disbar lawyers.

Each Appellate Division has jurisdiction over appeals from judgments and from final and some intermediate orders rendered in county-level courts and original jurisdiction over selected proceedings. Where established by the Appellate Division, *Appellate Terms* exercise jurisdiction over civil and criminal appeals from various local courts and non felony appeals from the County Courts in the Second Judicial Department.

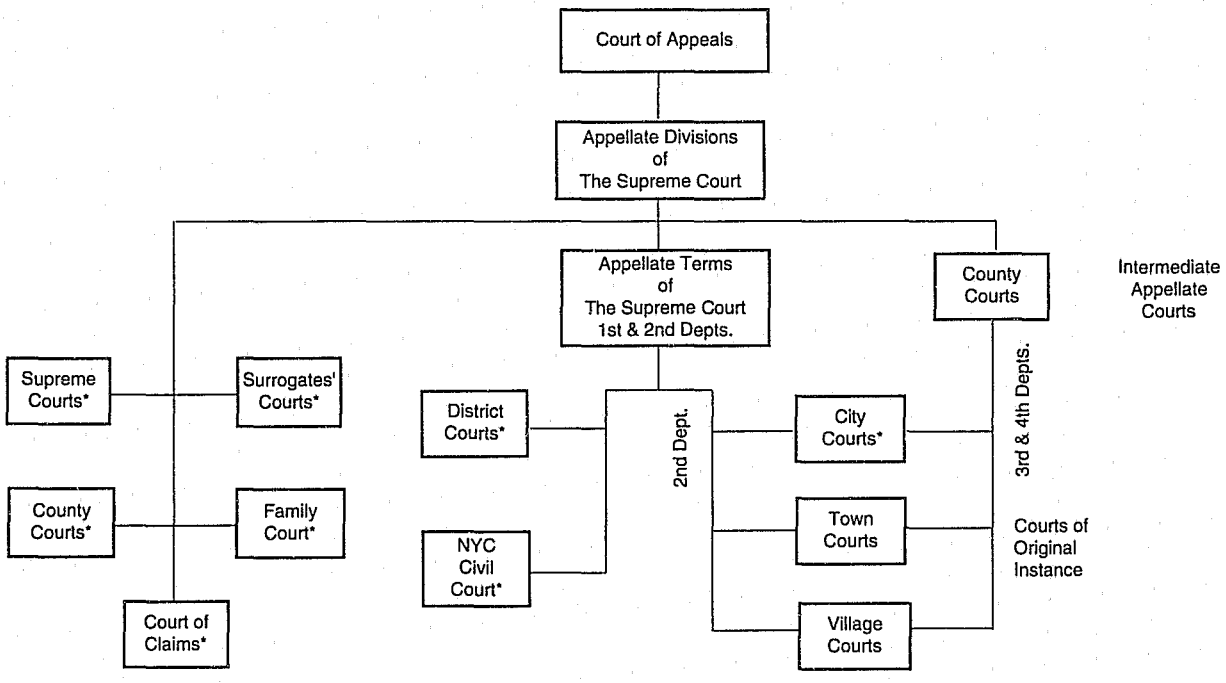
As prescribed by Section 4, Article VI of the Constitution, justices of the Supreme Court are designated to the Appellate Divisions by the Governor. The Governor designates the Presiding Justice of each Appellate Division, who serves for the length of his or her term of office as a

Figure 1a
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure



*Appeals involving death sentences must be taken directly to the Court of Appeals.

Figure 1b
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

justice of the Supreme Court. Associate Justices are designated for five-year terms or for the remainder of their terms of office, whichever period is shorter. Section 212 of the Judiciary Law provides that justices of the Appellate Terms shall be designated by the Chief Administrator of the Courts with the approval of the Presiding Justices.

The *Supreme Court* has unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts, such as:

—Civil matters beyond the financial limits of the lower courts' jurisdiction;
—Divorce, separation, and annulment proceedings;
—Equity suits, such as mortgage foreclosures and injunctions; and
—Criminal prosecutions of felonies and indictable misdemeanors in New York City.

Supreme Court justices are elected by judicial district for 14-year terms.

The *Court of Claims* is a special trial court that hears and determines claims against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, for nine-year terms.

The *County Court* is established in each county outside New York City. It is authorized to handle criminal prosecutions of offenses committed within the county, although in practice, most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases generally involving amounts up to $25,000.

County Court judges are elected in each county for terms of 10 years.

The *Surrogate's Court* is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, and adoptions.

Surrogates are elected for terms of 10 years in each county outside New York City and for terms of 14 years in each county in New York City.

The *Family Court* is established in each county and the City of New York to hear matters involving children and families. The principal types of cases it hears include:

—Support of dependent relatives;
—Juvenile delinquency;
—Child protection;
—Persons in need of supervision;
—Review and approval of foster-care placements;
—Paternity determinations;
—Family offenses; and
—Adoptions (concurrent jurisdiction with the Surrogate's Court).

Family Court judges are elected for 10-year terms in each county outside New York City and are appointed by the Mayor for 10-year terms in New York City.

The *New York City Civil Court* tries civil cases involving amounts up to $25,000. It includes a Small Claims Part and a Commercial Small Claims Part for the informal disposition of matters not exceeding $2,000 and a Housing Part for housing-code violations. New York City Civil Court judges are elected for 10-year terms. In addition to Civil Court judges, special Housing judges are appointed for 5-year terms to sit in Housing Parts. They are not, however, constitutional judges. The appointments are made by the Chief Administrator of the Courts.

The *New York City Criminal Court* conducts trials of misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for all criminal offenses. New York City Criminal Court judges are appointed by the Mayor for 10-year terms.

There are four kinds of courts of lesser jurisdiction outside New York City: *District, City, Town* and *Village Courts*. These four courts handle minor civil and criminal matters. The methods of selection and the terms of office of judges of these courts vary throughout the state.

(See Table 1 for the authorized number of judges in the State Judiciary.)

1.2 Court Administration

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge as chairman and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide administrative standards and policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Judge and the Chief Administrator also rely on four advisory groups in meeting their administrative responsibilities: the Judicial Conference, the Advisory Committee on Civil Practice, the Advisory Committee on Criminal Law and Procedure, and the Family Court Advisory and Rules Committee.

The Chief Administrator, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day

operations of the trial courts in New York City and in the rest of the state, respectively; a Deputy Chief Administrator, who supervises the operations of the units that make up the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support provides the administrative services required to support all court and auxiliary operations. These services include personnel and fiscal management; programs and planning operations; operational services; educational programs for judges and nonjudicial personnel; internal and external communications; employee relations; equal employment opportunity programs; the Office of the Inspector General; court security services, libraries and records management, and the Community Dispute Resolution Centers Program.

Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrator of the Courts.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. In each upstate judicial district, there is a District Administrative Judge, who is responsible for supervising all courts and agencies. In New York City, Administrative Judges supervise each of the major courts, and the Deputy Chief Administrative Judge provides for management of the complex of courts and court agencies within the City. As a result of an internal management reorganization in 1981, the Administrative Judges not only manage court caseload, but also are responsible for general administrative functions, including personnel and budget administration and all fiscal procedures.

The Court of Appeals and the Appellate Divisions are responsible for the administration of their respective courts. The Appellate Divisions also oversee several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and the Mental Hygiene Legal Service.

Chapter 156 of the Laws of 1978 implements the constitutional provisions on the administrative supervision of the court system. Sections 211-213 of Article 7-A of the Judiciary Law set forth the administrative functions of the Chief Judge, the Chief Administrator, and the Administrative Board. (See Figure 2.)

1.3 Court Finances

For the New York State fiscal year ending March 31, 1992, the anticipated expenditures for operating all the state courts, except town and village justice courts, were $889.3 million.

1.4 Program Highlights

1.4.1 Caseload Activity

There were 4,080,108 new cases filed in the trial courts of the Unified Court System in 1991. Of these, 3,443,108 filings reached court calendars. Excluding parking tickets, there were 2,802,783 filings. The breakdown by court type was as follows: 38% (1,054,325) were filed in criminal courts; 37% (1,043,682) in civil courts; 21% (582,753) in the Family Courts; and 4% (122,023) in the Surrogates' Courts.

Dispositions in the trial courts during 1991 totaled 3,394,513. Excluding parking tickets there were 2,754,188 dispositions. The breakdown by court type was as follows: 37% (1,027,523) were disposed in criminal courts; 38% (1,041,596) in civil courts; 21% (573,527) in the Family Courts; and 4% (111,542) in the Surrogates' Courts.

Caseload Trends:

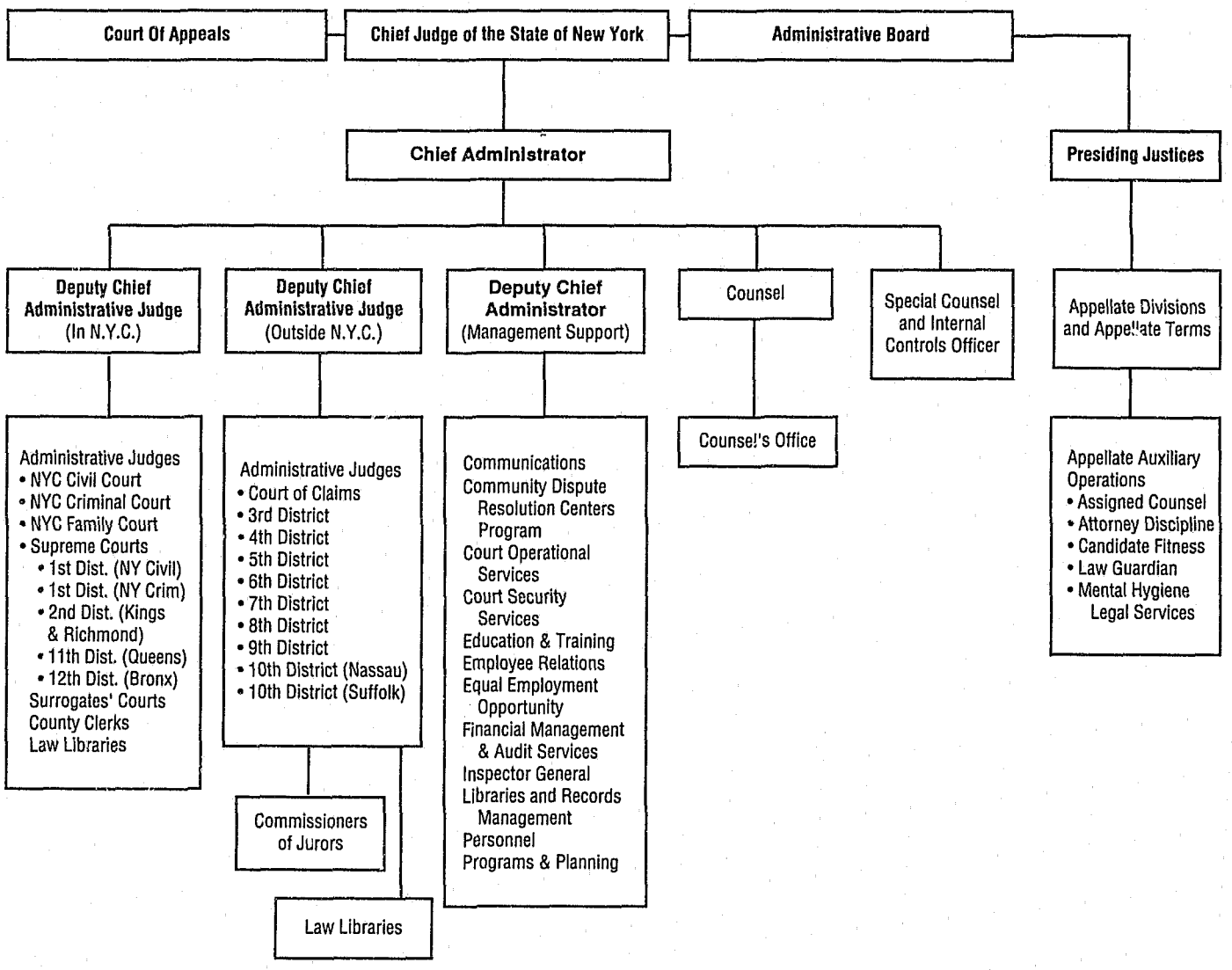
In 1991, more than 4 million cases were filed and over 3.39 million cases were disposed in the trial courts of the Unified Court System. During the last five years, sharply increasing caseloads and resource limitations have challenged the courts as never before.

Criminal caseloads: In 1991 a tremendous volume of caseload activity confronted the Judiciary's judges and nonjudicial personnel. Nearly 79,000 felony indictments and superior court informations were filed in Supreme and County Courts throughout New York. That number represents a 54% increase compared with 1985. Most of the statewide increase was the result of phenomenal caseload increases in New York City. This year, the Supreme Court, Criminal Term in New York City received over 52,000 felony filings, an astonishing 70% increase since 1985. The remarkable level in felony filings is primarily caused by increases in drug-related filings.

Outside New York City, startling increases have also been seen in criminal caseloads, with felony filings reaching more than 26,000 this year. Between 1985 and 1991, felony filings in the Oneida County Court have increased 117%, in Westchester County Court, 59%, in Albany County Court, 59%, in Nassau County Court 41%, and in Monroe County Court, 29%. Since 1979, criminal filings in City and District Courts have increased 40%, most of it in the last few years. From 1985 to 1991, criminal filings in the White Plains City Court increased 109%; in the Syracuse City Court, 80%; and in the Rochester City Court, 38%. During 1991 alone, there were over 280,000 criminal cases filed in the New York City Criminal Court. Unquestionably, these caseload increases are the product of the drug crisis which, perhaps for the first time in our State's history, threatens to test our ability to administer justice on the local level, not just in New York City, but statewide.

Family Court caseloads: Evidence of the profound impact of the drug crisis is not limited to courts of criminal jurisdiction. Family Courts throughout the State are recording caseload increases comparable to the largest increases in criminal courts. Our State is experiencing a shocking increase in the number of cases of neglect and abuse of children. In New York City, the number of neglect

Figure 2
UNIFIED COURT SYSTEM
Administrative Structure



and abuse cases in Family Court has increased 87% and child custody cases are up 192% since 1985.

This pattern is not limited to New York City. In Family Courts outside New York City, neglect and abuse cases have increased 77% since 1985. During this same period, support-related filings increased 61% in New York City and 54% statewide. These increases have brought about unprecedented over-all increases in the workload of the Family Court. Since 1985, the overall caseload of the New York City Family Court, not including child support cases, has risen 61%. Statewide, the increase has been 23%. In 1991, total caseloads in the Family Court increased 10% in New York City and 8% statewide over 1990.

In 1990, it was estimated that one of three children in the U.S. lived in poverty. Recent projections place the number of "crack babies" in New York City alone at 72,000 by the year 2000. The effect of this combination of poverty and drugs will be felt in New York for decades to come. We will see more, not fewer, children in dire need of social services and judicial intervention.

Civil caseloads: For 1991, filings of new civil cases in the Supreme Courts statewide reached over 167,000, an increase of 4% over 1990, a year in which Supreme Court civil filings rose to a new high. Over the last three years, filings of new civil cases statewide increased by 25%. In the New York City Supreme Courts, civil filings this year reached 75,586, an increase of 6% over 1990 and of 36% over 1988.

The New York City Civil Court, to which thousands of citizens turn for help without legal representation, experienced unparalleled caseloads during 1991. By the end of this year, filings for the Court reached a staggering 631,247 cases.

With budget cuts, staff reductions and civil resources being shifted to criminal and family case processing, civil justice in New York State was in disarray. Existing resources were strained to the maximum and significant backlogs developed across the state. These backlogs will create a tremendous workload challenge for years to come to the judges and nonjudicial personnel who serve in civil courts.

1.4.2 Standards and Goals

Since 1975, Standards and Goals of the Chief Administrator of the Courts have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts and for proceedings in the Family Courts.

Felony Cases: The standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g. warrant outstanding). During 1991, 84% of felony case depositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within fifteen months from the filing of note of issue. During 1991, 79% of note of issue dispositions statewide were achieved within this standard, despite the fiscal crisis which compromised the performance levels of the court this year.

Family Court: The standard is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court (e.g. warrant outstanding). During 1991, 99% of dispositions statewide were reached within the standard.

1.4.3 Fiscal and Operational Impact of the 1991-92 Judiciary Budget on Court Operations

The Judiciary budget for 1991-92, as enacted, fell $38.4 million, or 4.2% below the prior year's available appropriation and $34.3 million, or 3.8% below the 1991-92 adjusted base budget operating level. (The base budget for 1991-92 is the amount required to maintain the 1990-91 level of operations in 1991-92.) While a year-to-year or base level funding reduction in the 4% range may initially appear modest, certain facts must be kept in mind when assessing the consequences of this cut to Judiciary operations.

The courts cannot reduce workload to match resource reductions. Between 1985 and 1991, the period of the "Crack Years", New York's court system, and its entire justice system, have confronted unprecedented difficulties. Felony arrests increased 39%, felony drug arrests about 134%. Felony filings increased 70% in New York City, 54% statewide. Family Court caseloads increased 82% in New York City, 54% statewide, attributable largely to huge increases in child neglect and abuse cases. Civil courts have not been immune, as filings in Supreme Courts have increased 25% in the last three years.

Against this backdrop of vast increases in caseload, stop-gap measures were used to stretch available resources. Drastic steps were taken, such as severely curtailing funding for legal reference materials and general supplies and travel, reducing utilization of judicial hearing officers and small claims assessment review hearing officers and the temporary suspension of the mandatory arbitration panels. Continuing judicial education seminars were eliminated. A ban was placed on purchase of new and replacement equipment. These reduction increases made up $11.5 million, or one-third of the $34.3 million base budget deficit. The remainder of the $22.8 million had to come from personnel cuts.

In May 1991, Chief Administrator Matthew T. Crosson imposed a system-wide hiring freeze. That freeze also prohibited promotions, reclassifications and reallocations. At that time the trial courts already had more than 700 vacancies and were operating far under staffing guideline levels. Still, even more had to be done to absorb the personal service shortfall caused by legislative budget cuts. In August 1991, over 100 provisional court and administrative employees were displaced, and, in September, 471 additional employee layoffs were implemented. *Effects of the Budget*

Shortfall on Civil Justice: The cumulative effect of the loss of personnel was staggering. By the end of the fiscal year, the trial-level courts and agencies had approximately 2,550 fewer employees than they minimally needed, fully 20% below the approved staffing guidelines.

In order to protect public safety, as well as the vital interests of families and children, the Unified Court System determined that family and criminal courts should be kept operational to the maximum extent possible, particularly in light of the record level caseloads in those courts. This decision meant that civil courts, including Surrogates' Courts, and court-related agencies would bear the brunt of staffing reductions.

Moreover, employees assigned to civil courts and related agencies were reassigned to criminal and family courts to fill vacancies so that the level of non-judicial staff in those courts could be close to normal. Since August, when the first reassignments took place, over 135 employees were taken from civil operations to augment the criminal and family courts.

The result of the efforts to make up the Judiciary budget shortfall was a justice system nearing chaos. The underfunding of the Judiciary by the Legislative and Executive Branches meant civil courts that could not meaningfully serve the people and that the effectiveness of criminal and family courts were threatened. Citizens experienced closed courtrooms, longer lines, delayed decisions and judgments, little assistance.

The consequences of the cuts for the individuals, corporations and government units seeking justice in New York was profound. Civil courts in many places ceased to operate; others were sharply disrupted. As staff resources in civil courts were lost, and cases continued to be filed, the civil courts lost ground and the decreased capacity worsened with time. Case backlogs of multi-year duration became more prevalent in New York, reversing the progress made in the efficient handling of civil cases in recent years.

While the long-range consequences of staff and budget cutbacks cannot be fully predicted, the impact by the end of 1991 included:

—The Compulsory Arbitration program and the pre-arbitration judicial hearing office program of the New York City Civil Court were suspended, effectively precluding any judicial remedy for citizens with monetary claims under $10,000. With the suspension of the compulsory arbitration program, litigants who once had a case resolved within 30 to 60 days of commencement, now had waits of up to two years to be placed on the general calendar.

—Small Claims Court in New York City was reduced from four nights to one night per week in each borough, resulting in the elimination of approximately 75% of court sessions and 80% of office filing periods. Small claims filings, once heard within two months of commencement, were being scheduled for calendars far into 1992.

—Severe delays developed in processing judgments and mandated docketing activities were suspended in the New York City Civil Court. Entering judgments is a labor-intensive job requiring review of papers to confirm that the defendant was properly served and that all claim calculations are correct. Until review is complete, a plaintiff cannot secure a lien on a defendant's bank account or garnishee a defendant's wages. Before the budget cutbacks, eight to ten clerks were responsible for entering judgments. Afterwards, only two clerks were assigned and two month backlogs grew to five months. By the end of the fiscal year, judgment processing delays reached more than a full year.

—In Supreme Courts across the state, delays in processing court documents, checking judgments and orders and mailing decisions were mounting. In addition, in many of the largest courts, civil parts were closed and programs suspended. For example:

—In New York County, in October the Civil Term suspended its transfer program, which included eight dual-track trial parts presided over by eight judges from outside of New York City. No upstate judges were assigned and the operations of the eight transfer program dual-track trial parts ceased. The Court also suspended its Judicial Hearing Officer status program and closed seven court parts, with the judges assigned to those parts working on motions and conferences in chambers. Before the year's end, a total of 15 of the Court's 50 trial parts were unable to function normally during any term. In addition, two general Individual Assignment parts were converted to Trial Assignment Parts to facilitate case management.

—Queens County Supreme Court had had the distinction of being the only major county in New York City to have no civil cases exceeding Standards and Goals. But, as a result of budget cuts, civil term trial capacity was reduced by six parts per term, and a minimum of 45 nonjudicial staff were lost to the criminal term. These actions had a profound effect on the court's ability to keep current with Standards and Goals.

—Kings County Supreme Court saw its civil trial capacity drop by 27% (8 parts), while new civil cases increased. The court had 131 vacant positions (15.3% of its total staff), hindering its ability to effectively manage its civil caseload.

—Civil operations in courts outside of New York City were also adversely affected, particularly in areas where staffs were small to begin with. In Nassau County, the Supreme Court had at least one part each day unable to operate normally; all positions in the District Court Parking Department were eliminated; the microfilm departments of the Surrogate's and District courts were sharply reduced; and the delay in processing judgments in the District Court increased two-fold. The Suffolk County Supreme Court had 3 of 19 parts inoperative; the Hempstead District Court jury assembly room was closed; and the Surrogate's Court suspended adoption department operation.

microfilming, monitoring estate values, monitoring reporting of estates not fully distributed, and over-the-counter processing of papers.

—Upstate, the dual-track program in the Albany County Supreme Court was reduced from four to three civil parts; the Sullivan County Supreme Court was reduced from two to one civil trial part each term; the number of jury terms in each county in the Fourth Judicial District was reduced by two terms per year; Small Claims proceedings in the Fourth District were curtailed, with reduced processing of claims and fewer small claims sessions; most City Courts in the Fourth District were reduced to a maximum of two employees to perform all back-office functions; traffic operations in the City Courts in the Fifth District were severely limited; public access to Supreme Court law libraries in the Sixth District were curtailed; operation of the Auburn and Bath Law Libraries was suspended; traffic and small claims functions in the Jamestown City Court were sharply abridged; Compulsory Arbitration Programs were suspended in the eventh and Eighth Districts; service of process, eviction and the enforcement of judgments in the Ninth District were severely limited; and the Compulsory Arbitration Program in the Ninth Judicial District was curtailed.

—Also in Supreme Courts, the Small Claims Assessment Review Program, which provides a forum for homeowners to appeal decisions by Boards of Assessment Review, was forced to cease or limit operations in many places. The SCAR Program had expanded significantly over the past two years. In 1990, filings more than doubled and in 1991, the volume doubled again, reaching 16,953 filings. But, in the 1991-92 fiscal year, more than 10,000 filings will not be heard due to lack of funds. The majority of the cases not heard (55%) will be in Nassau County. Significant SCAR case backlogs are also expected in the Third, Fourth, Fifth and Ninth Districts and in Suffolk County.

1.4.4 Outlook for 1992-93

Because of the severity of the 1991-92 budget cuts and their devastating impact upon the courts, Chief Judge Sol Wachtler and Chief Administrator Matthew T. Crosson brought a lawsuit against the Governor and legislative leaders in September, charging that they had failed in their constitutional obligation to adequately fund the courts. The lawsuit was withdrawn in January when Governor Mario M. Cuomo, the Chief Judge, Senate Majority Leader Ralph Marino and Assembly Speaker Saul Weprin agreed that the Judiciary's 1991-92 budget would not be cut, and that the Governor would approve the Judiciary budget for fiscal year 1992-93 at the same level with an additional $19 million to be added to cover unavoidable Judiciary expenses, and also including $15 million in cost-saving legislation to be approved by the Legislature. The agreement restored court system staffing to the level that it had been at prior to the budget cuts imposed by the Executive and Legislative Branches.

Therefore it is expected that the Unified Court System will be able to rehire employees lost in 1991-92 and reopen courts beginning April 1, 1992.

1.4.5 Impact of Legislative Mandates on Workload

Significant changes in law, particularly in the Family and City and District Courts, have added to court procedures and workload in recent years.

Support Related Cases in Family Court: In response to the Child Support Enforcement Act of 1984, the state passed Chapter 809 of the Laws of 1985 — New York State Support Enforcement Act, which established the Family Court Hearing Examiner Program. This law authorized the Hearing Examiners to hear and determine matters related to support and paternity, thus freeing the judges for other case considerations such as abuse, neglect, family offense and delinquency. The addition of the Hearing Examiners helped reduce the backlog of support related cases and allowed the courts to meet federal guidelines for disposition timeframes of 90% within three months, 98% within six months and 100% within one year. Meeting these disposition guidelines permits the State to receive reimbursement for approximately 66% of eligible costs.

Effective in 1990, section 103 of the federal Family Support Act (FSA) required each state to establish procedures for the periodic review and modification of support orders which are enforced pursuant to Title IV-D of the Social Security Act (SSA) and Title Six-A of Article 3 of the Social Service Law (SSL). When modification of such support orders is warranted, changes are made in accordance with guidelines set forth in the New York State Child Support Standards Act (CSSA) (Chapter 567 of the Laws of 1989). This act requires the collection and reporting of the parties' income data, the application of a formula in most cases for the determination of child support, and the reporting of statewide data concerning awards of child support, alimony, maintenance and property allocation for all final orders originating in Supreme and/or Family Court which provides for child support. Not surprisingly, this law has increased the volume and complexity of support cases. Support related cases, which had risen 54% between 1985 and 1991, increased 32% between 1989 and 1991.

Effective October 13, 1993, or earlier at state option, states are required to implement a process whereby support orders enforced pursuant to Title IV-D of the SSA will be reviewed within 36 months after the establishment of the order, or the most recent review of the order, and will be modified in accordance with the CSSA, if appropriate.

Section 103 of the FSA effectively requires that orders affecting children in receipt of ADC, entered or last modified before October 13, 1990, be reviewed before October 13, 1993. The Department of Social Services notes that as of January 1991, there were more than 295,000 support orders enforced pursuant to Title IV-D of the SSA and Title Six-A of Article 3 of the SSL. By 1993, as many as 400,000 support orders enforced pursuant to these statutes will be subject to the requirements of Section 103 of the FSA.

City and District Courts - Stop-DWI Legislation: Stop DWI legislation has required extensive case preparation, certification and reporting procedures. New and increased DWI fines have increased the revenue collection and reporting workload of the City and District Courts. Uniform City Court monetary limits, established pursuant to Chapter 397, Laws of 1988, rose from $10,000 to $15,000 in 1991. These revised uniform civil monetary limits are expected to increase caseloads, especially in the smaller city courts.

City and District Courts - Commercial Small Claims: In 1989, legislation was enacted requiring that commercial small claims parts must be established in City and District Courts outside the City of New York to hear actions of up to $2,000 brought by corporations. This legislation took effect in New York City in 1991. A total of 4,902 commercial claims cases were filed in 1991. Chapter 760 of the Laws of 1990 requires daytime small claims parts in the New York City Civil Court to permit greater access to these pro se parts by the elderly and disabled. Also approved in 1990, Chapter 496 permits Nassau County to establish a traffic and parking agency to administer and dispose of traffic and parking violations. The new law also requires that where trials for traffic and parking infraction are authorized, Judicial Hearing Officers shall be authorized in the District Court to conduct such trials.

Surrogates' Courts - Guardianship and Adoption Cases: Changes in law have also increased the work of the Surrogate's Courts. Paragraph one of subdivision (a) of Section 2-1.3 of the EPTL and the addition of subdivision (2) of Section 117 of the Domestic Relations Law expanding the rights of adopted children to inherit from their natural families have increased the work of the Probate and Accounting departments and administration. Section 1704 of the Surrogate's Court Procedure Act (SCPA) was amended and Section 1706 of the SCPA was likewise amended to provide that the court must get information from the Department of Social Services concerning child abuse. These amendments have added to the Guardianship and Adoption workload. The addition of section 453-a of the Social Services Law relating to adoption expenses incurred after January 1, 1987, in connection with the adoption of a child with special needs has increased the work of the Adoption departments. Chapter 269 of the Laws of 1990, which amends Section 1.03(22) of the Mental Hygiene Law and Section 1750-a of the SCPA to increase from 18 to 22 the age by which a persons's developmental disability must originate for purposes of a court's authority to appoint for such person a guardian of the person or property, is expected to increase guardianship workload within the Surrogates' Courts. Chapter 227, Laws of 1991, abolished the office of Surrogate in Cattaraugus County and created in its place a new county level judgeship that will service County, Family and Surrogates' courts.

Jury System: Chapter 473 of the Laws of 1988 amended the county and judiciary law to improve the fairness, efficiency and responsiveness of the New York State jury system. This law reformed the statutes related to jury service by (i) providing for a uniform $15 per diem allowance, effective April 1, 1989; (ii) extending the juror disqualification period from two to four years; (iii) limiting the duration of juror service; and, (iv) establishing special enforcement procedures for juror attendance. While these changes have greatly benefitted the public, the law's shortened term of service and rules for dealing with juror noncompliance have added substantial work to the Commissioner of Jurors' Offices.

Legislation has also been passed to regulate the payment of per diem fees to certain jurors in order to limit state expenditures. Chapter 62 of the Laws of 1989 excluded New York State and local government employees from entitlement to the per diem allowance. Chapter 166 of the Laws of 1991 amended Sections 519 and 521 of the Judiciary Law requiring employers of jurors who work in companies with more than ten employees to provide compensation during the first three days of service equal to the $15 per diem fee. Also, any employee receiving regular wages during jury service is not entitled to the per diem allowance.

1.4.6 Management Initiatives

In spite of our losses due to budget cuts, the Judiciary remains committed to making court operations more effective and efficient. Planning, technological improvements, employee development programs, and case-management initiatives have resulted in more efficient, productive and cost-effective case processing, support services delivery and court system administration.

Case management initiatives, including the Individual Assignment System (IAS); Specialized Civil and Criminal Parts; judicial transfers; increased part availability to facilitate the arraignment process in the New York City Criminal Court; and special "crack parts" in the Housing Court, have enabled the courts to conclude more cases more quickly than ever before.

The Judiciary's management initiatives also include publication of uniform standard procedures manuals for all trial courts; enhanced information and records management through centralized computer applications; local court PC-based computer network applications, distributive processing and document image processing; training and education programs focused on supporting the development and effectiveness of our judges, justices, managers and nonjudicial workforce; and a Workforce Diversity Program that is expanding opportunities for women and minorities in all job categories and promotes a representative and culturally sensitive workforce.

Jury Management: A program to achieve the efficient utilization of jurors was initiated in the Unified Court System in 1982. This juror utilization measurement program, which is one of the most comprehensive of any state court system in the United States, has been in effect in every county since January 1987.

Two principal utilization measures are included in this program. The first is "overcall," defined as the percentage of

jurors in service (paid) but not in use in voir dire or trial at the point of peak daily juror usage. The second is "percent to voir dire," defined as the percentage of prospective jurors in service (paid) reporting to the pool who are sent to voir dire. The data from the program show that during 1991 there was a 14% overcall rate and an average of 102% of all jurors reporting for service each day were sent to voir dire. These are sharp improvements from the 1983 rates of 25% and 73%, respectively.

Legislative Proposals: The management and productivity initiatives implemented throughout the court system have enabled the courts to handle and conclude more cases, more quickly. But there is a limit to what case management methods can accomplish. To produce a more effective justice system, legislative changes are needed. Towards that end, the court system continues to seek passage of legislation to streamline and expedite case processing. Among the legislative proposals made are:

Speedy Trial Law: to require that all felonies, other than homicides, be tried within 90 days of indictment. Another proposal would ensure that speedy trial protections are applied to juvenile offenders when a proceeding is moved from Supreme to Family Court.

Streamlined Discovery: for stricter time limits for pre-trial motions and exchange of information.

More Assigned Counsel: to attract more assigned counsel by increasing their reimbursement to a flat $50 per hour for all trial work, from the current $25 per hour for out-of-court work and $40 for in-court work.

Jury Reform Legislation: to eliminate all exemptions and the absolute requirement of sequestration, permitting 11-juror verdicts, and reducing the number of peremptory challenges.

Grand Jury Reform: to permit prosecutors to file superior court informations supported by witness depositions, rather than presenting each case to a grand jury.

Judicial Hearing Officer Reform: to permit carefully screened retired judges to conduct arraignments, freeing up Criminal Court judges for trials.

Misdemeanor Trial Law: the repassage of this law to permit non-jury trials in certain cases.

Presentence Reports: to require a full Probation Department presentence report only if a defendant is to be sentenced to six months or more in jail.

Felony Complaints: to require that felony complaints either be sent to the Grand Jury or reduced to a misdemeanor within 90 days of defendant's arraignment.

Family Proceedings Measures: to more effectively handle cases of aggravated abuse and provide housing as an alternative to foster care.

Civil Proceedings Measures: the liberalization of disclosure to reduce unnecessary motion practice and to expedite litigation in the pre-note of issue stage; accrual of interest in personal injury cases and a number of procedural changes that will encourage settlements and expedite movement to trial.

Jury Sequestration: the authorization of a court in a criminal case to permit, on a discretionary basis, a deliberating jury to separate temporarily.

Divestiture of Essentially Non-criminal Matters from Criminal Courts: including summons cases in New York City and parking and minor traffic matters.

New York City Criminal Court Summons Cases: Another initiative designed to streamline case processing involves the creation of a Universal Summons Bureau in New York City. The Task Force on Civilian Initiated Complaints has proposed the creation of this Bureau which would adjudicate non-Penal Law misdemeanors and non-printable offenses, regardless of the statutes or ordinances by which they are defined.

Last year, over 199,000 cases filed in the New York City Criminal Court were non-arrest or "summons" cases. Principally, these cases involved civilian-initiated private prosecutions; "quality of life" offenses generally involving minor assaults or disorderly behavior; and, administrative regulatory offenses usually prosecuted by enforcement agents of the New York City Building, Fire or Transportation Departments.

Given the dramatic numbers of non-summons case filings, and the limited judicial and non-judicial resources available to the Criminal Court, the time has come for the Court to divest itself of matters that are essentially non-criminal in nature, so that its resources may be devoted to the handling of criminal prosecutions. A person would have three options if issued a Universal Summons Bureau summons: resolving the matter by paying a fixed fine by mail, contesting the matter and consenting to adjudication before a judicial hearing officer at the Universal Summons Bureau, or contesting the matter and requesting prosecution in the New York City Criminal Court. Implementation would require a new Criminal Procedure Law article to be enacted by the Legislature.

City and District Courts - Traffic Cases: At a time when there is increasing pressure on the City and District Courts to handle criminal cases growing out of the drug crisis, and at a time when it is difficult for the State to provide those courts with the additional judges and staff required to handle criminal cases properly, it no longer makes sense for City and District Courts to continue handling parking tickets and minor traffic violations. Most of the revenue derived from parking tickets and traffic violations is retained by local

government, and, for that reason, local governments should establish the means to handle those matters administratively.

In 1991, City and District Courts processed over 800,000 parking ticket cases and over 500,000 uniform traffic tickets. These matters in City and District Courts consume time and resources which might otherwise be available for the handling of criminal and civil cases. Two years ago, the Legislature enacted legislation that partially relieved the Nassau District Court of traffic cases only. City and District courts throughout the State need similar, if not broader, relief.

The Unified Court System will again submit proposals to the Legislature to divest all City and District Courts of parking ticket and uniform traffic ticket matters, and we will work cooperatively with local governments to accomplish a phased-in transfer of that responsibility to administrative tribunals.

1.4.7 New Judgeships

The court system requires 16 additional judges. Judicial caseloads must be kept at appropriate levels if judges are to have the opportunity to give measured consideration to the matters brought before them. Maintaining appropriate caseload levels requires, in the first instance, a sufficient number of judges. The Unified Court System has reviewed the sufficiency of the number of trial court judges based on current and projected court caseloads and concludes that additional judgeships are needed at this time. New judgeships will be required in the New York City Criminal Court to handle current arrest case levels and in upstate County, Family and City Courts where per judge caseloads currently exceed reasonable standards. Also, five Supreme Court judgeships will be requested for the Second Department to replace Justices whom the Governor will be asked to designate to the Appellate Court.

1.4.8 Court Dispute Referral Centers in New York City

In February 1988, the Task Force on the Civilian-Initiated Complaint Process in the City of New York was formed. The Task Force was comprised of judges of the Criminal and Family Courts, members of the Bar, prosecutors, public defenders, mediation administrators, professional mediators, victim advocates, police supervisors and other public officials. The Task Force conducted an extensive fact-finding process, including public hearings, and issued a report. The Task Force identified problems with the current system, including the need for applicants from Kings, Queens and Bronx Counties to travel to New York County to have complaints drawn; little or no legal representation or guidance; crowded courtrooms; long calendars; and inadequate resolution of the underlying causes of the complaints.

The Task Force report, issued in 1989, called for replacement of the current inadequate system for processing civilian-initiated complaints with Court Dispute Referral Centers. Court Dispute Referral Centers would assess the applicant's grievance and make the appropriate referral (Criminal Court, Family Court, Civil Court, emergency public assistance, shelter, victim services, domestic violence counseling, etc.). These Centers were established this year using existing Criminal Court staff to evaluate complaints and direct the public to the services needed to resolve these matters. Additional staff in the Criminal Court will be needed to fully implement this program.

1.4.9 Community Dispute Resolution Centers Program

The Community Dispute Resolution Centers Program (CDRCP), established by the Legislature pursuant to Chapter 847 of the Laws of 1981, provides financial support to non-profit community organizations which offer dispute resolution services in all 62 counties of the State. Chapter 156 of the Laws of 1984 made the Community Dispute Resolution Centers Program a permanent component of the Unified Court System.

Dispute resolution centers are a cost effective means for addressing minor civil and criminal matters that do not require a formal court structure. They also aid in preventing the escalation of minor disputes into more serious matters and thus relieve the courts of cases that might otherwise be filed.

In 1991 the CDRCP screened 44,745 cases, and conducted 22,432 conciliations, mediations and arbitrations, serving over 100,000 people.

1.4.10 Workforce Diversity Program

The Workforce Diversity Program was adopted by the Chief Judge and Chief Administrator to give life to the court system's commitment to the principles of equal employment opportunity.

The Program consists of a series of management initiatives aimed at broadening the pool of candidates, both in general, and, for specific job groups in which minorities and women were found to be under-represented in the 1989 Report on the Participation of Minorities and Women in the Nonjudicial Workforce of the Unified Court System.

Management initiatives undertaken include the establishment of locally based hiring goals and timetables; the provision of examination preparation materials; the development of mentoring and internship programs; and the creation of a comprehensive Cultural Diversity Training Program for all nonjudicial personnel.

1.4.11 Education and Training Programs

The Judiciary will continue to provide a comprehensive education and training program for judges, justices and nonjudicial employees. For justices and judges, the annual summer seminar and local magistrate training is offered. The nonjudicial program includes mandatory courses, optional employee development courses and senior management conferences. Due to severe budget cuts in the

current year, the annual summer seminar for judges and justices and the annual court clerk seminars were suspended. Additionally, ongoing nonjudicial training programs were curtailed.

1.4.12 Town and Village Courts Resource Center

New York has approximately 2,400 Town and Village Justices presiding over nearly 1,500 courts in jurisdictions with populations varying from a few hundred to tens of thousands. Together they comprise nearly 70% of all the judges in the State and handle over 2,500,000 cases each year. In many ways they are, indeed, the courts closest to the people.

In 1990, the Unified Court System established a comprehensive Town and Village Courts Resource Center. The Resource Center provides Town and Village Justices with legal research on issues that arise under the jurisdiction of their courts, including but not limited to: small claims, civil and summary proceedings, criminal cases, commercial claims, agricultural and marketing law matters, zoning ordinances, building and fire code violations and vehicle and traffic law infractions. The Resource Center:

—advises Town and Village Courts on the proper reporting of fees, fines, bail money and other funds handled by the courts;
—keeps the courts advised as to the availability of alternatives such as the Community Dispute Resolution Centers, the Crime Victims Assistance Program, day fines, and electronic monitoring;
—keeps the courts current on legislative and case law changes by publishing periodic updates;
—provides legal research on specific procedural questions relating to preliminary hearings on felony charges, preliminary jury instructions, jury management, charges to the jury, violation of probation hearings, and restitution hearings; and,
—maintains a centralized research depository of reference materials commonly used by Town and Village Courts.

The Town and Village Courts Resource Center represents the first time that the Unified Court System has provided concrete assistance in legal reference to these critically important courts.

1.4.13 Family Court Hearing Examiner Program

In 1985, the Legislature passed the Child Support Enforcement Act, which shifted initial jurisdiction over child support enforcement matters from Family Court judges to Family Court Hearing Examiners. In the intervening years, these quasi-judicial officers improved the court system's ability to fairly and efficiently handle child support cases, with the result that child support collections have risen dramatically throughout the State.

In 1990, nine new hearing examiners were added to the program to handle the increasing volume of support related matters. These additional resources have provided needed relief and permitted the courts to meet federal guidelines for disposition timeframes of 90% within three months, 98% within six months and 100% within one year. Meeting these guidelines for the 247,748 support related cases disposed in 1990, enabled the State to receive reimbursement for approximately 66% of eligible costs. In 1991, 268,435 support-related cases were disposed.

New federal legislation will increase this already demanding workload. The Family Support Act of 1988, section 103, requires states by October 13, 1993 to have reviewed all support orders enforced pursuant to Title IV-D of the Social Services Act within 36 months after the establishment or most recent modification of the support order. It is estimated that by 1993, this will effect 400,000 support cases.

In the face of this continuous caseload growth, more Hearing Examiners are needed. New parts are needed for the State's most overburdened Family Courts to address current scheduling delays and to meet the demands of projected caseload growth.

1.4.14 The Court Facilities Program

Chapter 825 of the Laws of 1987 was enacted as a comprehensive solution to the State's court facilities renewal needs. For many years, even prior to the State's assumption of the operating costs of the courts, a major problem facing the court system was inadequate, substandard and even deplorable courthouse facilities. When the State assumed the cost of operating county and city-level courts in 1977, the responsibility for providing and maintaining court facilities remained with local governments. Although some municipalities met that obligation adequately, most did not. The result was the deterioration of existing facilities and a failure to construct vitally needed new facilities with the physical capacity to house the vastly increased workload facing our courts.

The Court Facilities Act reaffirmed the principle that the provision and maintenance of adequate court facilities remains a responsibility of local government, while providing technical and financial assistance to help local governments meet those needs. The Act gave local governments two years, until August 1989, to assess the condition of their court facilities and develop Capital Plans for needed improvements. Those Plans were to be submitted for approval to a Court Facilities Capital Review Board, whose members represent the Judiciary, the Executive and both houses of the Legislature.

Once a locality's Plan is approved, financial aid is available in the form of a subsidy to reduce the cost of borrowing money to finance court improvements. The subsidy ranges from 33% to 25% of interest costs, depending on the locality's relative taxing capacity.

The Act also provided retroactive aid for localities that financed court facilities improvements after 1977 but prior to enactment of Chapter 825. Over a ten-year period, 19

counties and seven cities will receive more than $5.6 million in retroactive aid as a result of this provision. More importantly, these localities and others that sold debt for court facilities improvements prior to August 1987, will receive aid to defray the interest costs on that debt over the life of the notes and bonds issued for that purpose.

To promote better maintenance of courtrooms and buildings, the Act established a second aid program to reimburse local governments for a portion of the operations and maintenance costs associated with court facilities. The subsidy ranges from 25% to 10%, based on each local government's relative taxing capacity. In October 1989, the Unified Court System promulgated standards and policies for proper operations and maintenance of court facilities. In October 1990, maintenance committees were established across the State to monitor compliance with these standards and policies. Starting with the current fiscal year, reimbursement for operations and maintenance expenses is conditioned on compliance.

To help local governments finance and manage the construction of court facilities, the Act empowered the State Dormitory Authority to construct and/or finance such projects. Use of the Authority is optional. A number of localities are considering the use of the Authority for construction financing, permanent financing and/or construction management, and some, including the City of Glen Cove and Tioga County, are already using the Authority as a financing vehicle for court improvements.

In the summer of 1991, legislation was enacted to allow local governments to use a broader range of financing techniques for capital improvements, including court facilities, and to receive State aid for such financings. Despite the fiscal difficulties created by the recession, most local governments have responded very positively to this program. All 119 cities and counties have submitted Capital Plans; all have been reviewed and received at least initial approval. New construction in several smaller cities and counties is well underway. Major projects across the State will move from the drawing boards to construction in the next few years and some projects, including new court facilities in the cities of Middletown, White Plains and Mt. Vernon are already completed. Capital Plans submitted pursuant to Chapter 825 call for over $1.6 billion in new construction and major renovation projects in New York City, and $500 million on Long Island and upstate.

1.4.15 Information and Records Management in the Trial Courts

Administrative oversight of information processing and records management in the trial courts is the function of two offices. Responsibility for information processing rests with the Centralized Computer Systems Unit of the Office of Programs and Planning. Records management responsibilities rest with the Office of Libraries and Records Management.

The creation and management of information and records is one of the principal activities performed in the trial courts of the Unified Court System in support of administration and the case disposition process. Information and records management functions, which are carried out by approximately half of the nonjudicial staff of the trial courts, include: the review of case initiation papers and the opening of case files; case indexing, docketing and scheduling; the production of court calendars; case inquiry; the processing of case-related notices, orders, applications and motions; the collection of fees, fines, bail and other costs; the transmission of case records from place to place in courthouses; the processing of records on appeal; the storage and retrieval of case records and exhibits; the creation of reports on caseload activity and the status of case inventories; the production and processing of juror qualification questionnaires and summonses; the maintenance of juror service records; the payment of jurors; the reporting of criminal case disposition information to the Executive Branch; text-editing; the processing of mail; budget and fiscal administration, personnel records management and information services; legal reference services and law library administration.

The Unified Court System uses mainframe technology, personal computers, workstations, and manual systems to meet information and records management requirements in appropriate settings, with a goal of cost savings and uniformity. More than 90% of the trial courts and administrative agencies currently support information processing with computer technology.

1.4.16 Document Image Processing

The use of automated image processing systems in the trial courts offers a significant opportunity to reduce costs and improve the quality of service to the public.

Document image processing systems use state of the art hardware and software to capture, route, retrieve and store images. In recent years, these systems have become increasingly important to public organizations that deal with large volumes of paper and information. The Unified Court System currently creates more than 4 million new case files each year and stores more than a million cubic feet of records. Existing manual paper processing operations of the UCS are labor-intensive, and necessarily slow and inefficient; records storage requires tremendous amounts of costly courthouse and off-site facility space. Seeking to improve and expedite the flow of information throughout the courts and to reduce the costs of records processing and storage, the UCS has begun a cooperative venture with the Digital Equipment Corporation (DEC) to research the functional requirements, cost savings potential and non-cost benefits of implementing imaging technology in a large and complex court operation. Suffolk District Court will serve as the study site and DEC will invest up to $130,000 in funds and staff time to conduct the study.

The goal of this study will be to determine requirements and costs of equipment, software, and technical support needed to implement a document-image processing system in this complex trial court. The study will consider court

organizational characteristics, functions and responsibilities including multiple case types (i.e. Civil, Criminal, Traffic and Parking); in-part and back-office document processing; judicial document review, document confidentiality and public access. Additionally, the study will address the issue of integrating the imaging system with existing automated systems including mainframe and PC applications and the need for communication between the central court offices and outlying locations.

The study will also estimate savings from improved productivity and reduced storage space needs as well as the benefits of improved service to lawyers, litigants and the public. The ability of such a system to handle future workload growth without the addition of staff will also be considered.

Based on preliminary assessments, the Unified Court System has reason to believe that this study will show that a document image processing system will produce significant long-term cost savings and other benefits to trial court operations. By securing the support and technical expertise of DEC to conduct a professional feasibility study of potential costs and benefits of using imaging technology, the Judiciary's aim is to improve the efficiency and effectiveness of trial court operations in order to ensure the best utilization of limited resources.

1.4.17 Centralized Court Information Services

Information management functions in high volume courts, and district and central administrative offices, are maintained through centralized on-line applications supported by mainframe processors and minicomputers operating from the Unified Court System's dual site Data Processing Center located in Albany and Troy. These systems support the operation of more than 2,200 remote devices and the execution of over 450,000 remote transactions and batch transactions daily in the trial courts and administrative offices. In addition, 242 sites encompassing all court and case types are currently operating with microcomputer systems; 94 sites are using local area networks (LANS).

Historically, central site processing has been most economical and has provided better software control. Centralized applications supported by the mainframe processors now maintain records required on a statewide basis, together with records and data that are of local interest only. Today, advances in technology are bringing increased processing power to personal computers and workstations; advances in mass storage devices have brought multi-gigabyte storage capacities to these same desk tops. As a result, distributed processing is the automation trend of the 1990's. The diversion of records and data required at the court or district level only to local site processing and storage will provide a better level of service to the trial courts, at a reduced cost, while extending the life of the mainframe computer systems. Distributed processing will not replace centralized computer operations, but will permit a slower expansion of processing and storage requirements.

Centralized applications include the Criminal Records and Information Management System (CRIMS); the Jury Management System (JMS); the Civil Case Information System (CCIS); the New York City Family Court System (AFCRIS); the Housing Court Information System (HCIS); the New York City County Clerk Judgement Docket and Lien Book System (JDLB); the Caseload Activity Reporting System (CARS): the Automated Payroll/Personnel Information System (APPIS); on-line budget and fiscal applications, and other administrative on-line and batch applications. In addition, centralized application data is downloaded and/or re-keyed to microcomputers for local applications and used to generate specialized reports.

Local site microcomputer processing, initiated in 1983, was designed to provide support for administration and operations, including budget and fiscal administration, equal employment opportunity analysis, personnel administration, equipment inventory control, text editing and supplemental jury management. An enhancement is needed to promote standardization and to develop local sites prepared to engage in distributed processing with an ultimate goal of the most effective utilization of processing and storage capacity in both mainframe and LAN systems.

1.4.18 Office of Libraries and Records Management

The Office of Libraries and Records Management (OLRM) develops, coordinates, and implements records management policies, the Law Libraries program, and legal research collections throughout the Unified Court System. Its primary activities are to plan and implement statewide programs, and to provide guidance, expertise and training to local court operations. In addition, OLRM personnel operate the microfilm laboratory, prepare the index to the Appellate Records and Briefs, and maintain centralized databases for records inventories and legal research expenditures.

In 1989, shortly after OLRM was established, records retention and disposition schedules for all Trial and Appellate Court records series were approved and distributed throughout the Unified Court System (NYCRR 104.1). Records policies, standards and procedures are being developed in concert with each district and administrative unit. The first priority for the Unified Court System is the identification and disposition of all records deemed eligible for destruction. Additionally, inventories of existing court records are being centrally collected and used to determine disposition schedules; records no longer needed for daily operations are being removed from the immediate work area.

In the past, records management policies have focused on microfilming and storage of both records and films. Now, the exploration of technological alternatives to current records organization, storage and retrieval methods, including document Image Processing Systems, is also underway. Two projects are plannned to expand and build on the exploration of imaging systems which is taking place in the current fiscal year. These projects are proposed for Suffolk County District Court and, to permit the Monroe County Surrogate's Court to participate as a second pilot

project for an optical imaging project.

Legal research resources and services provided to judges must be adequate, accessible and effective. The cost of published legal research resources is significant and routinely increases at more than double the published rate of inflation. The consequences of inadequate or unavailable legal research are case resolution delays and reversals. OLRM strives to provide systems that insure availability of timely, cost-effective legal resources. Supplementing law library and chamber collections, computer assisted legal research is made available throughout the state.

1.4.19 Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children was established by Chief Judge Sol Wachtler to achieve a consensus of the many experts on juvenile justice in New York regarding the need for systematic change in the Family Courts and the entire juvenile justice system. The Commission, co-chaired by Associate Judge of the Court of Appeals, Judith Kaye, and Ellen Schall, Esq., seeks to draw together representatives of the Judiciary, the Legislature, State and local government agencies, voluntary agencies, public service organizations, bar associations and existing task forces, commissions and advisory groups.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1991

Number of Judges		*Court*
7	.....	Court of Appeals
48 [a]	.....	Supreme Court, Appellate Divisions
286 [b]	.....	Supreme Court, Trial Parts
60 [c]	.....	Supreme Court, Certificated Retired Justices
18	.....	Court of Claims
46	.....	Court of Claims - 15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; 23 appointed pursuant to Chapter 906, Laws of 1986; 8 appointed pursuant to Chapter 209, Laws of 1990.
31	.....	Surrogates' Courts - including 6 Surrogates in the City of New York
71	.....	County Courts - County Judges outside the City of New York in counties that have separate Surrogates and Family Court Judges
11	.....	County Courts - County Judges who are also Surrogates
6	.....	County Courts - County Judges who are also Family Court Judges
36	.....	County Courts - County Judges who are also Surrogates and Family Court Judges
123	.....	Family Courts - including 47 Family Court Judges in the City of New York
107	.....	Criminal Court of the City of New York
120 [d]	.....	Civil Court of the City of New York
50	.....	District Courts - in Nassau and Suffolk Counties
158	.....	City Courts in the 61 Cities outside the City of New York - including Acting and Part-time Judges
1,167	Total	
2,242	.....	Town and Village Justice Courts

[a] In addition to the 24 Supreme Court Justices permanently authorized, 13 Justices and 11 Certificated Retired Justices are temporarily designated to the Appellate Division.
[b] Does not include judges of other courts, especially the Civil and the Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year. Includes justices designated to an Appellate Term.
[c] Includes 11 Certificated Retired Justices temporarily designated to the Appellate Division.
[d] Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, Chap. 500, but still not filled.

Chapter 2

Caseload Activity Report

2.1 Introduction

There were 4,080,108 new cases filed in the trial courts of the Unified Court System in 1991.[1,2] Of these, 3,443,108 filings reached court calendars. Excluding parking tickets, there were 2,802,783 filings as follows: 38% (1,054,325) were filed in criminal courts, 37% (1,043,682) in civil courts, 21% (582,753) in the Family Court, and 4% (122,023) in the Surrogates' Courts.

Dispositions in the trial courts during 1991 totaled 3,394,513. Excluding parking tickets, there were 2,754,188 dispositions, as follows: criminal courts—37%, civil courts—38%, Family Courts—21%, Surrogates' Courts 4%.

Table 2 shows a breakdown of filings and dispositions in the trial courts by type of court.

2.2 Criminal Cases

Criminal cases are processed in the trial courts as follows: Felony indictments and superior court informations are processed in the Criminal Term of the Supreme Courts in New York City and in the County Courts outside New York City. In several counties outside New York City, a portion of the felony caseload is processed in the Supreme Court as well. The District Courts of Nassau and Suffolk and the City, Town, and Village Courts outside New York City have original jurisdiction over felonies and complete jurisdiction over misdemeanors, violations, and infractions.

1. Criminal Term of Supreme and County Courts

Filings: Statewide, 78,354 felony cases were filed in the Supreme and County Courts during 1991.[3] Sixty-six percent (52,089) of the 1991 filings occurred in New York City.

Table 3 shows 1991 filings by judicial district.

Table 4 focuses on individual counties, showing the twenty counties with 400 or more felony case filings in the Supreme and County Courts. These twenty counties accounted for 91% of all felony filings in these courts.

Dispositions: Statewide, 82,138 cases reached disposition (guilty plea, trial verdict, dismissal, or miscellaneous other) in 1991. Sixty-six percent (54,387) of the 1991 dispositions occurred in New York City.

Table 3 shows 1991 dispositions by judicial district.

Table 4 shows the twenty counties with more than 400 dispositions in 1991; these counties accounted for 91% of all felony case dispositions. Thirteen counties which commenced over 40 trials accounted for 89% of felony trials commenced statewide in 1991. Of the total of 5,158 felony trials commenced, 4,460 (86%) were jury trials.

Figure 3 shows felony case dispositions by type. There were 69,344 guilty pleas (84%) 6,633 dismissals (8%), 4,693 trial verdicts (6%) and 1,468 other dispositions (2%).

2. Criminal Courts of Limited Jurisdiction

Criminal Court of the City of New York:

There were 281,707 arrest cases filed in the Criminal Court of the City of New York in 1991. Arraigned cases totaled 272,984. There were 271,805 dispositions.

Of the dispositions, 43% were by guilty plea, 33% by dismissal, 19% by referral to grand jury or by transfer to Supreme Court for waiver of indictment, 0.3% by verdict, and 5% miscellaneous other.

There were 98,278 summons cases added to the calendar. [In addition, 101,239 summons cases were filed but not added to the calendar (defendant did not appear)]. There were 93,712 calendared dispositions.

City and District Courts Outside New York City: Criminal case intake in the City Courts and the Nassau and Suffolk District Courts totaled 239,127 in 1991. There were 223,009 dispositions. Of the dispositions, 54% were by guilty plea, 36% by dismissal, 6% by referral to grand jury or by transfer to superior court for waiver of indictment, 1% by trial verdict, and 3% miscellaneous other.

There were 356,859 noncriminal (violations and infractions) Uniform Traffic Tickets disposed in these courts. These consisted primarily of fines paid (by personal appearance and mail). In addition, 156,222 traffic tickets were filed and not answered. In jurisdictions without a parking violations bureau, the City and District Courts process parking tickets. Dispositions totaled 640,325 in 1991. In addition, 164,121 parking tickets were filed and not answered.

Figure 4 shows criminal caseload activity in the criminal courts of limited jurisdiction.

1 All data in this chapter are from the Caseload Activity Reporting System of the Unified Court System. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR 115).
2 Does not include locally-funded Town and Village Courts.
3 "Cases" are a count of "defendant-indictments", i.e., each defendant on each indictment counts as a case.

Table 2
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1991

Court	*Filings*	*Dispositions*
CRIMINAL:		
Supreme and County Courts	78,354	82,138
Criminal Court of the City of New York		
Arrest Cases	281,707	271,805
Summons Cases	98,278 [a]	93,712
City and District Courts Outside New York City:		
Arrest Cases	239,127	223,009
Uniform Traffic Tickets	356,859 [b]	356,859
Parking Tickets	640,325 [b]	640,325
CRIMINAL SUBTOTAL	1,694,650	1,667,848
CIVIL		
Supreme Courts:		
New Cases	167,663	145,533
Ex Parte Applications	116,291	116,291
Uncontested Matrimonial Cases	48,681	47,828
Civil Court of the City of New York:		
Civil Actions	161,282 [c]	160,474 [d]
Landlord/Tenant Actions and Special Proceedings	204,622 [c]	233,894
Small Claims Cases	53,186	57,012
Commercial Claims	4,902	4,319
City and District Courts Outside New York City:		
Civil Actions	129,961	113,588 [d]
Landlord/Tenant Actions and Special Proceedings	59,234	61,507
Small Claims	52,652	54,289
Commercial Claims	13,247	12,626
County Courts	12,209	12,852
Court of Claims	2,799	2,131
Arbitration Program	10,179 [e]	11,069
Small Claims Assessment Review Program	16,953	8,183
CIVIL SUBTOTAL	1,043,682	1,041,596
FAMILY	582,753	573,527
SURROGATES	122,023	111,542 [f]
TOTAL	3,443,108	3,394,513

[a] Calendared summonses only. An additional 101,239 summonses were filed in which defendant did not appear.
[b] The disposition figure is used as intake. An additional 156,222 traffic tickets and 164,121 parking tickets were filed in which defendant did not respond.
[c] Calendared cases and default judgments only. An additional 69,120 civil actions were filed but not calendared or defaulted; an additional 146,298 landlord-tenant cases were filed but not calendared or defaulted.
[d] Does not include dispositions in the Arbitration Program.
[e] Shown here for reference only and not included in totals. Included as intake in the civil courts listed above.
[f] Surrogate's Court dispositions include orders signed, and decrees signed.

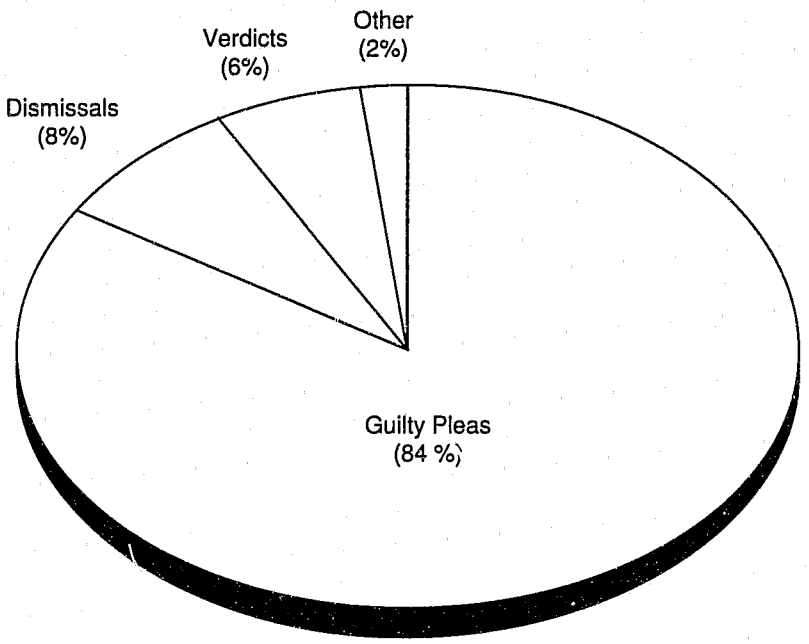
Table 3
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED
By Judicial District
1991

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	16,023	17,473	1,133
2nd	16,001	15,695	1,008
11th	9,903	11,077	593
12th	10,162	10,142	732
Subtotal	(52,089)	(54,387)	(3,466)
Outside New York City:			
3rd	2,034	2,207	143
4th	1,663	1,720	88
5th	3,321	3,192	159
6th	1,618	1,729	141
7th	3,489	3,689	317
8th	3,274	3,681	291
9th	4,151	4,461	248
10th - Nassau	3,433	3,691	158
10th - Suffolk	3,282	3,381	147
Subtotal	(26,265)	(27,751)	(1,692)
Statewide Total	78,354	82,138	5,158

Table 4
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED:
Supreme and County Courts With
400 Or More Filings Or Dispositions, 40 Or More Trials In 1991

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
New York	16,023	New York	17,473	New York	1,133
Kings	15,485	Kings	15,182	Kings	980
Bronx	10,162	Queens	11,077	Bronx	732
Queens	9,903	Bronx	10,142	Queens	593
Nassau	3,433	Nassau	3,691	Monroe	229
Suffolk	3,282	Suffolk	3,381	Erie	189
Westchester	2,362	Westchester	2,385	Westchester	175
Monroe	1,899	Erie	2,199	Nassau	158
Erie	1,846	Monroe	2,071	Suffolk	147
Onondaga	1,342	Onondaga	1,377	Onondaga	98
Oneida	968	Albany	867	Albany	71
Albany	743	Orange	866	Niagara	57
Orange	662	Oneida	843	Chemung	49
Broome	642	Broome	668		
Richmond	516	Dutchess	521		
Jefferson	500	Richmond	513		
Dutchess	481	Jefferson	496		
Chautauqua	443	Rockland	484		
Rockland	438	Chautauqua	458		
Ontario	406	Ontario	436		
Total (91% of statewide 1991 filings)	71,536	Total (91% of statewide 1991 dispositions)	75,130	Total (89% of statewide 1991 trials commenced)	4,611

Figure 3
FELONY DISPOSITIONS
By Type Of Disposition
1991



proof only

Figure 4
CRIMINAL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1991

Criminal Court of the City of New York

Arrest Cases	
Filings	281,707
Dispositions	271,805

Summons Cases	
Filings	98,278[a]
Dispositions	93,712

City and District Courts Outside New York City

Criminal Cases	
Filings	239,127
Dispositions	223,009

Traffic Tickets[b]	
Dispositions	356,859

Parking Tickets[c]	
Dispositions	640,325

[a] An additional 101,239 summonses were filed in which defendant did not appear.
[b] An additional 156,222 traffic tickets were filed and not answered.
[c] An additional 164,121 parking tickets were filed and not answered.

2.3 Civil Cases

Civil cases are processed in the trial courts as follows: The Supreme Courts hear cases involving damages claimed above the financial jurisdictional limits of the courts of limited jurisdiction and also hear matrimonial, tax certiorari, comdemnation, and other specialized cases. The courts of limited jurisdiction are the Civil Court of the City of New York; City Courts outside New York City; District Courts of Nassau and Suffolk; County Courts; and Town and Village Courts outside New York City. These courts hear cases involving damages as well as landlord/tenant, housing code enforcement, and other matters, including cases transferred from Supreme Court pursuant to CPLR Section 325(d). The jurisdictional limit of the City and District Courts outside of New York is $15,000; the Civil Court of the City of New York as well as the County Courts hear cases involving damages to a maximum of $25,000. Thirty-one counties operate a mandatory Arbitration Program. The jurisdictional limit is $6,000 or less outside New York City, $10,000 or less in New York City.

The Court of Claims, which is a specialized (not a "limited") jurisdiction court, hears civil cases involving claims against the State of New York.

1. Civil Term of Supreme Court

Filings: Statewide, 332,635 new civil matters were filed in 1991. Table 5 shows a breakdown by judicial district.

New filings on the civil trial calendars (notes of issue) totaled 63,071 in 1991. Table 6 shows a breakdown by judicial district. Table 6 shows counties with 500 or more note of issue filings. The eighteen counties in this category accounted for 91% of all new note of issue filings.

Figure 5 shows statewide note of issue filings in Supreme Court by case type (not including uncontested matrimonial cases). Tort cases, including medical malpractice, accounted for 52%; 15% of filings were contested matrimonial cases; contract cases accounted for 8%; 16% were tax certiorari cases.

Dispositions: Statewide, there were 309,652 dispositions of civil matters in 1991. Table 5 shows dispositions by judicial district.

Dispositions of notes of issue totaled 58,188 in 1991. As shown in Table 6, seventeen counties with more than 500 note of issue dispositions accounted for 89% of note of issue dispositions statewide.

Table 5 shows that 11,497 civil-case trials were commenced in 1991. There were 5,413 jury trials (47%) and 6,084 nonjury trials (53%).

Table 5
CIVIL MATTERS FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURT
By Judicial District
1991

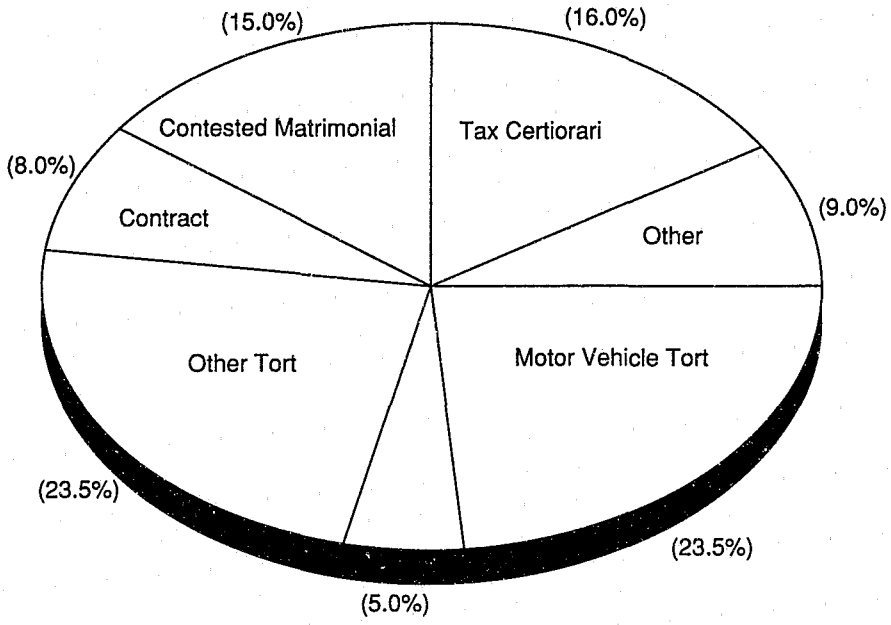
Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	71,149	65,891	1,723
2nd	39,219	33,161	1,564
11th	25,728	20,018	1,067
12th	19,914	17,568	348
Subtotal	(156,010)	(136,638)	(4,702)
Outside New York City:			
3rd	14,728	13,776	782
4th	9,293	8,747	319
5th	16,928	16,650	1,036
6th	7,570	8,101	342
7th	15,604	16,685	371
8th	17,962	18,263	557
9th	33,815	34,431	1,164
10th - Nassau	33,319	31,655	1,121
10th - Suffolk	27,406	24,706	1,103
Subtotal	(176,625)	(173,014)	(6,795)
Statewide Total	332,635	309,652	11,497

Table 6
NOTES OF ISSUE FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS: 500 Or More Filings Or Dispositions, 100 Or More Trials In 1991[a]

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
Nassau	11,225	Nassau	9,735	New York	1,723
New York	8,094	New York	7,848	Kings	1,424
Kings	7,117	Kings	6,023	Nassau	1,121
Queens	5,778	Queens	5,672	Suffolk	1,103
Suffolk	4,202	Suffolk	3,712	Queens	1,067
Bronx	4,123	Bronx	3,132	Westchester	592
Westchester	3,255	Erie	3,061	Onondaga	449
Erie	3,033	Westchester	2,851	Albany	433
Monroe	1,605	Monroe	1,775	Oneida	351
Onondaga	1,354	Orange	1,273	Bronx	348
Orange	1,267	Onondaga	1,208	Erie	316
Albany	1,158	Rockland	1,167	Orange	265
Rockland	1,138	Albany	1,131	Monroe	212
Richmond	1,101	Richmond	1,043	Richmond	140
Oneida	826	Oneida	769	Ulster	139
Dutchess	764	Dutchess	695	Rockland	133
Niagara	577	Niagara	569	Dutchess	124
Ulster	515			Oswego	110
				Chautauqua	103
				Schenectady	103
				Broome	101
Total (91% of statewide 1991 filings)	57,132	Total (89% of statewide 1991 dispositions)	51,664	Total (90% of statewide 1991 trials commenced)	10,357

[a] Excludes uncontested matrimonials.

Figure 5
NOTES OF ISSUE FILED IN SUPREME COURT
By Case Type*
1991



*Excludes uncontested matriomonial cases.

2. Civil Courts of Limited Jurisdiction

Civil Court of the City of New York: In 1991, there were 230,402 civil-action summonses filed. Of that number, 28,808 were added to the civil-action calendar. There were 28,000 calendared dispositions. In addition, 132,474 default judgments were entered. (The balance of 69,120 cases were neither defaulted nor added to the calendar.) Of the civil-action calendar filings, 5,342 cases were processed in the Arbitration Program.

A total of 53,186 small claims cases were filed in 1991. There were 57,012 dispositions.

A total of 4,902 commercial claims cases were filed in 1991. There were 4,319 dispositions.

For landlord-tenant cases, 332,021 notices of petition were issued in summary proceedings. There were 140,447 summary proceedings added to the calendar and 169,709 disposed. Of the cases not answered, 51,526 default judgments were entered. (The balance of 146,298 cases were neither defaulted nor added to the calendar.)

Filings of housing code enforcement matters totaled 9,388. There were 10,304 dispositions.

City and District Courts Outside New York City:

In 1991, 129,961 civil actions and 59,234 housing cases were filed. There were 113,588 dispositions of civil actions and 61,507 housing case dispositions. In addition, there were 4,024 transfers to the Arbitration Program.

There were 52,652 small claims cases filed and 54,289 disposed.

There were 13,247 commercial claims cases filed and 12,626 disposed.

County Courts: New cases filed in 1991 totaled 12,209. There were 12,852 dispositions in 1991.

Court of Claims: Filings totaled 2,799 in 1991. There were 2,131 dispositions.

Arbitration Program: Thirty-one counties operate a mandatory Arbitration Program for cases involving damages claimed of $6,000 or less. Statewide, 10,179 cases were received for arbitration in 1991. There were 11,069 dispositions in 1991, with 1,621 demands for trial de *novo*, a rate of 15%.

See Figure 6 for civil case activity in the courts of limited jurisdiction. Table 7, following this figure, shows details of the Arbitration Program by county.

Figure 6
CIVIL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1991

Civil Court of the City of New York

Housing Cases

Summary Proceedings	
Filings[a]	191,973
Dispositions	221,235
Other Actions and Proceedings:	
Filings	12,649
Dispositions	12,659

Civil Cases

Filings[b]	161,282
Dispositions[c]	160,474
Small Claims	
Filings	53,186
Dispositions	57,012
Commercial Claims	
Filings	4,902
Dispositions	4,319

City and District Courts Outside New York City

Civil Cases and Housing Cases	
Filings	189,195
Dispositions[d]	175,095

Small Claims	
Filings	52,652
Dispositions	54,289

Commercial Claims	
Filings	13,247
Dispositions	12,626

County Courts

Filings	12,209
Dispositions	12,852

Court of Claims

Filings	2,799
Dispositions	2,131

Arbitration Program

Filings	10,179
Dispositions	11,069

a An additional 146,298 filings were neither added to the calendar nor defaulted.
b An additional 69,120 filings were neither added to the calendar nor defaulted.
c Does not include 5,342 referrals to Arbitration Program.
d Does not include 4,024 referrals to Arbitration Program.

Table 7
INTAKE, DISPOSITIONS, AND TRIALS DE NOVO IN ARBITRATION PROGRAM
1991

	Intake	*Dispositions*	*Demands for Trial de Novo*	*De Novo Rate*
1st Judicial District:				
New York	2,076	2,636	449	17%
2nd Judicial District:				
Kings	1,366	1,113	262	24%
3rd Judicial District:				
Albany	50	78	4	5%
Rensselaer	29	18	3	17%
Ulster	34	33	0	0%
4th Judicial District:				
Schenectady	24	20	1	5%
5th Judicial District:				
Oneida	47	83	6	7%
Onondaga	250	246	24	10%
6th Judicial District:				
Broome	50	71	3	4%
Chemung	7	8	0	0%
Schuyler	1	1	0	0%
Tompkins	32	41	4	10%
7th Judicial District:				
Cayuga	8	11	0	0%
Livingston	10	15	1	7%
Monroe	546	501	67	13%
Ontario	19	16	4	25%
Seneca	5	6	0	0%
Steuben	6	4	0	0%
Wayne	7	4	0	0%
Yates	2	1	0	0%
8th Judicial District:				
Erie	229	431	27	6%
Niagara	79	104	13	13%
9th Judicial District:				
Dutchess	30	31	0	0%
Orange	28	29	0	0%
Putnam	4	9	1	11%
Rockland	32	41	0	0%
Westchester	276	196	2	1%
10th Judicial District:				
Nassau	1,754	1,675	255	15%
Suffolk	1,277	1,270	125	10%
11th Judicial District:				
Queens	1,391	1,698	270	16%
12th Judicial District:				
Bronx	510	679	100	15%
Statewide Total	10,179	11,069	1,621	15%

Small Claims Assessment Review Program

New York State law provides that owners of a one-, two-, or three-family owner-occupied residence can appeal their real property assessments. When an individual is not satisfied with the outcome of an appeal to the local Board of Assessment Review, he or she may file a petition for hearing in Supreme Court.

In 1991, there were 16,953 filed and 8,183 dispositions. Table 8 shows data for each judicial district.

Table 8
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS
By Judicial District
1991

	Filings	*Dispositions*	*Pending*
New York City:			
1st	1	10	1
2nd	66	56	46
11th	9	8	9
12th	2	1	2
Subtotal	78	75	58
Outside New York City:			
3rd	1,297	912	401
4th	551	296	256
5th	626	206	447
6th	188	183	6
7th	317	310	7
8th	192	192	0
9th	2,144	784	1,713
10th-Nassau	9,019	4,405	7,284
10th-Suffolk	2,541	820	1,917
Subtotal	16,875	8,108	12,031
Statewide	16,953	8,183	12,089

2.4 Family Courts

The Family Courts reported 582,753 cases filed in 1991. Of these, 208,790 (36%) were filed in New York City. The remaining 373,963 (64%) were filed outside New York City.

There were 573,527 cases disposed in 1991. The total in New York City was 206,562 (36%); outside New York City, the total was 366,965 (64%).

A breakdown of filings and dispositions is contained in Table 9.

New York State law requires the Chief Administrator of the Courts to report to the State Legislature highly detailed data regarding the nature and outcome of petitions for juvenile delinquency, persons in need of supervision, child protective proceedings, and family offense proceedings. The data are in Appendix 2.

2.5 Surrogates' Courts

In 1991, there were 122,023 petitions filed. Surrogate's Court dispositions in 1991 totaled 111,542, including orders signed and decrees signed. See Table 10.

2.6 Appellate Courts

Tables 11, 12, 13 and 14 show 1990 caseload activity in the appellate courts.

Table 9
FILINGS AND DISPOSITIONS IN FAMILY COURTS
Statewide By Type Of Petition
1991

TYPE OF PETITION	*STATE*		*NYC*		*OUTSIDE NYC*	
	Filings	*Dispositions*[a]	*Filings*	*Dispositions*[a]	*Filings*	*Dispositions*[a]
Permanent Neglect	6,715	5,186	5,130	3,871	1,585	1,315
Child Protective (Neglect & Abuse)	26,354	28,885	14,653	16,471	11,701	12,414
Juvenile Delinquency	17,521	18,354	6,629	7,151	10,892	11,203
Designated Felony	988	1,017	696	733	292	284
Persons in Need of Supervision	9,460	9,383	2,866	2,533	6,594	6,850
Adoption	4,473	4,183	1,780	1,625	2,693	2,558
Adoption Certification	1,045	916	314	295	731	621
Surrender of Child	1,504	1,401	733	695	771	706
Guardianship	2,235	2,066	1,406	1,281	829	785
Custody of Minors	67,803	66,381	18,361	17,962	49,442	48,419
Foster Care Review	3,501	3,683	964	1,025	2,537	2,658
Approval for Foster Care	3,764	3,826	2,036	2,081	1,728	1,745
Physically Handicapped	15,406	15,664	5,651	5,398	9,755	10,266
Family Offense	51,492	51,490	26,186	26,553	25,306	24,937
Paternity	58,130	56,028	26,363	25,252	31,767	30,776
Support	65,415	64,416	16,561	16,371	48,854	48,045
Uniform Support of Dependents Law	17,139	15,984	6,007	5,997	11,132	9,987
Consent to Marry	111	167	43	43	68	124
Other	306	238	248	138	58	100
Supplementary	229,391	224,259	72,163	71,087	157,228	153,172
TOTAL	582,753	573,527	208,790	206,562	373,963	366,965

[a] Petition type may change between filing and disposition

Table 10
CASELOAD ACTIVITY IN SURROGATES' COURTS STATEWIDE
1991

Number of Proceedings By Case Type	Petitions Filed	Citations (Return-able)	Orders to Show Cause Filed	Guard Ad Litem Appointed	Answers Objec-tions Filed	Bonds Filed	Bonds Dis-pensed With	Trial Notes of Issue Filed	Orders Signed	Decrees Signed	Letters Issued	Misc.
1. Probate	43,781	10,624	852	2,831	702	893	4,080	126	16,152	35,467	39,267	14,295
2. Administration	12,879	1,846	142	242	165	2,531	4,988	62	2,459	10,182	11,503	3,132
3. Voluntary Admin.	14,584	14,686	...	...	19	...	...	...	...	...	...	4,003
4. Accounting	15,882	4,418	506	1,520	742	79	334	42	4,282	4,720	...	52,463
5. Inter Vivos Trust	136	61	5	16	5	2	1	...	61	56	...	720
6. Miscellaneous	7,032	2,654	2,109	530	658	185	1,019	47	8,523	1,874	...	2,719
7. Guard/Conserv.	15,505	1,761	123	676	53	54	1,755	4	10,703	6,169	5,591	3,871
8. Adoption	2,790	792	91	203	10	...	...	19	4,785	...	1,410	2,193
9. Estate Tax	9,434	...	453	...	...	...	...	...	6,109	...	...	2,748
10.Total(1-9)	122,023	36,842	4,281	6,018	2,354	3,744	12,177	300	53,074	58,468	57,771	86,144

B. SURROGATE, LAW DEPARTMENT AND LAW CLERK:

8A. Number of hearings commenced by surrogate	
B. Number of trials commenced by surrogate	
11. Trials and hearings commenced by surrogate	10,015
12. Referee hearings commenced	1,777
13. Conferences comm. by law department or law clerk:	68,324
14. Conf. on legal matters comm. by chief clerk	70,165
15. Examinations held	2,997
16. Written decisions	12,668
17. Opinions and memoranda issued	10,331

OTHER:

18. Certificate issued	419,527
19. Annual guard/conserv. acctgs.	16,002
20. Wills filed for safekeeping	12,594
21. Files requisitioned	518,665
22. Pages certified	119,598
23. Exemplifications	2,626
24. Searches completed	13,470
25. Witnesses examined by clerk	2,873
26. Inventories filed pursuant to UCR 207.20	21,715
27. Statements filed pursuant to UCR 207.59	1,207
28. Persons adopted	1,958
29. Estate tax returns filed	14,293
30. Uncertified pages (photocopies)	259,392
31. File numbers issued	71,965

Table 11
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1991

Applications Decided [CPL 460.20 (3:b)]	2,841
Records on Appeal Filed	289
Oral Arguments	284
Submission	52
Motions Decided	1,494
Judicial Conduct Determinations Reviewed	2
Appeals Decided	293

Table 12
DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS
By Basis Of Jurisdiction
1991

Basis of Jurisdiction	*Affirmed*	*Reversed*	*Modified*	*Dismissed*	*Other*	*Total*
All Cases:						
Reversal, Modification, Dissent in Appellate Division	19	10	1	-	-	30
Permission of Court of Appeals or Judge Thereof	90	64	10	4	-	168
Permission of Appellate Division or Justice thereof	42	14	5	2	-	63
Constitutional Question	9	5	2	-	-	16
Stipulation for Judgment Absolute	-	1	-	-	-	1
Other	3	1	1	-	10	15
Total	162	95	19	6	10	293
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	19	10	1	-	-	30
Permission of Court of Appeals or Judge Thereof	57	38	7	-	-	102
Permission of Appellate Division or Justice thereof	16	12	5	-	-	33
Constitutional Question	9	5	2	-	-	16
Stipulation for Judgment Absolute	-	1	-	-	-	1
Other	3	-	1	-	10	14
Total	103	66	16	-	10	196
Criminal Cases:						
Reversal, Modification, Dissent in Appellate Division	-	-	-	-	-	-
Permission of Court of Appeals or Judge thereof	33	26	3	4	-	66
Permission of Appellate Division or Justice thereof	26	2	-	2	-	30
Constitutional Question	-	-	-	-	-	-
Other	-	1	-	-	-	1
Total	59	29	3	6	0	97

Table 13
CASELOAD ACTIVITY IN THE APPELLATE DIVISION
1991

	First Department	*Second Department*	*Third Department*	*Fourth Department*	*Total*
Records on Appeal Filed	2,869[1]	4,364	1,503[2]	1,603[3]	10,339
Dispositions of Appeals:					
Disposed Before Argument or Submission (e.g. Dismissed Withdrawn, Settled)	247	2,122	82	28	2,479
Disposed After Argument or Submission:					
Affirmed	2,040	2,790	1,199	1,125	7,154
Reversed	397	533	236	289	1,455
Modified	302	292	233	144	971
Dismissed	59	371	45	86	561
Other	79	171	6	9	265
Subtotal	2,877	4,157	1,719	1,653	10,406
Total Dispositions	3,124	6,279	1,801	1,681	12,885
Oral Arguments	1,214	1,937	905	1,224	5,280
Motions Decided	5,824	11,456	4,068	2,801	24,149
Admission to Bar	2,193	2,576	1,230	421	6,420
Attorney Disciplinary Proceedings Decided	47	111	27	22	207

1 One additional civil case was transferred in from the Second Department
2 An additional 177 civil cases were transferred in from the Second Department
3 An additional 44 civil cases were transferred in from the Second Department

Table 14
CASELOAD ACTIVITY IN THE APPELLATE TERMS
1991

	First Department	*Second Department*	*Total*
Records on Appeal Filed		532	1,6692,201
Dispositions of Appeals:			
Disposed Before Argument or Submission (e.g. Dismissed Withdrawn, Settled)		46	916962
Disposed After Argument or Submission:			
Affirmed	193	345	538
Reversed	175	319	494
Modified	89	85	174
Dismissed	28	23	51
Other	5	8	13
Subtotal	490	780	1,270
Total Dispositions	536	1,696	2,232
Oral Arguments		366	296662
Motions Decided		1,736	2,8374,573

2.7 Community Dispute Resolution Centers Program

Chapter 847 of the Laws of 1981 created the Community Dispute Resolution Centers program. These centers have provided an alternative to court for the resolution of criminal and civil disputes.

Case workload in each center includes walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Certain cases are determined to be inappropriate for mediation and are referred to other agencies.

In 1991, there were 44,933 cases deemed appropriate for mediation and 22,907 dispositions. Table 15 shows the breakdown of intake and dispositions for each center.[5]

[5] The program publishes an annual report with full details of caseload activity.

Table 15
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
Workload By County
1991

County/Program	(1) Cases Screened Appropriate For Mediation	(2) Concil-iations	(3) Medi-ations	(4) Arbi-trations	(5) Total Con/ Med/Arb [2+3+4]
Albany: Dispute Mediation Program	832	34	677	2	713
Allegany: Dispute Settlement Center	50	11	11	2	24
Bronx: Inst, for Med. & Conflict Resolution	3,500	101	1,260	138	1,499
Broome: Accord	799	104	193	0	297
Cattaraugus: Dispute Settlement Center	228	65	34	3	102
Cayuga: Dispute Resolution Center	47	6	17	0	23
Chautauqua: Dispute Settlement Center	676	161	104	8	273
Chemung: Neighborhood Justice Project	935	398	144	7	549
Chenango: Dispute Resolution Center	129	57	19	0	76
Clinton: NY Center For Conflict Resolution	72	38	21	1	60
Columbia: Common Ground	172	37	30	0	67
Cortland: New Justice	29	6	10	0	16
Delaware: Dispute Resolution Center	72	12	13	0	25
Dutchess: Community Dispute Resolution Center	530	81	237	0	318
Erie: Dispute Settlement Center	3,404	1,219	513	214	1,946
Essex: Center For Conflict Resolution	61	30	8	2	40
Franklin: Center For Conflict Resolution	30	4	5	0	9
Fulton: Tri-County Mediation Center	51	2	27	0	29
Genessee: Dispute Settlement Center	194	53	45	12	110
Greene: Common Ground	285	101	53	0	154
Hamilton: Center For Conflict Resolution	16	4	2	0	6
Herkimer: Community Dispute Resolution Program	264	165	22	0	187
Jefferson: Community Dispute Resolution Center	343	94	47	0	141
Kings: Vicitm Services Agency	7,093	136	2,832	1	2,969
Lewis: Community Dispute Resolution Center	17	8	1	0	9
Livingston: Center For Dispute Settlement	248	21	142	4	167
Madison: New Justice	85	25	4	0	29
Monroe: Center For Dispute Settlement	983	208	258	52	518
Montgomery: Tri-County Mediation Center	58	1	40	0	41
Nassau: American Arbitration Association	133	9	39	5	53
Nassau: Mediation Alternative Project	1,581	76	878	0	954
Niagara: Dispute Settlement Center	221	69	15	5	89
New York: Inst, for Mediation & Conflict Resolution	5,849	255	2,162	173	2,590
New York: Wash. Heights-Inwood Coalition	268	37	120	0	157
Oneida: Community Dispute Resolution Program	954	335	261	69	665
Onondaga: New Justice	493	141	63	0	204
Onondaga: Volunteer Center	472	78	201	1	280
Ontario: Center For Dispute Settlement	203	28	93	3	124
Orange: Mediation Project	324	40	113	0	153
Orleans: Dispute Settlement Center	11	2	2	3	7
Oswego: New Justice	117	23	23	0	46
Otsego: Mediation Services, Inc.	216	65	44	2	111
Putnam: Mediation Program	58	4	29	0	33
Queens: Victim Services Agency	3,938	189	1,824	0	2,013
Rennselaer: Community Dispute Settlement	175	42	50	0	92
Richmond: Dispute Resolution Center	2,295	203	999	1	1,203
Rockland: Volunteer Mediation Center	110	1	84	0	85
St. Lawrence: Center For Conflict Resolution	317	165	23	0	188
Saratoga: Dispute Settlement Program	276	29	87	0	116
Schenectady: Community Dispute Settlement	391	2	143	0	145
Schoharie: Tri-County Mediation Center	23	2	6	0	8
Schuyler: Neighborhood Justice Project	373	231	33	0	264
Seneca: Center For Dispute Settlement	36	6	19	0	25
Steuben: Neighborhood Justice Project	654	270	83	1	354
Suffolk: Community Mediation Center	636	74	211	0	285
Sullivan: Mediation Services	274	14	225	1	240
Tioga: Accord	239	42	88	0	130
Tompkins: Community Dispute Resolution Center	695	157	149	0	306
Ulster: Mediation Services	421	64	251	0	315
Warren: Adirondack Mediation	71	8	31	0	39
Washington: Dispute Settlement Program	185	40	49	0	89
Wayne: Center For Dispute Settlement	227	44	79	2	125
Westchester: Mediation Center	1,452	779	216	1	996
Wyoming: Dispute Settlement Center	25	2	8	2	12
Yates: Center For Dispute Settlement	17	5	9	0	14
Total	44,933	6,713	15,479	715	22,907

2.8 Standards and Goals

Since 1975, Standards and Goals of the Chief Administrator of the Courts have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts, and for proceedings in the Family Courts.[6]

Felony Cases: The standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding).

[6] See Standards and Goals memorandum of the Chief Administrator of the Court of 2/28/79, containing revisions approved by the Administrative Board of the Courts 1/25/79 to Standards and Goals adopted in 1975.

During 1991, 84% of felony case dispositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within fifteen months from the filing of note of issue. During 1991, 79% of note of issue dispositions statewide were achieved within this standard.

Family Court: The standard is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding). During 1991, 99% of dispositions statewide were reached within the standard.

Chapter 3

Education and Training Programs

In 1991, more than 2,000 judges and justices attended Office of Court Administration sponsored judicial programs. In the area of nonjudicial training, more than 9,000 persons attended programs sponsored or financed by the Office of Court Administration.

3.1 Judicial Programs For State-Paid Judges

3.1.1 Planning 1991 Judicial Seminars

3.1.1.1 Programs and Activities

The Education and Training Office in anticipation of presenting summer judicial seminars did coordinate the development of a potential continuing judicial education program for state-paid judges and justices. As in prior years, Curriculum Development Committees met to determine course content and to select faculty. The five areas of subject matter for the proposed program were: Civil Law and Procedure; Criminal Law and Procedure; Family Law and Procedure; Surrogate's Matters; and Judicial Skills. These committees were made up entirely of judges representing a broad cross-section of the judicial community.

The Committees devised the program of courses to be offered. At any one time the attending judges could select from among any of the six to eight half-day courses conducted during each seminar.

Again this year, two committees, one on gender concerns and one on ethnic/minority concerns (composed of members of the five Curriculum Development Committees), were selected because of their sensitivity to these issues. These committees were given the mandate to examine the courses and faculty to insure that a broad cross-section of the population was adequately represented, suggest sub-topics within the proposed courses to insure that gender-related and ethnic/minority issues were being covered as often as possible and specify design to insure that gender-related and ethnic/minority issues were given wide-ranging exposure at the seminars.

The method of utilizing these "umbrella" committees to insure adequate coverage has been hailed by the continuing judicial education profession as a model system which should be considered by judicial education officers around the nation.

The program was designed so that judges could select their own curricula during the week, tailored to their own individual interests and needs.

The faculty for the program was again made up largely of judges who accepted the task of developing the topics and planning the courses and presentations in addition to their normal judicial duties. Law professors, former judges, practicing lawyers and professionals from other disciplines also were discussed as possible members of the faculty.

Although the program was ultimately cancelled due to the fiscal crisis, the Unified Court System again thanks the members of the faculty and the Curriculum Development Committees (a list follows) for their contributions to the planning of the proposed program.

3.1.1.2 Curriculum Development Committees

Family Law and Procedure

Arthur Abrams *(Chair)*
Pauline C. Balkin
Minna R. Buck
Barry A. Cozier
Marjory D. Fields
John D. Frawley
Jeffry H. Gallet
G. Douglas Griset
George L. Jurow
Edward M. Kaufman
George D. Marlow
Kathyrn McDonald
Adrienne Hofmann Scancarelli
Elaine Slobod
Charles Tejada
Ruth Jane Zuckerman

Civil Law and Procedure

Myriam J. Altman
Ira P. Block
Bernard Burstein
Margaret Cammer
Pearl B. Corrado
Carolyn E. Demarest
Betty Weinberg Ellerin *(Chair)*
Leo J. Fallon
Helen E. Freedman
David Friedman
Ira Gammerman
James A. Gowan
Robert A. Harlem
Robert G. Hurlbutt
Robert D. Lippman
Sondra Miller
Philip C. Modesto
Arnold N. Price
Alfred S. Robbins

Barry Salman
Stanley Sklar
Dominick R. Viscardi
Richard C. Wesley
Lottie E. Wilkens
Barbara Gunther Zambelli
Stephen Zarkin

Surrogates

James D. Benson
John W. Bergin
Willard W. Cass, Jr.
Arnold F. Ciaccio
Edward M. Horey
Louis D. Laurino
Raymond E. Marinelli
Joseph G. Owen
Raymond Radigan *(Co-Chair)*
Renee R. Roth
Henry J. Scudder *(Co-Chair)*
Alfred J. Weiner

Evidence

Albert A. Blinder
Alan Broomer
John T. Buckley
Thomas Flaherty
Ira Gammerman
Irad Ingraham
Anthony Kane
Joan B. Lefkowitz
Yvonne Lewis
Richard B. Lowe, III
Patricia D. Marks *(Chair)*
Joseph Kevin McKay
Lorraine S. Miller
Ann Pfeifer
Robert S. Rose
Marie Santagata
John Schwartz
Leslie Crocker Snyder
Joan Sudolnik

Criminal Law and Procedure

Phyllis Skloot Bamberger
Peter C. Buckley
Peter E. Corning
Frank Diaz
Vincent E. Doyle
Luther V. Dye
Joel M. Goldberg
L. Priscilla Hall
Zelda Jonas
Michael R. Juviler
Robert S. Kreindler
Alan D. Marrus
Angela Mazzarelli
Joseph P. McCarthy
Robert C. McGann
Edward Jude McLaughlin
Peter J. McQuillan *(Chair)*
Alan J. Meyer
Patrick D. Monserrate
John L. Mullin
Cornelius J. O'Brien
Joseph K. West

Judicial Skills

Carol H. Arber
William R. Bennett
Carmen Beauchamp Ciparick
George D. Covington
Mary McGowan Davis
Brian F. DeJoseph
Randall T. Eng
S. Peter Feldstein
Nicholas Figueroa
Betty D. Friedlander
Samuel L. Green
Raymond Harrington
Lawrence E. Kahn
Marcy L. Kahn
Edwin Kassoff *(Chair)*
Robert Charles Kohm
Jacqueline M. Koshian
Gabriel M. Krausman
Edward H. Lehner
Dominick R. Massaro
Juanita Bing Newton
Michelle Weston Patterson
Gilbert Ramirez
Jaime A. Rios
Hugh B. Scott
Marvin E. Segal
Beverly Cipollo Tobin
Peter Tom
Harold L. Wood

CURRICULUM REVIEW COMMITTEES

Gender Concerns

S. Priscilla Hall
Kathryn McDonald
Joan Sudolnik
Betty Weinberg Ellerin
Michelle Weston Patterson

Minority /Ethnic Concerns

Barry A. Cozier
Frank Diaz
Nicholas Figueroa
Yvonne Lewis
Lottie Wilkins

3.1.3 Orientation Program for Newly Elected and Newly Appointed Judges

December 2 to 4, 1991

An abbreviated version of the orientation program for newly elected and newly appointed judges was held in New York City from December 2 through 4, 1991. Forty-seven new judges attended. Presentations of the following topics were offered:

The Judicial Commission on Minorities
The Trial Judge's Role
The Anatomy of a Civil Trial
Judicial Conduct
Topics for Local Courts
Presiding Over Civil and Criminal IAS Parts
Bias In The Courts
The Administrative Structure of the Courts
OCA Publications: Forms and Other Topics of Interest
Family Court Practice and Procedure
Settlement Skills

3.2 Town and Village Justice Training Program

There are approximately 2,300 Town and Village Justice positions in New York State. Because of vacancies and because some judges hold more than one position, approximately 2,050 individuals hold the office of Town and Village Justice. Roughly 80 percent of these are not admitted to practice law in the State. New justices who are not attorneys are required to successfully complete a six-day basic certification course covering the fundamentals of law and their responsibilities as judges. The basic course was presented once in Canton and Buffalo and twice each in Albany and Liverpool in 1991. A total of 178 judges attended.

Since 1984, all Town and Village Justices must attend an advanced continuing judicial education program each year. In addition to the attendance requirement, all non-lawyer Town and Village Justices must pass an examination at the program.

The advanced course consists of two days of instruction covering selected legal topics. The curriculum in 1991 included:

Small Claims and Civil Procedure
Enforcement of Civil Judgments
Commercial Drivers' Licenses and Commercial V&T
Sentencing and Violation of Sentences/Zoning
Securing Attendance of Defendants
Warrants
Bail
New Legislation and Recent Developments
Bias in the Courts
Landlord/Tenant Laws

In order to maintain the accessibility of the advanced course to the justices, programs were held in 30 locations around the state.

Nearly 145 judges, attorneys, and administrative personnel were enlisted to act as faculty and to administer the schedule. Spring 1991 faculty were trained at a faculty preparation program in Syracuse. Due to the fiscal crisis, the faculty preparation meeting was not held in the Fall. Faculty were provided with audiotapes of the presentations and reference materials to assist in the development of their presentations. Judges earned advanced certification for 2,059 judicial positions.

The Unified Court System is grateful to all of those who provided their time, energy and skill in successfully establishing and implementing this program, and particularly to the senior faculty members, the Honorable Eugene W. Salisbury, the Honorable Duncan S. MacAffer, and the Honorable John J. Elliott, for their efforts in training the faculty as well as for their continuing coordination of the basic course.

Thanks are also due to the following individuals for instructing and administering the 1991 advanced courses:

Honorable Timothy J. Alden
Honorable John J. Ark
Warren W. Bader, Esq.
Honorable Raymond R. Barlaam
Trooper Donald Barker
Ms. Allison Barnes
Carl Barone, Esq.
Mr. Stuart E. Birk
Honorable Robert G. Bogle
Honorable Edward J. Boyd, V
Mr. Ellis Bozzolo
Honorable David H. Brind
Honorable Robert P. Brisson
Honorable David M. Brockway
Lawrence C. Brown, Esq.
Sgt. James Buchholz
Honorable Peter C. Buckley
Honorable Helen Burnham
Ms. Elaine M. Bush
Mr. John A. Buturla
Honorable Philip S. Caponera
Donald Cappillino, Esq.
Ms. Patricia A. Caravella
Honorable Samuel J. Castellino
Honorable Gary R. Caron
Donald A. Cerio, Jr.
Honorable Luke M. Charde, Jr.
Catherine Charuk, Esq.
Amy Christensen, Esq.
Honorable Frances A. Ciardullo
Honorable Lee Clary
Honorable Daniel F. Coleman
Honorable John Connor, Jr.
Honorable Timothy J. Cooper
Ms. Ruth R. Cordet

Mary Lou Crowley, Esq.
Honorable William A. Danaher, Jr.
Honorable Philip B. Dattilo, Jr.
Honorable Brian F. DeJoseph
Mr. John I. DeZalia
Biagio J. DiStefano, Esq.
Honorable Roger Dilmore
Maryrita Dobiel, Esq.
Ms. Cheryl Dove
Honorable Kevin M. Dowd
James K. Eby, Esq.
Honorable M. Arthur Eiberson
Honorable John J. Elliott
Richard Farina, Esq.
Honorable David K. Floyd
Peter Forman, Esq.
Honorable Michael Formoso
Mr. Joseph E. Fox, Jr.
Honorable Mark D. Fox
Honorable Robert H. Freehill
Mrs. Noama D. Gallagher
Honorable William Gee
Donald R. Gerace, Esq.
Peter Gerstenzang, Esq.
Mark Glick, Esq.
Mr. Terry Gordon
Honorable Richard A. Gould
Mark Grabowski, Esq.
Honorable Lynn Green
Honorable John W. Grow
Lynne Harrison, Esq.
Dennis Hawthorne, Jr., Esq.
Honorable Shirley Herder
Mr. Michael Herrera
Mr. Ralph Hesson
Darrell A. Huckabone, Esq.
Honorable James F. Hughes
Honorable Robert G. Hurlbutt
Honorable Philip G. Hutchins
Honorable Robert E. Johnson
Honorable Zelda Jonas
Ms. Patricia Jordan
Honorable George S. Kepner, Jr.
Honorable Virginia Knaplund
Honorable David B. Krogmann
Ms. Kathleen LaBelle
Ms. Theresa LaPoint
Honorable Daniel K. Lalor
Honorable Peter M. Leavitt
Honorable H. Charles Livingston, Jr.
Honorable Frederick C. Luther
Honorable Duncan S. MacAffer
Honorable Ralph R. Mackin
Honorable Patricia D. Marks
Honorable George D. Marlow
Honorable Kim Martusewicz
Michael McCartney, Esq.
Mary McGowen, Esq.
Honorable John McGuirk
Honorable Joseph B. Meagher
Honorable Everett J. Miller
Honorable James E. Morris
Honorable James J. Moscatello
Honorable Bruce R. Moskos
Martin Muehe, Esq.
Honorable J. Emmett Murphy
Honorable John C. Orloff
Honorable Roger L. Paul
Honorable Karen Peters
Honorable Wallace C. Piotrowski
Mr. Frank Pirro
Honorable Allan E. Pohl
Joan Posner, Esq.
Ms. Dorothy Potter
Honorable Roger N. Rector
Allan Reed, Esq.
Honorable John J. Roe, III
Honorable Larry Rosen
Kate Rosenthal, Esq.
Vincent J. Rossi, Jr., Esq.
Honorable Franklin Russell
Honorable Kevin K. Ryan
Honorable Eugene W. Salisbury
Brian C. Schu, Esq.
Honorable Edward P. Sharretts
Honorable Michael D. Sherwood
Honorable Susan Shimer
Honorable Roger H. Sirlin
Honorable James E. Sirrine
Honorable Elaine Slobod
Honorable Martin E. Smith
Honorable Madonna Stahl
Todd Stall, Esq.
William Stanton, Esq.
Nelson W. Stiles, Esq.
Trooper Thomas Stone
Mr. David L. Sullivan
Honorable W. Howard Sullivan
Honorable Fred I. Sumner
Honorable Arthur E. Teig
Honorable Irving Tenenbaum
Mr. Reuel Todd
Honorable Vera J. Thorton
Honorable Sharon S. Townsend
Honorable Judith K. Towsley
Trooper John S. Urbaniak
Michael Vavonese, Esq.
Honorable Franklin J. Wendell
Honorable Edwin B. Winkworth
Mark A. Wolber, Esq.

3.2.1 The Town and Village Justice Resource Center

The Town and Village Courts Resource Center ("Resource Center") was established to offer assistance to the over 2,300 justices and their clerks throughout New York State. In the first year of operation, the Resource Center has answered over 3,000 inquiries and provided research on legal issues including, but not limited to, small claims, civil and summary proceedings, criminal law, zoning ordinances, vehicle and traffic law, alcohol beverage control violations,

fire code violations, etc. that arise under the jurisdiction of the Town and Village Justice Courts. Additional responsibilities of the Town and Village Courts Resource Center include keeping the justice courts apprised of new Legislative amendments and current caselaw and to disseminate this information to the courts. The provision of mandatory specialized training for locally elected magistrates is an ongoing responsibility. The Resource Center also maintains a centralized research depository with respect to reference materials commonly used by the Courts. The Resource Center is available to assist the courts with administrative issues such as questions concerning court facilities, equipment and recordkeeping.

3.3 Nonjudicial Programs

In 1991, the Education and Training Unit continued the task of training 12,000+ nonjudicial employees in Cultural Diversity. Employees continued to take advantage of the existing programs. The Education and Training Unit recognizes that the workforce of the UCS and its environment are not static. Therefore, all programs are constantly re-evaluated, revised, and updated in order to meet the current needs of the workforce.

3.3.1 Annual Seminars

Due to budgetary constraints, all annual seminars were canceled for the 1991 calendar year.

3.3.2 Nonjudicial Training

Performance Management

The purpose of this program is to acquaint court managers and supervisors with how to implement the uniform performance evaluation system. Participants are introduced to the skills necessary to give new employees a full orientation to the duties and responsibilities required under their specific titles, and how to develop an open forum for dialogue between the supervisor and employee. Fifteen (15) employees attended this two-day session during the 1991 calendar year.

Anti–Bias Intermediary Training

The purpose of this program is to prepare employees to act as intermediaries. This training program provides: a clear understanding of what constitutes discriminatory treatment; the roles and responsibilities of intermediaries in handling bias problems; and provides problem solving strategies for responding to informal claims. Thirty-three (33) employees attended this one-day session during the 1991 calendar year.

Frontline Leadership

This program is designed to improve supervisors' and managers' skills so they can better secure the personal commitment of their employees; build collaborative, interdependent, supportive teams; initiate new ideas and directions; work with their people to generate positive innovations; and be masterful in their interpersonal relationships. Seventeen (17) employees attended this four-day session during the 1991 calendar year.

Security Supervision

This program is designed for managers and supervisors in the security series. Participants are exposed to principles and theories to improve their security leadership skills. Sixty-three (63) employees attended this one-day session during the 1991 calendar year.

Pre–Retirement Seminar

This program allows potential retirees the opportunity to review a personal plan for retirement. Representatives from Social Security, the New York State Retirement System, and the health/insurance industry present important factual information. Thirty (30) employees attended this one-day session during the 1991 calendar year.

Working

This program is designed to assist employees increase their skills, judgements, and responsibilities on the job. Covered topics aid employees with how to be better and more satisfied at their jobs by being more skilled with each other. Twenty six (26) employees attended this three-day session during the 1991 calendar year.

Legal Update

This program is for attorneys in the legal series. Topics covered during 1991 included updates on: Matrimonial Law, Civil Court Practice and Procedure, Criminal Law and Procedure, and Family Court Practice and Procedure. One hundred forty-five (145) employees attended this one-day session during the 1991 calendar year.

Mission and Organization

The purpose of this program is to familiarize new employees with the structure of the Unified Court System. The objective is to have employees recognize the mission of the UCS and the important role that they play in the system.

The participants are briefed on the rights, duties, and privileges of being a UCS employee. Three hundred fifty-one (351) employees attended this one-day seminar during the 1991 calendar year.

Mission and Organization Train–the–Trainer

This program allows the participants the opportunity to obtain the necessary skills to present the Mission and Organization program. Six (6) employees attended this one-day session during the 1991 calendar year.

Operations Manual

Operations Manuals provide standardized procedures for every court and for every case type. Participants are introduced how to properly use the manual for procedural tasks as well as a reference tool. All manuals contain the approved procedures for the performance of information and records management, the records that each court can create, the content of each record, retention schedules, disposition methodologies, and material on related laws and rules. Sixty (60) employees attended this one-day seminar during the 1991 calendar year.

Sexual Harassment

The purpose of this program is to inform participants about what sexual harassment is and provide them with prevention skills. This program was added to the training curriculum for new court officers. Three hundred twenty nine (329) new officers attended this half-day seminar during the 1991 calendar year.

Cultural Diversity

The Cultural Diversity seminar is comprised of two programs. The first, Effective Delivery of Public Service in a Multicultural Community, offers participants an awareness of the changing population of the United States, New York State, and the Unified Court System. Participants are also given the opportunity to explore how preconceived notions may influence their behavior when assisting the public. Lastly, participants are given the opportunity to obtain unbiased skills to better interact with the public. Program II, Intercultural Understanding, gives participants the opportunity to examine their own cultural backgrounds so they may better understand themselves and their differences from the people with whom they work. Also discussed are the federal, state, and local laws and guidelines and practices that affect on-the-job discrimination. Eight thousand one hundred sixty-two (8,162) employees attended this one-day seminar during the 1991 calendar year.

Introduction to Computers

Computer literacy is necessary for the continued efficiency of the Court System. The Education and Training Unit is committed to introducing employees to basic computer instruction. The participants have the opportunity to gain hands-on experience with such programs as DOS, Lotus 1-2-3, Displaywrite 4, and WordPerfect 5.1. Seventy (70) employees attended this two-day session during the 1991 calendar year.

Beginning Wordperfect 5.1

This program is designed to provide an overview of basic word processing concepts for the new user. Participants learn how to create, edit, print, and save and retrieve documents. Twenty-one (21) employees attended this one-day session during the 1991 calendar year. Due to budgetary constraints this year, the Education and Training Unit developed a Self-Programmed Approach Text to WordPerfect 5.1 which was utilized by two hundred (200+) employees statewide.

Intermediate Wordperfect 5.1

This program is designed to expand on the basic word processing concepts and provide more detailed information of and practice on WordPerfect 5.1's capabilities. Topics covered are: page formatting, page numbering, headers and footers, thesaurus, footnotes and endnotes, fonts, merge, switch screen, list files, windows, document summary, macros, and columns. Twelve (12) employees attended this one-day session during the 1991 calendar year.

Advanced Wordperfect 5.1

This program is designed for the experienced WordPerfect 5.1 user. The participants delve into the deepest regions of Wordperfect 5.1 and locate all its hidden secrets. Topics covered are: line draw, sorting, math, tables, convert, outlines, table of contents, table of authorities, index, graphics, and special characters. Ten (10) employees attended this one-day session during the 1991 calendar year.

Beginning Lotus 123

This program allows participants the opportunity to learn the basic concepts of the 123 spreadsheet. Participants learn how to create a spreadsheet and are introduced to functions which allow them to make various types of mathematical calculations. Other topics covered are: bolding, adding rows and columns, printing ranges, setting margins and page length, and inserting headers and footers. Four (4) employees attended this one-day session during the 1991 calendar year.

Beginning Dos

This program allows participants the opportunity to explore the disk operating system. Participants learn a variety of techniques which enables them to manipulate files. Topics covered are: format, diskcopy, erase/delete, copy, wild card, directories, subdirectories, rename, batch file, and EDLIN. Three (3) employees attended this one-day session during the 1991 calendar year.

Business Writing

This program is designed to strengthen participants' skills in planning, writing, and editing. Modern usage of all punctuation marks, capitalization, and spelling and number rules are included. Tips for getting started, writing to your audience, getting to the point, samples of high-impact and powerful words, and getting technical topics across without confusing the reader are covered. Twenty-three (23) employees attended this two-day session during the 1991 calendar year.

Local Funds for Local Development

The Education and Training Unit recognizes that individual courts and districts have their own particular training needs. The Education and Training staff researches and reviews proposals submitted and works with the appropriate court manager to develop and implement the training. In the past, many local programs have been met with such enthusiasm that they are offered on a statewide basis. A summary of the districts and courts that applied for and received training dollars is as follows:

1. Supreme Court, Queens County

3.3.3 Audio Video Department

In order to facilitate the availability of videotaped lectures and seminars from Education and Training's extensive library list selected tapes were distributed through the Supreme Court Libraries located around the State. Tapes were available for use on a lending basis by the legal and judicial personnel of the Court System. Nine libraries requested all lectures offered at the 1990 Judicial Seminars. In March, necessary duplicating was completed and a 52 tape set was mailed to each of the nine libraries. Over 500 tapes were duplicated. It is hoped that as a result of this pilot project more interest will be generated and other libraries will request sets of our current tapes.

Mandatory Training for Arbiters in the Small Claims Assessment Review (SCAR) Program.

This program was limited to one session held at the Nassau County Supreme Court Building. The session was videotaped, duplicated and is available to interested persons in need of training.

The Environmental Law Workshop

This videotaped program is available through the Education and Training Office, the Supreme Court Library in Westchester County, and in the Law Library at Pace Law School.

Proposed Projects

Scripts have been written for two projects proposed during this year: 1) A training tape for small claims arbitrators to supplement already existing training and to assist litigants and the public in understanding the Small Claims process. 2) a tape to promote and prepare interested groups about the court tours program supported by the Chief Judge and implemented by OCA's Office of Public Information.

Other Projects

We continue to supply audio visual support for the ongoing Town and Village Justice training programs. In February, we supplied and organized the audio visual presentations for the advanced training given at the Association of Towns' Convention at the New York Hilton Hotel. In March, we recorded the Spring '91 train-the-trainers session given for local site instructors in Syracuse, and duplicated and distributed over 100 copies of the audiocassettes to the entire faculty and local site instructors.

Since budget cuts cancelled the Fall '91 train-the-trainers session scheduled for September, Education and Training arranged for all the advanced sessions to be audio preserved at the July program held at St. Lawrence University. We then substituted those tapes for the train-the-trainers program and distributed them to all local site instructors.

In both April and October of 1991, the Spring and Fall Advanced Training sessions for the Westchester County Magistrates' Association were videotaped. These tapes were then made available to magistrates who were unable to attend either of the two days of mandatory training.

Audio visual needs for all Town Village programs were once again coordinated by the Education and Training Office. This included all needs for the Association of Towns' Convention in February, train-the-trainers in March, a seminar at St. Lawrence University during the Summer, and the SMA Convention during the Fall.

We continue to provide audio visual needs for other offices at OCA. During the course of the year, we duplicated tapes for the court tours program at the request of the Public Information Office. Numerous television programs concerning the courts and court administration were recorded at the request of the Public Information Office. Duplicate tapes and specially rigged audio equipment were provided for the Spanish Interpreters' Oral Exam at the request of the Personnel Office. Audio equipment and extensive training was provided to personnel of the 7th Judicial District so they might record some of their own programs.

In March of 1991, training for persons interested in being receivers, fiduciaries, or conservators was conducted by the New York County Lawyers' Association for the New York County Supreme Court. The three nightly sessions were videotaped and copies were made available to the Association and to the New York County Supreme Court. Viewing the tapes and reading materials are a prerequisite for any person to qualify as a candidate for appointment to any of the above-mentioned positions.

Chapter 4

Legislation and Rules Revision

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Counsel's Office staffs the Chief Administrator's advisory committees on civil practice, criminal law and procedure and family law. These committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrator. When approved by the Chief Administrator, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals during the legislative session. Recommendations are submitted to the Chief Administrator, who, through his Counsel, communicates with the Legislature and the Executive on such matters in the form of legislative memoranda and letters to Governor's Counsel.

Counsel's Office also is responsible for drafting legislative measures to implement recommendations made by the Chief Judge in his State of the Judiciary message, as well as measures required by the administrative office for the courts, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive on such matters.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, the professional staff of legislative committees and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 1991 legislative session, Counsel's Office, with the assistance of the Chief Administrator's advisory committees, prepared and submitted 114 new measures for legislative consideration. Of these measures, 15 ultimately were enacted into law. Also during the 1991 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 66 measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on 46 measures.

The following is a summary of the measures submitted for introduction in the Legislature in 1991 at the request of the Judiciary and of the Office of Court Administration.

Measures Enacted into Law in 1991

Chapter 51 (Senate bill 1751-A/Assembly bill 3051-B). Enacts the Judiciary Budget, which, in part, provides that the expenses associated with administration of the Article 18-B plan in New York City shall be a local charge. Eff. 5/31/91 [and deemed to have been in full force and effect from and after 4/1/91].

Chapter 66 (Assembly bill 1404). Amends section 1900 in the New York City Civil Court Act and in each of the Uniform Court Acts to update an obsolete cross-reference relative to the minimum amount of security for costs in an undertaking. Eff. 1/1/92.

Chapter 99 (Senate bill 2839). Amends section 1812 of the Uniform Justice Court Act to clarify that Justice Courts enjoy the same power that Supreme Court has to punish a contempt of court committed with respect to an information subpoena. Eff. 5/10/91.

Chapter 116 (Senate bill 2830). Amends chapter 787 of the Laws of 1988 - legislation that implemented the 1988-91 collective bargaining agreement between the Unified Court System and the Court Officers Benevolent Association of Nassau County - to cure a technical error therein. Eff. 5/17/91 [and deemed to have been in full force and effect from and after 4/1/88].

Chapter 165 (Senate bill 6095). Amends provisions of the Consolidated and Unconsolidated Laws affecting the delivery and cost of medical care services, including amendment of the Civil Practice Law and Rules and the Judiciary Law to abolish use of medical malpractice panels. Eff. 10/1/91 [and applicable to all actions where, as of such date, no formal written recommendation concerning liability has been signed by the medical malpractice panel members and forwarded by all the parties].

Chapter 166 (Assembly bill 8491). Amends provisions of many Consolidated and Unconsolidated Laws in relation to State taxes and fees, including (i) amendment of section 465(1) of the Judiciary Law to increase the fee for credential review for a person seeking admission to the Bar on motion

from $250 to $400 and the fee for taking the Bar Examination from $140 to $250, for first-time takers, and from $50 to $250, for whose who are retaking the Examination; (ii) amendment of section 99-m of the general Municipal Law to direct the collection of fees on bail deposited with the courts; and (iii) amendment of sections 519 and 521 of the Judiciary Law to require that employers of more than 10 persons pay employees on jury service at least the first $15 of their daily wages during the first 3 days of such service, and to relieve the State of the obligation to pay juror *per diems* during those first 3 days and for any other day on which jury service is rendered for any juror whose employer pays regular wages during jury service. Eff. 6/12/91.

Chapter 195 (Senate bill 6208). Amends section 2(5) of the Court of Claims Act to authorize continuation of the paragraph (b) judgeships otherwise set to expire in 1991 for another 9 years. Eff. 6/27/91.

Chapter 227 (Senate bill 4089-A). Amends the Judiciary Law to consolidate the judicial offices of Cattaraugus County by abolishing the separate office of Surrogate, and in its place establishing a second County judgeship. Eff. 1/1/92 [with the additional office of County Judge to be filled at the November general election].

Chapter 236 (Senate bill 4578). Amends section 321(a) of the Civil Practice Law and Rules to clarify that corporations may appear in a commercial claims part without an attorney. Eff. 7/1/91.

Chapter 249 (Senate bill 5176). Amends chapter 274 of the Laws of 1989 to make permanent its provisions, which incorporated in the Civil Practice Law and Rules and other civil procedural laws authorization for optional use of service of process by mail. Eff. 7/1/91.

Chapter 261 (Assembly bill 6769). Amends section 1908(f) in the New York City Civil Court Act and in each of the Uniform Court Acts to clarify that, in the lower civil courts, disbursements for expenses such as serving process and securing nonmilitary affidavits in actions other than summary proceedings are allowable pursuant to section 8301 of the Civil Practice Law and Rules. Eff. 1/1/92.

Chapter 291 (Senate bill 3069). Amends section 39 of the Judiciary Law to clarify that the filing fee paid upon commencement of a commercial claims action under Article 18-A of the New York City Civil Court Act and the several Uniform Court Acts affecting State-paid courts must be remitted to the State Treasury. Eff. 7/15/91.

Chapter 560 (Senate bill 4601-B). Amends sections 700 and 701 of the County Law to provide that, where a District Attorney is absent or disqualified from service in a criminal action, the Superior Court, subject to certain conditions, may appoint as Special District Attorney either: (1) the District Attorney of another county within the Judicial Department or of an adjoining county; or (2) any attorney in private practice from the county in which the action is triable or from any adjoining county. Eff. 8/22/91.

Measures Introduced in 1991 Legislative Session and Not Enacted Into Law

Senate 4349/Assembly 7499. This measure would amend the Criminal Procedure Law to establish a true speedy trial rule in felony cases.

Senate 4369. This measure would amend the Criminal Procedure Law to effect broad reform of discovery in criminal proceedings.

Senate 3029-A/Assembly 6660. This measure would amend the Judiciary Law and the County Law to increase the rates of compensation for publicly-funded assigned counsel.

Assembly 6765. This measure would: (i) amend the Criminal Procedure Law to permit temporary separation of a deliberating jury; (ii) amend the Judiciary Law to eliminate all exemptions from jury duty; and (iii) amend the Criminal Procedure Law to reduce the number of peremptory challenges permitted in criminal cases.

Senate 4905/Assembly 7521. This measure would amend the Criminal Procedure Law to authorize the use of anonymous juries.

Senate 4347 and Senate 4471. The first of these measures would amend the Constitution to authorize an eleven-person jury in a criminal case where, after a jury retires to consider its verdict, the court discharges a juror. The second would implement this constitutional change by appropriate statutory revision.

Senate 6476. This measure would implement an amendment to the Constitution, proposed by this Office but not introduced, to abolish the requirement of a grand jury indictment in all felony cases.

Senate 4895/Assembly 7449. This measure would amend the Penal Law and the Criminal Procedure Law to subject persistent violent felons to a mandatory minimum sentence of 25 years.

Senate 4737/Assembly 7522. This measure would amend sections 260.20 and 340.50 of the Criminal Procedure Law to specify those situations during the course of a criminal trial in which a defendant's physical presence is not required.

Senate 5557/Assembly 8184. This measure would amend chapter 894 of the Laws of 1990 (authorizing use of electronic appearance in certain courts) to enable its implementation anywhere in New York City, Long Island and the Ninth Judicial District, and to cure problems with certain of its procedural provisions.

Senate 4579. This measure would amend the Criminal Procedure Law to restore and permanently maintain in the law the Misdemeanor Trial Law (formerly L. 1984, c. 673).

Senate 4384/Assembly 7447. This measure would establish a minor offense bureau in the New York City Criminal Court that would adjudicate non-criminal misdemeanors and non-printable offenses.

Senate 4752/Assembly 8023. This measure would modify the authority of Judicial Hearing Officers (JHOs) by: (i) amending the Criminal Procedure Law to permit assignment of JHOs to arraignment parts in the New York City Criminal Court, where they would exercise many, but not all powers now enjoyed by Criminal Court judges; (ii) permitting parties to a matrimonial action to stipulate to use of a JHO as a reference to hear and determine an issue therein; and (iii) amending CPLR 4107 to authorize a JHO to be present at *voir dire* in a civil action.

Senate 4609/Assembly 7519. This measure would amend the Criminal Procedure Law to permit a local criminal court to dismiss a felony complaint on the ground that no superseding accusatory instrument has been filed within 90 days of arraignment.

Senate 4581/Assembly 7518. This measure would amend the Criminal Procedure Law to dispense with the requirement of a presentence report where defendant is sentenced on a misdemeanor to a 6-month term or less.

Assembly 6777. This measure would divest City and District Courts of jurisdiction over the disposition of parking tickets.

Senate 6477/Assembly 6956. This measure would divest City and District Courts of jurisdiction over the disposition of non-criminal traffic violations.

Assembly 7413. This measure would amend the CPLR to increase the jurisdictional maximum for civil actions subject to mandatory arbitration thereunder.

Assembly 7397. This measure would amend the CPLR to provide for a general revision of Article 31 concerning disclosure.

Assembly 2037. This measure would amend the CPLR to provide for prejudgment interest in personal injury actions.

Assembly 6813. This measure would amend the Constitution to merge the major trial courts into the Supreme Court over a three-year period.

Assembly 6757. This measure would amend the Constitution to require that persons seeking elective judicial office first be found qualified by a nonpartisan screening panel.

Assembly 6954. This measure would amend the Constitution to establish a merit selection process for selection of judges.

Assembly 6760. This measure would amend the Constitution to permit incumbent judges in elective positions in major trial courts to seek reelection, first, by securing the endorsement of a nonpartisan screening panel and, second, by securing public approval through an uncontested retention election.

Assembly 7288. This measure would amend the Family Court Act to define and add "aggravated abuse" as a ground for a child protective proceeding.

Assembly 7197. This measure would amend the Social Services Law and the Family Court Act to provide that when adequate housing is the sole reason for continuing a child in foster care, Social Services must make funds available for housing.

Assembly 7194. This measure would amend the Family Court Act to mandate the assignment of a law guardian for a child in every foster care review proceeding brought pursuant to sections 358-a and 392 of the Social Services Law.

Assembly 6745. This measure would amend the Family Court Act to clarify and reinforce Family Court's authority to make dispositional orders requiring the provision of services by public and private agencies.

Senate 4917/Assembly 7547. This measure would amend the Criminal Procedure Law and the Family Court Act to remove the crime of assault in the second degree from the family offense jurisdiction of Family Court.

Senate 5449/Assembly 6761. This measure would amend the Constitution to establish for New York City a city-wide Housing Court.

Assembly 6945. This measure would amend section 110 of the New York City Civil Court Act to confer upon the Housing Part of Civil Court jurisdiction over summary proceedings involving commercial as well as residential premises.

Assembly 6746. This measure would amend the Real Property Actions and Proceedings Law to authorize a Housing Part Judge to order DSS to pay rent in certain summary proceedings brought in New York City.

Assembly 6955. This measure would amend section 110 of the New York City Civil Court Act to authorize a Housing Part Judge to require a Social Services official of an adult protective services to appear in proceedings before the court.

Senate 5189/Assembly 6747. This measure would amend section 110 of the New York City Civil Court Act to provide that the 3-year terms of office now served by members of the Advisory Council for the Housing Part shall be nonrenewable.

Assembly 7565. This measure would amend the Criminal Procedure Law to eliminate the distinction between trial jurors and alternate jurors in a criminal case.

Assembly 6756. This measure would amend the State Finance Law in relation to reports filed by custodians of court funds.

Senate 6479/Assembly 6768. This measure would amend the Judiciary Law to consolidate the offices of County Judge and Surrogate in each county having a population less than 350,000.

Senate 5039/Assembly 6605. This measure would amend the Mental Hygiene Law, the County Law and the Criminal Procedure Law to clarify the jurisdiction of MHLS, and to make minor technical amendments in its enabling statutes.

Senate 4915. This measure would amend the New York City Civil Court Act and the Surrogate's Court Procedure Act to delete archaic references to folio rates and to provide that court stenographers' fees should be determined pursuant to CPLR 8002.

Senate 5007/Assembly 3759 and 7479. This measure would amend section 60.01 of the Penal Law to increase to one year the sentence of imprisonment that a court may impose along with probation or conditional discharge for a felony conviction.

Senate 6481/Assembly 6763. This measure would amend the Judiciary Law to permit the use of first class mailing as a means of issuing notices of noncompliance to jurors.

Senate 6482. This measure would amend the Judiciary Law to establish a $50 processing fee to be paid by persons seeking to claim exemption from jury service.

Senate 6483/Assembly 7557. This measure would amend section 31 of the New York City Criminal Court Act to divest the Criminal Court of jurisdiction over violations of the Administrative Code.

Senate 6484/Assembly 7948. This measure would amend the Unified Court Budget Act to restore to New York City the obligation to fund all operational expenses of the County Clerks' offices in the City except those incurred in discharge of their responsibilities as Commissioners of Jurors.

Senate 2857. This measure would amend the Public Officers Law to repeal an obsolete provision relating to the qualifications of certain judicial officers.

Senate 4134/Assembly 6766. This measure would give permanent civil service status to MHLS provisionals in the First Department who were employed with MHLS for at least one year as of 7/1/80.

Senate 6485/Assembly 6589. This measure would amend the Mental Hygiene Law to permit court officials to determine the appropriate classification structure for MHLS personnel.

Senate 4590. This measure would amend the CPLR to permit law clerks to judges to be designated as referees for the purpose of supervising disclosure.

Senate 2837. This measure would amend the Judiciary Law to permit jurors to waive entitlement to their *per diem* allowances, which would then be available to finance minor improvements in jury facilities.

Assembly 2268 and 6781. This measure would amend the Constitution to expand the term of office of judges of the District Court from 6 to 10 years.

Senate 8034/Assembly 10820. This measure would amend the CPLR to require payment of a fee upon filing a notice of petition or order to show cause commencing a special proceeding in an appellate court.

Senate 7497/Assembly 6495-A. This measure would amend the Uniform City Court Act to authorize mechanical recording of testimony in city courts in cities with a population of 50,000 or less.

Assembly 7986. This measure would amend the General Municipal Law to eliminate New York City's entitlement to a share of interest monies earned on account of State money held by and invested by the County Clerks in New York City.

Senate 6486/Assembly 8383. This measure would amend section 1704 of the Uniform Court Acts in relation to the time for furnishing a transcript of minutes on appeal.

Assembly 8016. This measure would amend the CPLR to limit the appealability of interlocutory determinations, as of right, to the Appellate Division.

Senate 2856/Assembly 6657. This measure would amend the Constitution to authorize the temporary assignment, outside New York City, of a Surrogate to another Surrogate's Court.

Senate 5978/Assembly 7552. This measure would amend the Criminal Procedure Law and the Correction Law to conform the procedure relating to warrants for violations of conditions of probation and conditional discharge sentences to the procedural amendments that were enacted in 1990 for bench and arrest warrants.

Senate 4892-A/Assembly 8561-A. This measure would amend the Family Court Act to exclude consideration of certain time periods when calculating the time to schedule a fact-finding or dispositional hearing.

Assembly 8818. This measure would provide a retirement incentive program for certain employees of the Unified Court System.

Assembly 6816. This measure would amend the CPLR in relation to the validity of service of process in certain circumstances.

Assembly 7411. This measure would amend the CPLR to authorize a statement of damages in summation in medical or dental malpractice actions and actions against municipalities.

Senate 5533-A/Assembly 6771. This measure would amend the CPLR in relation to itemized verdicts and periodic payment of judgments in certain actions.

Senate 6487/Assembly 6783. This measure would amend the CPLR in relation to the basis for determining periodic judgments.

Senate 5512/Assembly 6778. This measure would amend section 6501 of the CPLR to clarify that a notice of pendency may not be filed in a summary proceeding brought to recover possession of real property.

Senate 5479/Assembly 7412. This measure would amend section 3101 of the CPLR relating to the pretrial disclosure of information regarding the identity and the anticipated testimony of expert witnesses.

Assembly 7989. This measure would amend section 3215 of the CPLR in relation to notice to a defaulting party.

Assembly 7395. This measure would amend the CPLR to provide for the size of type of printed or typed summonses and other papers.

Senate 5458/Assembly 6759-A. This measure would amend section 6313(a) of the CPLR to regularize the giving of notification to other parties upon application for a temporary restraining order.

Assembly 7990. This measure would amend the CPLR to clarify the use of depositions used as evidence-in-chief by an adverse party.

Assembly 6949-A. This measure would amend the CPLR to increase compensation for referees appointed to sell real property.

Senate 3071/Assembly 6755. This measure would amend the New York City Civil Court Act and the three Uniform Court Acts to require municipalities, where appropriate, to pay a jury demand fee in small claims actions

Senate 4607/Assembly 395. This measure would amend the Criminal Procedure Law to increase the number of alternate jurors from four to six.

Senate 4580/Assembly 7446. This measure would amend section 30.30 of the Criminal Procedure Law to eliminate its due diligence requirement where defendant fails to appear.

Assembly 7546. This measure would amend the Criminal Procedure Law in relation to appeal from a grant or denial of a motion to set aside an appellate court order on the ground of ineffective assistance of appellate counsel.

Senate 4577/Assembly 8021-A. This measure would amend section 300.50 of the Criminal Procedure Law in relation to jury consideration of lesser-included offenses.

Senate 4608. This measure would amend the Criminal Procedure Law to provide that an order dismissing an indictment for failure to provide notice to testify before the grand jury may be conditioned upon defendant actually testifying before such grand jury.

Senate 4576/Assembly 8022. This measure would amend section 460.10 of the Criminal Procedure Law to provide that an appeal from an order and sentence included in a judgment must be taken within thirty days after imposition of sentence.

Senate 6488. This measure would amend the Criminal Procedure Law to establish a procedure for obtaining a warrant of arrest prior to formal commencement of a criminal action.

Senate 4850/Assembly 8061. This measure would amend the Criminal Procedure Law in relation to recognizance or bail for a cooperating defendant convicted of a class A-II felony.

Assembly 7553. This measure would amend the Criminal Procedure Law to permit certain written materials to be submitted to the jury during deliberations.

Assembly 8179. This measure would add a new Article 205 to the Criminal Procedure Law to establish a procedure for amending an indictment, prior to retrial, to charge certain lesser-included offenses.

Assembly 7549. This measure would amend the Criminal Procedure Law to provide a procedure to verify an accusatory instrument and convert a misdemeanor complaint to an information for a child witness or a person suffering from mental disease.

Senate 5518/Assembly 8075. This measure would amend section 450.20 of the Criminal Procedure Law to provide that the People may appeal, as of right, from certain preclusion orders.

Assembly 5521-A. This measure would amend the Criminal Procedure Law to authorize a court to consider an unjustifiable failure to proceed when determining whether to grant a motion to dismiss an indictment in the interest of justice.

Senate 4604. This measure would amend the Family Court Act and the Education Law to eliminate the vestigial Family Court jurisdiction in proceedings for the education of children with handicapping conditions.

Senate 4651/Assembly 6780. This measure would amend the Executive Law and the Family Court Act to establish practices to reduce trauma to children who are witnesses in court proceedings.

Senate 5977/Assembly 7396. This measure would amend the CPLR to make provision for compensation for guardians *ad litem* appointed for children and adults in any civil proceeding.

Senate 2702/Assembly 6659. This measure would amend the Family Court Act to eliminate court approval for an agreement or compromise for child support of an out-of-wedlock child.

In addition to the foregoing, the Chief Administrator sent to the Legislature four proposals that were not introduced, including: a measure to amend the Constitution to abolish the requirement of a grand jury indictment in all felony cases; a measure to amend the CPLR to revise the practice by which bills of particulars are demanded and by which objections to such demands are registered; a measure to continue authorization to conduct audio-visual coverage of judicial proceedings; and a measure to amend the Domestic Relations Law to establish new criteria for determining whether consent of an unwed father is required when his child under 6 months is placed for adoption.

Rules Revision

Numerous constitutional and statutory provisions require or authorize the Chief Judge and Chief Administrator to promulgate rules affecting the operation of the courts. Rules of the Chief Judge are promulgated after consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals. Rules of the Chief Administrator of the Courts are promulgated as follows: administrative rules and trial court calendar rules, after consultation with the Administrative Board of the Courts; rules of judicial conduct, with the approval of the Court of Appeals; and trial court rules of practice and procedure, with the advice and consent of the Administrative Board of the Courts.

Rules of the Chief Administrator of the Courts

The following rules were adopted, amended, or repealed by the Chief Administrator of the Courts during 1991:

Part 127 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 127), relating to the assignment and compensation of counsel, psychiatrists, psychologists and physicians, implementing section of 35 of the Judiciary Law, was amended, effective April 30, 1991, to add a new section 127.2 (22 NYCRR 127.2), to provide for the compensation of counsel and other providers of services in extraordinary circumstances.

Section 202.21(a)(b) of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.21(a)(b)), relating to the note of issue, was amended, effective October 1, 1991, to provide for the simultaneous filing of the note of issue and the certificate of readiness in medical malpractice actions, in light of abolition of the medical malpractice panels by Chapter 165 of the Laws of 1991.

Section 202.56 of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.56), relating to special procedures in medical, dental and podiatric malpractice actions, was amended, effective October 1, 1991, to delete all references to the medical malpractice panels, abolished by Chapter 165 of the Laws of 1991.

Sections 205.24, 205.65 and 205.66 of the Uniform Rules for the Family Court (22 NYCRR 205.24, 205.65, 205.66), relating to the terms and conditions of an order adjourning a proceeding in contemplation of dismissal with respect to certain delinquency and PINS proceedings, in accordance with section 315.3, 749(a), 755 or 757 of the Family Court Act, were amended, effective November 6, 1991, to provide that a term or condition that may be included in such order is a requirement to attend and complete an alcohol awareness program established pursuant to paragraph (6)(a) of subdivision (a) of section 19.07 of the Mental Hygiene Law.

Sections 205.52 and 205.53 of the Uniform Rules for the Family Court (22 NYCRR 205.52, 205.53), relating to adoption, were amended, effective September 30, 1991, to provide that, upon certain specified conditions, in any agency adoption, a petition may be filed in the Family Court to adopt a child who is the subject of a termination of parental rights proceeding and whose custody and guardianship has not yet been committed to an authorized agency.

Section 207.20(c) of the Uniform Rules for the Surrogate's Court (22 NYCRR 207.20(c)), relating to the inventory of assets in determining the value of an estate, was amended, effective September 5, 1991, to delete several obsolete cross-references and to add references to New York State Estate Tax Return TT-385 and ET-90.

Sections 207.54 and 207.55 of the Uniform Rules for the Surrogate's Court (22 NYCRR 207.54, 207.55), relating to adoption, were amended, effective September 30, 1991, to provide that, upon certain specified conditions, in any agency adoption, a petition may be filed in the Surrogate's Court to adopt a child who is the subject of a termination of parental rights proceeding and whose custody and guardianship has not yet been committed to any authorized agency.

Section 208.41(d) of the Uniform Rules for the Civil Court of the City of New York (22 NYCRR 208.41(d)) relating to the small claims procedure, was amended, effective September 5, 1991, to reflect the fact that the fee for demanding a jury trial of a small claim in the Civil Court is $55 rather than $35.

Section 208.42(i) of the Uniform Rules for the Civil Court of the City of New York (22 NYCRR 208.42(i)), relating to summary proceedings in the Housing Part, was amended, effective October 1, 1991, to provide for the earlier transmission of the required additional notice by postcard to a respondent of the commencement of an eviction proceeding for nonpayment of rent.

Section 210.41(d) of the Uniform Civil Rules for the City Courts Outside the City of New York (22 NYCRR 210.41(d)), relating to the small claims procedure, was amended, effective September 5, 1991, to reflect the fact that the fee for demanding a jury trial of a small claim in a city court is $55 rather than $35.

Section 212.6 of the Uniform Civil Rules for the District Courts (22 NYCRR 212.6), setting forth the form of the summons, was amended, effective November 6, 1991, so that the summons form would bring to the defendant's attention the fact that the Rules require a defendant to file a copy of the answer, together with proof of service, with the clerk of the district in which the action is brought within ten days of the service of the answer.

Section 212.41(d) of the Uniform Civil Rules for the District Courts (22 NYCRR 212.41(d)), relating to the small claims procedure, was amended, effective September 5, 1991, to reflect the fact that the fee for demanding a jury trial of a small claim in a district court is $55 rather than $35.

Part 216 of the Uniform Rules for the Trial Courts (22 NYCRR Part 216), relating to the sealing of court records in civil actions, was adopted, effective March 1, 1991. The rule provides that, except where otherwise provided by statute or rule, a court shall not enter an order in any action or proceeding sealing the court records, whether in whole or in part, except upon a written finding of good cause, which shall specify the grounds thereof. The rule also provides that, in determining whether good cause has been shown, the court shall consider the interests of the public as well as of the parties, and that where it appears necessary or desirable, the court may prescribe appropriate notice and an opportunity to be heard. The rule defines "court records" as including all documents and records of any nature filed with the clerk in connection with the action, and provides that documents obtained through disclosure and not filed with the clerk shall remain subject to protective orders as set forth in CPLR 3103(a).

1992 Report

of the

Advisory Committee on Civil Practice

to the

Chief Administrator of the Courts

of the

State of New York

December 1991

Contents

I. Introduction

The Advisory Committee on Civil Practice, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(q) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of civil procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and on the basis of recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees, and such agencies as the Law Revision Commission. In addition to recommending measures for inclusion in the Chief Administrator's legislative program, the Committee reviews and comments on other pending legislative measures concerning civil procedure.

In this 1992 Report, the Advisory Committee recommends a total of 20 measures for enactment by the 1992 Legislature. Of these measures, 13 previously have been endorsed in substantially the same form, while of the seven remaining measures, six are new and one is a modification of a previously endorsed measure.

Part III sets forth and summarizes the new measures and one measure previously submitted but proposed in 1992 in substantially modified form.

The new measures submitted this year would (1) clarify that the time to commence an Article 78 proceeding is not extended by delivery of the petition to the sheriff or county clerk, (2) provide for permission to proceed as a poor person upon application of a legal service organization, without a formal motion, (3) permit parties and witnesses as well as counsel in an action to use an unsworn affirmation under penalty of perjury in lieu of an affidavit, (4) require that a judge's decision on a motion be written or otherwise recorded, (5) authorize the defraying of reasonable expenses when a non-party witness is required to produce records and other things in compliance with a disclosure notice or subpoena, and (6) facilitate the authentication of hospital records.

In Parts II and III, individual summaries of the proposals are followed by drafts of appropriate legislation.

Four proposals recommended by the Committee were enacted by the Legislature in 1991:

1. Chapter 165 of the Laws of 1991, inter alia, abolished medical malpractice panels by repealing section 148-a of the Judiciary Law, effective October 1, 1991.

2. Chapter 261 of the Laws of 1991 amended section 1908(f) of the New York City Civil Court Act and of the respective Uniform Court Acts to clarify the allowable disbursements in actions in courts of limited jurisdiction.

3. Chapter 249 of the Laws of 1991 rendered permanent the provisions of chapter 274 of the Laws of 1989, legislation that amended the CPLR and other civil procedural statutes to authorize an optional method of service of process by mail.

4. Chapter 66 of the Laws of 1991 amended the New York City Civil Court Act and the respective Uniform Court Acts to update the provisions relating to security for costs in courts of limited jurisdiction.

Several matters were brought to the Committee's attention during the course of 1991 which required considerable study by the Committee, but did not result in legislative proposals. One such matter involved suggestions for amendment of CPLR 202 (cause of action accruing without the state), New York's so-called "borrowing statute," because of a perceived lack of uniformity in judicial construction and application of the provision. After considerable discussion and comprehensive review, the Committee concluded, with one dissent, that no revision of the statute is warranted at this time: since the apparent legislative purpose in enacting CPLR 202 is best served by applying the traditional place-of-injury analysis to the accrual question, and that, as it now reads and generally is construed, the provision confers the benefit of a relative degree of certainty to ascertaining when an action may be commenced, which might be undermined if more complex interest analysis theories involving the choice of law were to be incorporated in the statute.

Part IV of the Report briefly discusses pending and future projects under Committee consideration.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor George F. Carpinello, Chair
Advisory Committee on Civil Practice
Office of Court Administration (Suite 1401)
270 Broadway
New York, New York 10007

II. Previously Endorsed Measures

1. Validity of Service of Process in Certain Circumstances (CPLR 308 - last, undesignated paragraph)

The Committee recommends that CPLR 308 be amended to add a new undesignated paragraph at the end of the section to provide that if a good faith effort has been undertaken to make service pursuant to subdivision 2, or subdivision 4 when applicable, and one of the two acts of service prescribed has not been effected, a showing that the defendant has obtained actual notice through the other act shall be sufficient to sustain the service. Of course,

completion of service in such a case would include the filing of proof of service with the clerk of court.

In the interest of basic fairness, the proposal is designed in a carefully limited manner to prevent recurrence of the harsh outcome of *Feinstein* v. *Bergner*, 48 N.Y. 2d 234 (1978). That was a wrongful death action in which the plaintiff-widow, despite diligent efforts, was unable to effectuate both the required acts of service - first under CPLR 308(2) (deliver and mail) and then under CPLR 308(4) (affix and mail). The Court of Appeals, with a strong dissent, held that, even though defendant had in fact received timely notice and the limitations period had shortly thereafter elapsed, the service was fatally defective. It reasoned that, while plaintiff had properly mailed process to defendant's "last known residence," she had not satisfied the additional requirement of affixing process to the door of defendant's "dwelling place" or "usual place of abode," affixing it rather to the door of his "last known residence," for she had no reason to believe it was not his "dwelling place" or "usual place of abode."

The result in *Feinstein* makes it clear that the text of the cited subdivision, even as amended by chapter 115 of the Laws of 1987, is not flexible enough to provide the full measure of justice desired in such troublesome, even if infrequent, situations. While subdivisions 2 and 4 correctly will remain as the appropriate general standard in most cases where utilized, the proposed new paragraph would extend justifiable relief under exceptional circumstances such as those in the *Feinstein* case.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the validity of service of process in certain circumstances

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

Section 1. Section 308 of the civil practice law and rules is amended by adding a new closing paragraph to read as follows:

If a good faith effort has been undertaken to make service pursuant to subdivision two or four of this section when applicable, and one of the two acts of service prescribed has not been validly effected, it shall be sufficient to sustain the service if the defendant has obtained actual notice through the other act.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Size of Type on Summons and Other Papers Served in an Action (CPLR 2101(a))

The Committee recommends that CPLR 2101(a) be amended to provide that a printed or typed summons shall be in clear type of no less than twelve-point size, and that each other printed or typed paper served or filed in an action, except an exhibit, shall be in clear type of no less than tenpoint size.

The Committee has become aware that some summonses and complaints and other pleadings served in actions contain language typed or printed in such small or obscure type as to be barely legible. Great harm is possible, especially where a summons is served on a person who is unable to read the small print or type. The provisions of CPLR 4544, precluding the admission into evidence of printed contracts or agreements involving consumer credit transactions or residential leases that are printed in small print, and the provisions of CPLR 8019(e), relating to the size of printed type on papers filed with the county clerk for recording and indexing, are instructive in setting type-size limits. However, neither resolves the problem of excessively small type used in legal papers served by one party on another, especially a summons commencing an action.

The Committee has examined carefully various sizes and styles of type and print, and concludes that the type used in printed or typed summonses should be at least twelve-point in size, and in other papers served in the action, at least ten-point in size.

No attempt is made to regulate the size of hand-written letters, which the courts may scrutinize for legibility, nor the size of print or type in exhibits, which, necessarily, may be of any size.

In addition, the Committee proposes the elimination from the subdivision of the archaic reference, now unnecessary, to the change in the size of most legal papers from 8-1/2 by 14 inches (legal size) to 8-1/2 by 11 inches (letter size), effected on September 1, 1974.

In order to provide the Bar with sufficient time to make any necessary preparation to implement this provision, it would not take effect until January 1, 1994.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the size of type of printed or typed summonses and other papers served or filed in an action

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

Section 1. Subdivision (a) of section 2101 of the civil practice law and rules, as amended by judicial conference

proposal number 1 for the year 1974, is amended to read as follows:

(a) Quality, size and legibility. Each paper served or filed shall be durable, white and, except for summonses, subpoenas, notices of appearance, notes of issue and exhibits, [of legal or letter size. In all actions and proceedings commenced on or after September first, nineteen hundred seventy-four, each paper served or filed, except for summonses, subpoenas, notices of appearance, notes of issue and exhibits] shall be eleven by eight and one-half inches in size. [However, courts or other public agencies having a supply of forms on hand, printed on paper larger than eleven by eight and one-half inches may continue to use and accept such forms until such supply is exhausted or September first, nineteen hundred seventy-six, whichever is sooner.] The writing shall be legible and in black ink. Beneath each signature shall be printed the name signed. *A printed or typed summons shall be in clear type of no less than twelve-point in size. Each other printed or typed paper served or filed, except an exhibit, shall be in clear type of no less than ten-point in size.*

§2. This act shall take effect on January 1, 1994.

3. Statement of Damages in Summation (CPLR 3017(c))

The Committee recommends an amendment to CPLR 3017(c) to clarify that a party may suggest an amount of monetary damages in summation in a medical or dental malpractice action or an action against a municipal corporation, so long as such sum does not exceed the sum set forth in the supplemental demand, if any. In addition, the Committee recommends several stylistic changes of a non-substantive nature in the language of the subdivision.

In 1977, CPLR 3017 was amended to provide, in a new subdivision (c), that in a medical malpractice action the claimant may not state the amount of damages in the pleading. This restriction was extended in 1981 to apply also to an action against a municipality. The amount of damages could be set forth only in response to a supplemental demand made at the request of a defendant.

While courts are agreed that the basic purpose of the provision that no damages be stated in the pleading was the prevention of harm to a physician's reputation occasioned by the publicity given to demands for extensive and perhaps inflated damages, they have not fully clarified whether the provision applies to a party's summation to the jury. In *Bechard* v. *Eisinger*, 105 A.D.2d 939 (3d Dept., 1984), the court held that such a summation is improper. In *Braun* v. *Ahmed*, 127 A.D.2d 418 (2d Dept., 1987), the court, citing legislative intent, held, in a 3-2 decision, that such a summation is proper but should be limited to a reasonable sum, with the dissent stating that such limitation is unjustified. This case was remanded. In *Thornton* v. *Montefiore Hosp.*, 99 A.D.2d 1024 (1st Dept., 1984), the issue was presented to the court but not determined because it was not preserved.

Recently, the Court of Appeals, in deciding *McDougald* v. *Garber*, 73 N.Y.2d 246 (1989), and *Nussbaum* v. *Gibstein*, 73 N.Y.2d 912 (1989), included this significant footnote to its opinions:

> We note especially the argument raised by several defendants that plaintiffs' attorney was precluded by CPLR 3017(c) from mentioning, in his summation, specific dollar amounts that could be awarded for nonpecuniary damages. We do not resolve this issue, which has divided the lower courts (compare, Bagailuk v. Weiss, 110 A.D.2d 284, and Bechard v. Eisinger, 105 A.D.2d 939, with Braun v. Ahmed, 127 A.D.2d 418), inasmuch as the matter was neither presented to nor addressed by the Appellate Division. [See McDougald v. Garber, supra, at p.258].

The Committee reads this footnote as an invitation by the Court for either the presentation of this issue in a case or perhaps legislative clarification.

This proposal would settle the law. The purpose and intended result of this proposal is to treat summations in medical or dental malpractice actions and in actions against municipalities as summations are treated in any other action for money damages. The Committee notes that nothing in this measure precludes the court, in its discretion, from permitting the amendment of the supplemental demand. The Committee believes that its recommendation is consistent with the original legislative intent to avoid harmful pretrial publicity.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to statement of damages in summation in medical malpractice action and action against a municipality

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

Section 1. Subdivision (c) of section 3017 of the civil practice law and rules, as amended by chapter 442 of the laws of 1989, is amended to read as follows:

(c) Medical or dental malpractice action or action against a municipal corporation. In an action for medical or dental malpractice or in an action against a municipal corporation, as defined in section two of the general municipal law, the complaint, counterclaim, cross-claim, interpleader complaint, and third-party complaint shall contain a prayer for general relief but shall not state the amount of damages [to which the pleader deems himself entitled] *sought*. If the action is brought in the supreme court, the pleading shall also state whether or not the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction[. Provided]; *provided*, however, that a party against whom an

action for medical or dental malpractice is brought or the municipal corporation[,] may at any time request a supplemental demand setting forth the total damages [to which the pleader deems himself entitled] *sought*. A supplemental demand shall be provided by the party bringing the action within fifteen days of the request. In the event the supplemental demand is not served within fifteen days, the court, on motion, may order that it be served. A supplemental demand served pursuant to this subdivision shall be treated in all respects as a demand made pursuant to subdivision (a) of this section. *Nothing set forth in this subdivision shall prohibit a party from referring in the course of summation to the amount of damages the party contends should be awarded so long as such amount does not exceed the amount set forth in the response to the supplemental demand, if any.*

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

4. Bill of Particulars (CPLR 3041, 3042)

The Committee recommends the amendment of CPLR 3041 and CPLR 3042 to save the time of courts and litigants, to curtail pronounced and widespread abuses which have arisen under present law, and to improve the procedures governing the use of bills of particulars.

Under the present provisions of CPLR 3042, many attorneys serve a bill of particulars only after being served with a conditional order of preclusion. Initial requests for bills of particulars routinely are ignored. Some attorneys routinely serve demands that are so prolix and burdensome as effectively to harass opponents. Still other attorneys routinely serve patently defective bills.

The courts are inundated with motions to preclude for failure timely to serve bills of particulars, and with motions relating to disclosure generally. Motions relating to bills of particulars are adjourned frequently, and the final determination is generally a conditional order of preclusion which may or may not be obeyed. This practice wastes judicial resources and burdens litigants.

The language of CPLR 3042 is streamlined by making a minor amendment to CPLR 3041. "Bill of particulars" is defined to include "copy of the items of an account," thus eliminating the need for numerous references in CPLR 3042 to the latter term.

The following revisions are proposed in CPLR 3042:

Whereas the party served with a demand for a bill of particulars now must comply with the demand within 20 days of service or move to vacate or modify the demand within 10 days thereof, this bill would amend subdivision (a) to simplify the procedure by setting a uniform period of 30 days in each instance, and the party moving to modify the demand would be required to attach to the moving papers the bill, complying with the demand as to the items to which there is no objection.

Subdivision (b), which allows a party seeking a bill of particulars to proceed by motion instead of demand, is deleted. This provision seldom is utilized, and the Committee is aware of no circumstances in which proceeding by motion initially is appropriate.

Present subdivision (c), to be relettered subdivision (b), would be amended to create a new automatic preclusion procedure applicable to a party who fails timely either to comply with the demand for a bill of particulars or to move to vacate or modify. In the absence of any such timely action, the demanding party would be authorized to put the defaulting party on written notice that the bill has not been served and that an automatic preclusion will take effect 30 days after service of the notice, if the bill is not received. The written notice must be served by registered or certified mail. Additionally, the notice is required to refer to this rule so that the defaulting party may be alerted to the statutory sanction for default in serving the bill.

The notice and automatic preclusion procedure, which is provided for in new subdivision (b), is new and is the principal difference between the proposed rule 3042 and present rule 3042.

A party who is unable to comply with the demand should move in a timely manner under subdivision (a) to prevent the imposition of any sanction. A party would not be permitted to move to vacate or modify a demand after receipt of the preclusion notice but may move to vacate the default within 30 days after expiration of the time to comply with the notice. Such relief could be afforded only upon a showing of justifiable excuse for the default, the submission of an affidavit of merits and the bill of particulars. Relief from automatic preclusion would be governed by a new subdivision (c).

Present subdivision (d) governing preclusion for a defective bill would be superseded by new subdivision (d), and the time within which a party served with a defective bill may move for an order directing preclusion or service of a further bill would be extended from 10 to 30 days.

Present subdivision (e), governing the conditional order of preclusion, would be deleted, since that procedure is superseded by this revision. Present subdivision (f), governing affidavits, would be eliminated as unnecessary because general rules governing motions and affidavits are adequate and because an affidavit of merits, to be required by new subdivision (c), should be made by a party, not an attorney.

Present subdivision (g) (Amendment) would be redesignated as new subdivision (e) and slightly reworded for the sake of clarity.

Present subdivision (h) (Costs) would be eliminated as superfluous (*see* CPLR 8106).

Nothing in the revision of this rule precludes parties or their attorneys from extending by written stipulation the time for serving any notice, motion or bill of particulars.

The enlargement of the time to 30 days to move to modify or vacate the demand, together with the potential for automatic preclusion, should reduce the number of motions required with respect to bills of particulars, and improve the administration of justice.

Revision of rule 3042 also provides an opportunity to make minor grammatical and technical changes in the wording of various provisions. These changes are not intended to have any substantive effect.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to bill of particulars

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

Section 1. Section 3041 of the civil practice law and rules is amended to read as follows:

§3041. Bill of particulars in any case. Any party may require any other party to give a bill of particulars of [his] *such party's* claim, or a copy of the items of the account alleged in a pleading. *As used elsewhere in this article, the term "bill of particulars" shall include "copy of the items of an account."*

§2. Rule 3042 of the civil practice law and rules, subdivision (a) as amended by chapter 294 of the laws of 1984, subdivision (g) as amended by chapter 297 and subdivision (h) as relettered by chapter 296 of the laws of 1978, is amended to read as follows:

Rule 3042. Procedure for bill of particulars. (a) [Notice. A request for a bill of particulars or a copy of the items of an account shall be made by serving a written notice stating the items concerning which such particulars are desired. If the party upon whom such notice is served is unwilling to give such particulars, in whole or in part, he may move to vacate or modify such notice within ten days after receipt thereof. The notice or supporting papers shall specify clearly the objections and the grounds therefor. If no such motion is made the bill of particulars shall be served within twenty days after the demand therefor, unless the court shall otherwise direct] *Demand. A demand for a bill of particulars shall be made by serving a written demand stating the items concerning which particulars are desired. The party served with the demand, within thirty days of the service thereof, shall serve a bill of particulars complying with the demand, or move to vacate or modify the demand, specifying clearly the objections and the grounds therefor. A party moving to modify the demand shall comply with the demand as to the items to which no objection is made.*

(b) [Motion. Instead of proceeding by demand, the party may move for a bill of particulars, or copy of the items of account in the first instance.

(c)] Preclusion for failure to supply bill. [In the event that] *If* a party fails *timely* to furnish a bill of particulars[, or copy of the items of an account the court, upon notice, may preclude him from giving evidence at the trial of the items of which particulars have not been delivered] *or to move to vacate or modify the demand, the demanding party may serve a written notice by registered or certified mail, requesting that the demand be complied with within thirty days after service of the notice. The notice shall refer to this rule and shall state that if the party served with the notice fails to comply therewith, such party automatically, and without application to the court by the demanding party, shall be precluded to the extent provided in this rule from giving evidence at the trial. If the party served with the notice fails, within thirty days after service thereof, to comply therewith, such party shall be precluded from giving evidence at trial of the particulars not furnished.*

[(d) Preclusion for defective bill. Where a bill of particulars, or copy of the items of an account, is regarded as defective or insufficient by the party upon whom it is served, the court, upon notice, may make an order of preclusion or directing the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within ten days after the receipt of the bill claimed to be insufficient] *(c) Relief from automatic preclusion. A party who is precluded by expiration of the time to comply under subdivision (b) of this rule may move for relief from such preclusion within thirty days thereafter upon a showing of justifiable excuse for failure to comply therewith, and submission of an affidavit of merit and the bill.*

[(e) Conditional order of preclusion. A preclusion order may provide that it will be effective unless a proper bill is served within a specified time] *(d) Preclusion for defective or insufficient bill of particulars. Where a bill is defective or insufficient, the court, upon motion, may order preclusion or direct the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within thirty days after receipt of the bill claimed to be defective or insufficient.*

[(f) Affidavits. Affidavits to be used in support of or in opposition to a motion under this rule may be made by a party or his attorney.

(g)] *(e)* Amendment. In any action or proceeding in a court in which a note of issue is required to be filed, a party may amend [his] the bill of particulars once as of course [before trial,] prior to the filing of a note of issue.

[(h) Costs. Upon any motion, except under subdivision (b), costs may be imposed.]

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law; provided however, it shall apply only in actions where

no request for a bill of particulars or copy of the items of an account has been made prior to such effective date pursuant to the provisions of rule 3042 then in effect.

5. Disclosure (CPLR Article 31)

The Committee recommends the general revision of CPLR Article 31 (Disclosure) in order to ensure fairness to litigants and to effect the expeditious disposition of civil actions.

This measure would amend Article 31 of the Civil Practice Law and Rules (Disclosure) to ensure (1) liberalization of disclosure and (2) reduction of motion practice by more informal procedures.

An explanatory commentary upon this measure follows:

Section 3101

Subdivision (a)

The preamble of subdivision (a) of section 3101 would be clarified to permit disclosure of "matter" that is material and necessary, conforming to the standard set forth in *Allen* v. *Crowell-Collier Publishing Co.*, 21 N.Y.2d 403 (1968).

With respect to matrimonial actions and custody and visitation proceedings, however, the Committee does not intend to affect existing or evolving statutes and decisional law as to the availability of disclosure.

While the Advisory Committee is recommending liberalization of disclosure and the streamlining of disclosure procedures, it notes that protection against abuse of disclosure procedures is afforded by the power of the court under section 3103(a) to make a protective order "to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts," as well as by the requirement for special circumstances under section 3101(a)(3) or for a statement of circumstances or reasons for disclosure under section 3101(a)(4).

Section 3101(a)(3) would be amended to list persons authorized to practice dentistry or podiatry so that it technically conforms to section 3101(d)(1)(i)(ii) which relates to disclosure by medical, dental and podiatric experts.

Subdivision (b)

Subdivision (b) would be clarified to provide that the privilege in question may be invoked not only by a party to the action but also by any other person entitled to assert the privilege.

Subdivision (h)

The CPLR does not contain a provision comparable to Fed. R. Civ. P. 26(e) explicitly requiring a party under certain circumstances promptly to supplement or amend responses to disclosure requests. New subdivision (h) would incorporate the substance of the federal rule, which, the Committee believes, establishes a reasonable balance between the need to maintain the integrity of responses to disclosure requests and the need to avoid imposing on a party a burdensome obligation to review and update on a continuing basis responses to disclosure requests. New subdivision (h) would apply to all disclosure devices. Provision is made, tracking CPLR 3101(d)(1)(i) as enacted by chapter 294 of the Laws of 1985, for introduction of evidence at trial in the court's discretion where the information was received too close to trial to provide sufficient time for amendment of the response.

Rule 3102(c)

The requirement for the recording of depositions and documents obtained for an action involving title to real property would be deleted. The Committee believes that the inconvenience of such recording and the possibility that it might create an unjustified cloud on title to property outweighs what little benefit such recording might have in alerting title searchers to any claim involving title to the property in question.

Section 3102(f)

Subdivision (f) would be amended to strike the prohibition against using interrogatories or requests for admissions against the State as party in light of *Vista Business Equipment, Inc.* v. *State of New York*, N.Y.L.J., p.12, col. 3, 1/23/86 (Court of Claims).

Section 3103(a)

Subdivision (a) would be amended to make it clear that any person who is the subject of a discovery request, whether or not a party or a witness, is entitled to move for a protective order.

Rule 3113(a)(2)

The amendment would eliminate a formal discrepancy between federal and state practice created by the 1980 amendment to Fed. R. Civ. P. 28(a).

Rule 3116(a)

The amendment would eliminate the requirement that a deposition be signed by the officer before whom it was taken if the witness fails or refuses to sign it. The requirement, which is inconvenient to comply with if the officer is not readily located, serves no significant purpose, since the officer must in any event rely upon representations or statements of a party or the witness as to the fact that the latter failed or refused to sign the deposition and the reasons therefor.

Rule 3120(a)

The purpose of the requirement in rule 3120(a) that a party designate the items he or she seeks to inspect is to enable the party served with the notice to determine what items are requested and to enable the court to determine whether the requested items have been produced. *Cf.* 8 Wright & Miller, *Federal Practice and Procedure* §2211 at 631. The present requirement that the requested items be "specifically" designated lends itself to a restrictive interpretation under which technical defects may frustrate reasonable discovery requests. In addition, a party frequently must conduct a deposition in order to obtain the information enabling that party to designate the requested items with the required specificity. *See, e.g., King* v. *Morris*, 57 A.D.2d 530 (1st Dept. 1977). This result has been justified on the theory that the deposition may be necessary for proper resolution of objections to the discovery request. *Rios* v. *Donovan*, 21 A.D.2d 409, 413-14 (1st Dept. 1964). The Committee believes that a party who can reasonably identify a requested item or category of items should not need to conduct a deposition in order to establish the existence and specific identities of the requested items. In most instances, the Committee believes, pretrial discovery will be conducted more efficiently and effectively if a party can obtain materials for use in preparing for a deposition. If the party to whom the request is made objects on the ground that it is unduly burdensome, includes materials which are not discoverable, or is improper in some similar respect, the party should state the objections pursuant to rule 3122 "rather than seeking shelter behind a claim of insufficient designation." 8 Wright & Miller, *supra*, at 634. However, the Committee would retain the requirement in CPLR 3120(a)(ii) for specific designation of the object or operation to be inspected, measured, surveyed, sampled, tested, photographed or recorded, where entry upon land or property is to be permitted.

Rule 3122

The amendment of rule 3122 is intended to reduce the volume of motion practice arising out of disclosure procedures by eliminating the requirement that objections to requests for production of documents or other things or for physical or mental examinations be made by motion. The Committee believes that the notice procedure required by the amendment would encourage parties to resolve disputes concerning such requests without court intervention. In the event that a dispute is not so resolved, the party seeking disclosure may move for an order compelling disclosure pursuant to the proposed new section 3124.

The proposed amendment to rule 3122 also would enlarge the time for objecting to a disclosure request, and also would require a party served with a notice to produce documents to indicate to the party serving the notice if some documents are being withheld because of privilege or other legal reason and reasonably to describe such documents.

Rule 3124 (new)

Rule 3124 would be revised to achieve greater clarity and simplicity and to delete the requirement that a person move for a protective order in order to preserve objections to a disclosure request. This should encourage parties to resolve disputes over disclosure matters on their own without resort to the court and also should serve to narrow the scope of motions regarding disclosure matters, since ordinarily the motion would be made as a motion to compel disclosure after the person from whom disclosure was sought had complied with so much of the disclosure request as to which no objection was raised. Such narrowing of issues, particularly under IAS, would help to speed up the disposition of cases.

The reference to the right of a party to obtain local remedies for failure to comply with a disclosure request would be deleted as unnecessary; the Committee does not intend to suggest that section 3124 preempts other applicable law.

Section 3126

The substitution of the clause "this article" for "notice duly served" would make it clear that a willful failure to disclose information within the meaning of section 3126 includes a willful failure to amend or supplement a response to a disclosure request as required under new subdivision (h) of section 3101.

Rule 3132

The prescriptive period during which a plaintiff may not serve interrogatories upon a defendant would be revised to parallel the amendment of rule 3106.

Rule 3133

The amendment of rule 3133 would consolidate present rules 3133 and 3134. Paralleling the proposed amendment of rule 3122, subdivision (a) of rule 3133 would be amended to eliminate the requirement that an objection to an interrogatory be made by motion. Subdivision (b) of rule 3133 would be deleted as unnecessary in light of the amendment of subdivision (a).

Rule 3134

Rule 3134 would be deleted since its provisions would be incorporated into the amended rule 3133.

Section 3140

Section 3140 would be amended to correct a misspelling in the caption and to clarify that the responsibility for making procedural rules governing the exchange of appraisal reports is vested in the Chief Administrator of the Courts in conformity with section 212(2)(d) of the Judiciary Law. (*See also* 22 NYCRR 202.59, 202.60, 202.61). This amendment also is in furtherance of one of the purposes of this measure,

the assurance of greater statewide uniformity with respect to disclosure procedures.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to disclosure and to repeal certain provisions of such law and rules relating thereto

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

Section 1. Subdivisions (a) and (b) of section 3101 of the civil practice law and rules, paragraph 3 of subdivision (a) as amended by chapter 268 of the laws of 1979 and paragraph 4 of subdivision (a) as amended by chapter 294 of the laws of 1984, are amended to read as follows:

(a) Generally. There shall be full disclosure of all [evidence] *matter* material and necessary in the prosecution or defense of an action, regardless of the burden of proof, by:

(1) a party, or the officer, director, member, agent or employee of a party;

(2) a person who possessed a cause of action or defense asserted in the action;

(3) a person about to depart from the state, or without the state, or residing at a greater distance from the place of trial than one hundred miles, or so sick or infirm as to afford reasonable grounds of belief that he will not be able to attend the trial, or a person authorized to practice medicine, *dentistry or podiatry* who has provided medical, *dental or podiatric* care or diagnosis to the party demanding disclosure, or who has been retained by him as an expert witness; and

(4) any other person, upon notice stating the circumstances or reasons such disclosure is sought or required.

(b) Privileged matter. Upon objection by a [party] *person entitled to assert the privilege*, privileged matter shall not be obtainable.

§2. Section 3101 of the civil practice law and rules is amended by adding a new subdivision (h) to read as follows:

(h) Amendment or supplementation of responses. A party shall amend or supplement a response previously given to a request for disclosure promptly upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading. Where a party obtains such information an insufficient period of time before the commencement of trial appropriately to amend or supplement the response, the party shall not thereupon be precluded from introducing evidence at the trial solely on grounds of noncompliance with this subdivision. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. Further amendment or supplementation may be obtained by court order.

§3. Subdivision (c) of section 3102 of the civil practice law and rules is amended to read as follows:

(c) Before action commenced[; real property actions]. Before an action is commenced, disclosure to aid in bringing an action, to preserve information or to aid in arbitration, may be obtained, but only by court order. The court may appoint a referee to take testimony. [Where such disclosure is obtained for use in an action involving title to real property the deposition or other document obtained shall be promptly recorded in the office of the clerk of the county in which the real property is situated.]

§4. Subdivision (f) of section 3102 of the civil practice law and rules, as amended by chapter 294 of the laws of 1984, is amended to read as follows:

(f) Action to which state is party. In an action in which the state is properly a party, whether as plaintiff, defendant or otherwise, disclosure by the state shall be available as if the state were a private person[, except that it may not include interrogatories or requests for admissions].

§5. Subdivision (a) of section 3103 of the civil practice law and rules is amended to read as follows:

(a) Prevention of abuse. The court may at any time on its own initiative, or on motion of any party or [witness] *of any person from whom discovery is sought*, make a protective order denying, limiting, conditioning or regulating the use of any disclosure device. Such order shall be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts.

§6. Paragraph 2 of subdivision (a) of rule 3113 of the civil practice law and rules is amended to read as follows:

2. without the state but within the United States or within a territory or possession subject to the [dominion] *jurisdiction* of the United States, a person authorized to take acknowledgments of deeds outside of the state by the real property law of the state or to administer oaths by the laws of the United States or of the place where the deposition is taken; and

§7. Subdivision (a) of rule 3116 of the civil practice law and rules, as amended by chapter 292 of the laws of 1978, is amended to read as follows:

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him, and any changes in form or substance which the witness desires

to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath [, except that a witness who is an adverse party shall not be required to sign such deposition upon thirty days prior written notice to return the examination signed]. If [a] *the* witness[, other than an adverse party,] fails to sign the deposition, [the officer before whom the deposition was taken shall sign it and state on the record the fact of the witness' failure or refusal to sign, together with any reason given. The deposition] *it* may [then] be used as fully as though signed.

§8. Subdivision (a) of rule 3120 of the civil practice law and rules, as amended by judicial conference proposal #2 for the year 1966, paragraph 2 as amended by chapter 294 of the laws of 1984, is amended to read as follows:

(a) As against party:

1. After commencement of an action, any party may serve on any other party notice:

(i) to produce and permit the party seeking discovery, or someone acting on his behalf, to inspect, copy, test or photograph any [specifically] designated documents or any things which are in the possession, custody or control of the party served [, specified with reasonable particularity in the notice]; or

(ii) to permit entry upon designated land or other property in the possession, custody or control of the party served for the purpose of inspecting, measuring, surveying, sampling, testing, photographing or recording by motion pictures or otherwise the property or any specifically designated object or operation thereon.

2. The notice shall specify the time, which shall be not less than twenty days after service of the notice, and the place and manner of making the inspection, copy, test or photograph, or of the entry upon the land or other property *and, in the case of an inspection, copying, testing or photographing, shall set forth the items to be inspected, copied, tested or photographed by individual item or by category, and shall describe each item and category with reasonable particularity.*

§9. Rule 3122 of the civil practice law and rules, as amended by chapter 80 of the laws of 1979, is amended to read as follows:

Rule 3122. Objection to [discovery] *disclosure*, inspection or examination; *compliance. (a)* Within [ten] *twenty* days of service of a notice under rule 3120 or section 3121, [a] *the* party [may serve a notice of motion for a protective order, specifying his objections] *to whom the notice is directed, if that party objects to the disclosure, inspection or examination, shall serve a response which shall state with reasonable particularity the reasons for each objection. If objection is made to part of an item or category, the part shall be specified. The party seeking disclosure under rule 3120 or section 3121 may move for an order under rule 3124 with respect to any objection to, or other failure to respond to or permit inspection as requested by, the notice or any part thereof.*

(b) Whenever a person is required pursuant to such a notice or order to produce documents for inspection, and where such person withholds one or more documents that appear to be within the category of the documents required by the notice or order to be produced, such person shall give notice to the party seeking the production and inspection of the documents that one or more such documents are being withheld. This notice shall indicate the legal ground for withholding each such document, and shall provide the following information as to each such document, unless the person withholding the document states that divulgence of such information would cause disclosure of the allegedly privileged information: (1) the type of document; (2) the general subject matter of the document; (3) the date of the document and (4) such other information as is sufficient to identify the document for a subpoena duces tecum.

§10. Rule 3124 of the civil practice law and rules is REPEALED and a new rule 3124 is added to read as follows:

Rule 3124. Failure to disclose; motion to compel disclosure. If a person fails to respond to or comply with any request, notice, interrogatory, demand, question or order under this article, except a notice to admit under section 3123, the party seeking disclosure may move to compel compliance or a response.

§11. Section 3126 of the civil practice law and rules, the opening paragraph as amended by chapter 42 of the laws of 1978, is amended to read as follows:

§3126. Penalties for refusal to comply with order or to disclose. If any party, or a person who at the time a deposition is taken or an examination or inspection is made [,] is an officer, director, member, employee or agent of a party or otherwise under a party's control, refuses to obey an order for disclosure or willfully fails to disclose information which the court finds ought to have been disclosed pursuant to [notice duly served] *this article*, the court may make such orders with regard to the failure or refusal as are just, among them:

1. an order that the issues to which the information is relevant shall be deemed resolved for purposes of the action in accordance with the claims of the party obtaining the order; or

2. an order prohibiting the disobedient party from supporting or opposing designated claims or defenses, from producing in evidence designated things or items of testimony, or from introducing any evidence of the physical, mental or blood condition sought to be determined, or from using certain witnesses; or

3. an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dis-

missing the action or any part thereof, or rendering a judgment by default against the disobedient party.

§12. Rule 3132 of the civil practice law and rules, as added by chapter 422 of the laws of 1963, is amended to read as follows:

Rule 3132. Service of interrogatories. After commencement of an action, any party may serve [upon any other party] written interrogatories *upon any other party*. [If service is made by any plaintiff upon any defendant within twenty days after service upon him of the summons and complaint, or service is made by any defendant upon the plaintiff within five days after service upon him of the summons and complaint,] *Interrogatories may not be served upon a defendant before that defendant's time for serving a responsive pleading has expired, except by* leave of court granted with or without notice [must be obtained]. A copy of the interrogatories and of any order made under this rule shall be served on each party.

§13. Rule 3133 of the civil practice law and rules, as added by chapter 422 of the laws of 1963, is amended to read as follows:

Rule 3133. [Objections] *Service of answers or objections* to interrogatories. (a) [When objection may be made] *Service of an answer or objection.* Within [ten] *twenty* days after service of interrogatories, the party upon whom they are served [may move upon notice to strike out any interrogatory, stating the grounds for objection.

(b) Suspension pending ruling. The answer to any interrogatory to which objection is made shall be deferred until the objections are ruled on by the court] *shall serve upon each of the parties a copy of the answer to each interrogatory, except one to which the party objects, in which event the reasons for the objection shall be stated with reasonable particularity.*

b) Form of answers and objections to interrogatories. Interrogatories shall be answered in writing under oath by the party served, if an individual, or, if the party served is a corporation, a partnership or a sole proprietorship, by an officer, director, member, agent or employee having the information. Each question shall be answered separately and fully, and each answer shall be preceded by the question to which it responds.

(c) Amended answers. Except with respect to amendment or supplementation of responses pursuant to subdivision (h) of section 3101, answers to interrogatories may be amended or supplemented only by order of the court upon motion.

§14. Rule 3134 of the civil practice law and rules is REPEALED.

§15. Section 3140 of the civil practice law and rules, as added by chapter 640 of the laws of 1967, is amended to read as follows:

§3140. Disclosure of appraisals in proceedings for [condemnanation] *condemnation*, appropriation or review of tax assessments. Notwithstanding the provisions of subdivisions (c) and (d) of section 3101, the [appellate division in each judicial department] *chief administrator of the courts* shall adopt rules governing the exchange of appraisal reports intended for use at the trial in proceedings for condemnation, appropriation or review of tax assessments.

§16. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

REPEAL NOTE.—Rule 3124, relating to motion to compel disclosure, would be REPEALED and replaced by new rule 3124. Rule 3134, relating to answers to interrogatories, would be REPEALED and the matter inserted in rule 3133.

6. Disclosure, Trial Preparation, Experts (CPLR 3101(d)(1)(i))(Uniform Rule 202.56)

The Committee recommends the amendment of CPLR 3101(d)(1)(i), relating to the pre-trial disclosure of information regarding the identity and the anticipated testimony of expert witnesses, to facilitate the mutual and coordinated pretrial exchange of information, of particular importance in complex cases, in order to avoid surprise. The Committee is cognizant of the general impression of both bench and bar that the provision for the pre-trial disclosure of information relating to experts, added to the CPLR in 1985, is not working as well as it should because of unreasonable delays by parties, both plaintiffs and defendants, in complying with disclosure requests under the provision. *See, e.g., Carroll* v. *Nunez*, 146 Misc.2d 422 (Sup. Ct., Ulster Co., 1990). The Committee recommends that the provision be amended to add the potential sanction that "a party may be precluded from offering evidence at trial as to an expert's opinions and the grounds for such opinions if the court finds that such party unreasonably failed to comply with a request under this paragraph [par. 1]".

While the Committee believes that the problem to be remedied occurs in all types of civil actions, because the Legislature has singled out medical malpractice actions for special procedural treatment (CPLR 3406), the Committee also recommends an ancillary amendment to section 202.56 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.56), to provide that the court, at the mandatory preliminary conference, may require the parties to designate by specific dates prior to filing a certificate of readiness any experts expected to testify at trial. The Committee recommends further amendment of the rule to provide that a certificate of readiness or a note of issue may not be filed until a preliminary conference has been held pursuant to this subdivision, or until the party seeking to file the certificate of readiness has certified compliance by that party with all pretrial disclosure requested in that case, including that related to experts under section 3101(d)(1) of the Civil Practice Law and Rules.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the pre-trial disclosure of experts' testimony

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

Section 1. Subparagraph (i) of paragraph 1 of subdivision (d) of section 3101 of the civil practice law and rules, as amended by chapter 184 of the laws of 1988, is amended to read as follows:

(i) Upon request, each party shall identify each person whom the party expects to call as an expert witness at trial and shall disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions on which each expert is expected to testify, the qualifications of each expert witness and a summary of the grounds for each expert's opinion. *A party may be precluded from offering evidence at trial as to an expert's opinions and the grounds for such opinions if the court finds that such party unreasonably failed to comply with a request under this paragraph.* However, where a party for good cause shown retains an expert an insufficient period of time before the commencement of trial to give appropriate notice thereof, the party shall not thereupon be precluded from introducing the expert's testimony at the trial solely on grounds of noncompliance with this paragraph. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. In an action for medical, dental or podiatric malpractice, a party, in responding to a request, may omit the names of medical, dental or podiatric experts but shall be required to disclose all other information concerning such experts otherwise required by this paragraph.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

The Committee further proposes the amendment of subdivisions (b) through (h) of section 202.56 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.56(b)-(h)) to read as follows:

(b) Medical, Dental and Podiatric Malpractice Preliminary Conference. (1) The judge, assigned to the medical, dental or podiatric malpractice action, as soon as practicable after the filing of the notice of medical, dental or podiatric malpractice action, shall order and conduct a preliminary conference and shall take whatever action is warranted to expedite the final disposition of the case, including but not limited to:

(i) directing any party to utilize or comply forthwith with any pretrial disclosure procedure authorized by the Civil Practice Law and Rules;

(ii) fixing the date and time for such procedures provided that all such procedures must be completed within 12 months of the filing of the notice of medical, dental or podiatric malpractice action unless otherwise ordered by the court;

(iii) requiring the parties to designate experts, if any, expected to testify at trial by specific dates prior to filing a note of issue and a certificate of readiness;

(iv) establishing a timetable for offers and depositions pursuant to CPLR 3101(d)(1)(ii);

[(iv)] *(v)* directing the filing of a note of issue and a certificate of readiness when the action otherwise is ready for trial, provided that the filing of the note of issue and certificate of readiness, to the extent feasible, be no later than 18 months after the notice of medical, dental or podiatric malpractice action is filed;

[(v)] *(vi)* fixing a date for trial;

[(vi)] *(vii)* signing any order required;

[(vii)] *(viii)* discussing and encouraging settlement, including use of the arbitration procedures set forth in CPLR 3045;

[(viii)] *(ix)* limiting issues and recording stipulations of counsel; and

[(ix)] *(x)* scheduling and conducting any additional conferences as may be appropriate.

(2) A party failing to comply with a directive of the court authorized by the provisions of this subdivision shall be subject to appropriate sanctions, including costs, imposition of appropriate attorney's fees, dismissal of an action, claim, cross-claim, counterclaim or defense, or rendering a judgment by default. A certificate of readiness and a note of issue may not be filed until a precalendar conference has been held pursuant to this subdivision.

(3) Where parties are represented by counsel, only attorneys fully familiar with the action and authorized to make binding stipulations or commitments, or accompanied by a person empowered to act on behalf of the party represented, shall appear at the conference.

(c) A certificate of readiness and a note of issue may not be filed until a preliminary conference has been held pursuant to subdivision (b) of this section, or until the party seeking to file the certificate of readiness and note of issue has certified compliance by that party with all pretrial disclosure requested in that case, including that related to experts under section 3101(d)(1) of the Civil Practice Law and Rules.

7. Use of Depositions (CPLR 3117(a)(2))

The Committee recommends the clarification of CPLR 3117(a)(2) with respect to the use of depositions.

CPLR 3117(a)(2), in prescribing which depositions may be used as evidence in chief by an adverse party, includes the depositions of various officials and agents of a party, but it singles out the party's "employee" for distinct treatment. Before the employee's deposition may be used (even by the adverse party), CPLR 3117(a)(2) requires a showing that the employee was "produced" by the employer-party, but it does not say expressly when this producing had to take place.

The context suggests that the employee had to be produced by the employer at the trial, and that is in fact the construction given to the rule by *Rodriguez* v. *Board of Education of the City of New York*, 104 A.D.2d 978 (2d Dept. 1984). What almost certainly was intended, however, is that it be shown that the employer produced the employee not at the trial, but at the deposition. It is at that point that the employee's loyalties would be relevant, giving the employee, if he or she is such at deposition time, the status of a "party" and enabling the adverse party to treat his deposition as such later on at the trial. That application of the rule makes more sense in trial practice (*see* Siegel, 1985 Commentary C3117:4 on McKinney's CPLR 3117) and the Advisory Committee has discerned that the application recommended here has been the most common one, and clearly the one preferred by members of the trial bar on both sides of litigation.

Rodriguez creates practical problems, *e.g.*, where an employee produced for pre-trial deposition by the employer-party has retired and relocated to another state. If the employee cannot be subpoenaed, the deposition should be usable at the trial. This problem arises frequently, especially in construction cases. *See*, *e.g.*, *State University Construction Fund* v. *Kipphut & Neuman Co.*, 159 A.D.2d 1003 (4th Dept. 1990).

The amendment therefore alters the construction given the rule by *Rodriguez*, and adopts the preferred practice.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to use of depositions

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

Section 1. Paragraph 2 of subdivision (a) of rule 3117 of the civil practice law and rules, as amended by judicial conference proposal number 2 for the year 1977, is amended to read as follows:

2. the deposition of a party or of any one who at the time of taking the deposition was an officer, director, member, or managing or authorized agent of a party, or the deposition of an employee of a party produced *at the taking of the deposition* by that party, may be used for any purpose by any adversely interested party;

§2. This act shall take effect immediately.

8. Notice to Defaulting Party (CPLR 3215(f)(1))

The Committee recommends that CPLR 3215(f)(1), as amended by chapter 183 of the Laws of 1990, be amended further to clarify an ambiguity occasioned by the 1990 amendment.

The 1990 amendment requires the giving of notice by the party seeking a default judgment when the clerk enters such a judgment. CPLR 3215(f)(1) as amended provides for five days' notice to a defaulting party who appeared in the action, not only where a motion to enter default judgment must be made to the court, but also in cases involving a sum certain, where a judgment may be entered upon application to the clerk without a formal motion. The language is technically deficient in that literally it appears to link the notice that must be given when the clerk enters default judgment to the making of a motion, although, clearly, no formal motion to the court is required, or should be required in that circumstance. If not rectified, this ambiguity will confuse the bar, the courts and court clerks as to the proper procedures when judgment is entered by the clerk.

The Committee urges clarification of the provision by eliminating the term "motion" and substituting a reference to an application made to a judge or the clerk.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to notice to defaulting party

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

Section 1. Paragraph 1 of subdivision (f) of section 3215 of the civil practice law and rules, as amended by chapter 584 of the laws of 1990, is amended to read as follows:

1. Except as otherwise provided with respect to specific actions, [if] *whenever* application [must be] *is* made to the court or [if judgment is entered by] *to* the clerk, any defendant who has appeared is entitled to at least five days' notice of the time and place of the [motion] *application*, and if more than one year has elapsed since the default any defendant who has not appeared is entitled to the same notice unless the court orders otherwise. The court may [also] dispense with the requirement of notice when a defendant who has appeared has failed to proceed to trial of an action reached and called for trial.

§2. This act shall take effect immediately.

9. Prejudgment Interest after Offers to Compromise and in Personal Injury Actions (CPLR 3221, 5001(a)(b))

The Committee recommends that CPLR 3221 be amended to provide that where an offer to compromise is proffered in any action by a party against whom a claim is asserted, but is not accepted by the claimant, if the claimant fails to obtain a more favorable judgment, the claimant's recovery of interest as well as costs shall be limited to the period preceding the offer. The amendment of CPLR 3221 is designed to encourage parties to settle claims at an early stage by potentially affecting the amount of interest as well as costs recoverable upon judgment.

The Committee also recommends that subdivisions (a) and (b) of CPLR 5001, relating to prejudgment interest, be amended to provide for the prejudgment accrual of interest in a personal injury action. CPLR 5001(a) designates the types of actions in which prejudgment interest now is accruable, and CPLR 5001(b) fixes the date from which interest accrues in those actions. This measure would add personal injury actions to those which are now included in subdivision (a). It also would specify in subdivision (b) that such interest shall run from the date of the filing of the note of issue or notice of trial, whichever is appropriate, to the date of verdict, report or decision, exclusively on special and general damages incurred to the date of such verdict, report or decision. Both subdivisions (a) and (b) of CPLR 5001 would be restructured to achieve greater order and cohesiveness.

The amendment to CPLR 3221 gives an incentive to plaintiffs to settle or proceed expeditiously to trial; the amendment to CPLR 5001 gives the same incentive to defendants.

The proposal, based on considerations of equity and effective case disposition, reflects a growing national trend. Twenty-seven states, as opposed to five in 1965, now require an award of prejudgment interest in personal injury and wrongful death actions. New York's EPTL §5-4.3 already provides for such interest in a wrongful death action. The proposal, by selecting the note of issue filing date as the point at which interest begins to accrue, is designed to strike a balance of equities between plaintiff and defendant while fostering disposition. Such balance discourages undue delay by a plaintiff who might be tempted to seek accumulation of interest from an earlier accrual date, and discourages excessive reticence in settling by a defendant who might be prompted to delay settlement if the accrual date were later. Interest would be computed on awards only, since settlements are concluded with interest in mind, and the imposition of additional interest where settlements are achieved would be inequitable.

Several stylistic changes of a non-substantive nature also are recommended by the Committee in these provisions.

Punitive damages are not included in the proposal because they are not compensatory. Interest is omitted on future damages because interest should not accrue on damage that has not been incurred.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to offers to compromise and in relation to computation of interest in personal injury actions

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

Section 1. Rule 3221 of the civil practice law and rules is amended to read as follows:

Rule 3221. Offer to compromise. Except in a matrimonial action, at any time not later than ten days before trial, any party against whom a claim is asserted, and against whom a separate judgment may be taken, may serve upon the claimant a written offer to allow judgment to be taken against [him] *that party* for a sum or property or to the effect therein specified, with costs then accrued. If within ten days thereafter the claimant serves a written notice [that he accepts] *accepting* the offer, either party may file the summons, complaint and offer, with proof of acceptance, and thereupon the clerk shall enter judgment accordingly. If the offer is not accepted and the claimant fails to obtain a more favorable judgment, [he] *the claimant* shall not recover costs *or interest* from the time of the offer, but shall pay costs from that time. An offer of judgment shall not be made known to the jury.

§2. Subdivisions (a) and (b) of section 5001 of the civil practice law and rules are amended to read as follows:

(a) Actions in which recoverable. *1.* Interest *to verdict, report or decision* shall be recovered upon a sum awarded [because of a breach of performance of a] *in an action based on personal injury,* contract, or [because of] an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property [,except that].

2. Interest may be awarded in the court's discretion in an action of an equitable nature [, interest and the] *at a* rate [and date from which it shall be] computed [shall be] in the court's discretion.

(b) Date from which computed; *type of damage on which computed.* Interest *recoverable in the actions specified in subdivision (a) of this section shall be computed as follows:*

1. in an action for personal injury, interest on the sum awarded shall be computed from the date of filing of the note of issue or notice of trial, whichever is appropriate, but shall be based exclusively on special and general damages incurred to the date of such verdict, report or decision;

2. in an action based upon contract, or an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property, interest shall be computed from the earliest ascertainable date the cause of action existed, except that interest upon damages incurred thereafter shall be computed from the date incurred. Where such damages were incurred at various times, interest shall be computed upon each item from the date it was incurred or upon all of the damages from a single reasonable intermediate date; *and*

3. in an action of an equitable nature, interest shall be computed from a date fixed in the court's discretion.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law, except that: (1) section one shall apply only to actions in which the offer to compromise was made on or after such effective date, and (2) section two shall apply only to actions in which a note of issue or notice of trial, whichever is appropriate, has been filed on or after such effective date.

10. Itemized Verdicts and Periodic Payment of Judgments in Certain Actions (CPLR 4111(d)(f))

The Committee recommends the amendment of CPLR 4111(d) and 4111(f) to correct a troublesome procedural ambiguity created by a provision of Chapter 184 of the Laws of 1988.

Article 50-A of the CPLR (periodic payment of judgments in medical and dental malpractice cases), added by L. 1985, c. 294, became effective on July 1, 1985. Article 50-B of the CPLR (periodic payment of judgments in personal injury, injury to property and wrongful death actions), added by L. 1986, c. 682, became effective on July 30, 1986. These enactments were intended to coordinate CPLR 4111(d) (itemized verdict in medical, dental or podiatric malpractice actions) and CPLR 4111(f) (itemized verdict in certain actions [personal injury, injury to property, wrongful death]) with CPLR Articles 50-A and 50-B. However, chapter 184 of the Laws of 1988, effective July 1, 1988, provided, *inter alia*, that the itemized verdict requirements of CPLR 4111(d) and (f) shall apply to "all actions in which a trial has not commenced as of August 1, 1988," but did not change the effective date of the application of CPLR Articles 50-A and 50-B.

Failure to synchronize the effective dates of the two sets of provisions has produced a procedural lacuna in which pre-1985 medical malpractice actions and pre-1986 tort actions, which were not tried before August 1, 1988, although subject to the itemized verdict provisions, are not subject to the structured judgments provisions. This creates an anomaly, especially since CPLR 4111(d) and 4111(f) provide that, "In computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value." Calculation of the present value of future damages, or the present cost of providing an annuity to provide for future periodic payments, should be effected when a structured judgment is entered under the provisions of CPLR Article 50-A or 50-B. If those articles are inapplicable, the court and parties find it difficult to determine the appropriate procedure. *See Jeras* v. *East Manufacturing Corp.*, 143 Misc.2d 188 (Sup. Ct., Niagara Co., 1989), *rev'd on other grounds*, 134 A.D.2d 938 (4th Dept., 1989).

Although this problem sometimes is resolved by stipulations to not apply fully the itemized verdict provisions of CPLR 4111 to actions not governed by CPLR Articles 50-A or 50-B, or to allow proof of present value of future damages in such actions, statutory rectification is essential. This measure remedies the problem by providing that the itemized verdict provisions of CPLR 4111(d)(f), requiring that, in computing damages, juries shall be instructed to award the full amount of future damages, as calculated, without reduction to present value, shall be applicable only in actions in which the structured settlement provisions of CPLR Articles 50-A or 50-B also are applicable.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to itemized verdicts and periodic payment of judgments in certain actions

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

Section 1. Subdivisions (d) and (f) of rule 4111 of the civil practice law and rules, subdivision (d) as amended by chapter 485 and subdivision (f) as added by chapter 682 of the laws of 1986, are amended to read as follows:

(d) Itemized verdict in medical, dental or podiatric malpractice actions. In a medical, dental or podiatric malpractice action the court shall instruct the jury that if the jury finds a verdict awarding damages it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element, including but not limited to medical expenses, dental expenses, podiatric expenses, loss of earnings, impairment of earning ability, and pain and suffering. In a medical, dental or podiatric malpractice action, each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In *actions in which Article 50-A or Article 50-B applies, in* computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.

(f) Itemized verdict in certain actions. In an action brought to recover damages for personal injury, injury to

property or wrongful death, which is not subject to subdivisions (d) and (e) of this rule, the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element including, but not limited to, medical expenses, dental expenses, loss of earnings, impairment of earning ability, and pain and suffering. Each element shall be further itemized into amounts intended to compensate for damages that have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In *actions in which Article 50-A or Article 50-B applies, in* computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.

§2. This act shall take effect immediately.

11. Basis for Determining Periodic Judgments (CPLR 5031(e), 5041(e))

The Committee recommends the amendment of CPLR 5031(e) and 5041(e), with respect to the basis for determining a judgment that requires periodic payments in a medical or dental malpractice action or in a personal injury action, to replace the present unclear statutory directions for reducing to present value awards in excess of $250,000.

The present provisions require the court to apply "the discount rate in effect at the time of the award." This has led to a multiplicity of inconsistent approaches, including mini-hearings after the trial involving economic experts. The Committee recommends the substitution of a specific, easily ascertainable, discount rate, *i.e.*, "the discount rate reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding the award." This change should result in more expeditious filing of periodic judgments, a saving in both attorney-time and judicial-time, and greater consistency and fairness in the application of the statute.

The Committee is aware that other problems exist with respect to CPLR Articles 50-A and 50-B. One of those, involving the coordination of these provisions with CPLR 4111(d) and (f) (itemized verdicts), is the subject of a separate proposal by the Committee. *See* pages 64-65, *supra*. Another problem, the appropriate figure to use to calculate anticipated inflation, now set at a flat four percent, has been the subject of study by the Committee. However, the Committee at this time does not recommend a change in that formula, nor does it recommend any particular solution to the danger that may exist that the inflation factor may be added twice in calculating the judgment, once by the jury and once by the judge. The experience of the Committee is that the "four percent" formula is "roughly", if not entirely, adequate, so that in the absence of a consensus for a better formula, no change is proposed at this time. This does not foreclose a future recommendation by the Committee as to how best to calculate inflation in determining future periodic payments.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the basis for determining periodic judgments

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

Section 1. Subdivision (e) of section 5031 of the civil practice law and rules, as amended by chapter 485 of the laws of 1986, is amended to read as follows:

(e) With respect to awards of future damages in excess of two hundred fifty thousand dollars in an action to recover damages for dental, medical or podiatric malpractice, the court shall enter judgment as follows:

After making any adjustments prescribed by subdivisions (b), (c) and (d) of this section, the court shall enter a judgment for the amount of the present value of an annuity contract that will provide for the payment of the remaining amounts of future damages in periodic installments. The present value of such contract shall be determined in accordance with generally accepted actuarial practices by applying the discount rate [in effect at the time of] *reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding* the award to the full amount of the remaining future damages, as calculated pursuant to this subdivision. The period of time over which such periodic payments shall be made and the period of time used to calculate the present value of the annuity contract shall be the period of years determined by the trier of fact in arriving at the itemized verdict; provided, however, that the period of time over which such periodic payments shall be made and the period of time used to calculate the present value for damages attributable to pain and suffering shall be ten years or the period of time determined by the trier of fact, whichever is less. The court, as part of its judgment, shall direct that the defendants and their insurance carriers shall be required to offer and to guarantee the purchase and payment of such an annuity contract. Such annuity contract shall provide for the payment of the annual payments of such remaining future damages over the period of time determined pursuant to this subdivision. The annual payment for the first year shall be calculated by dividing the remaining amount of future damages by the number of years over which such payments shall be made and the payment due in each succeeding year shall be computed by adding four percent to the previous year's payment. Where payment of a portion of the future damages terminates in accordance with the provisions of this article, the four percent added payment shall be based only upon that portion of the damages that remains subject to continued payment. Unless otherwise agreed, the annual sum so arrived at shall be paid in equal monthly installments and in advance.

§2. Subdivision (e) of section 5041 of the civil practice law and rules, as added by chapter 682 of the laws of 1986, is amended to read as follows:

(e) With respect to awards of future damages in excess of two hundred fifty thousand dollars in an action to recover damages for personal injury, injury to property or wrongful death, the court shall enter judgment as follows:

After making any adjustment prescribed by subdivisions (b), (c) and (d) of this section, the court shall enter a judgment for the amount of the present value of an annuity contract that will provide for the payment of the remaining amounts of future damages in periodic installments. The present value of such contract shall be determined in accordance with generally accepted actuarial practices by applying the discount rate [in effect at the time of] *reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding* the award to the full amount of the remaining future damages, as calculated pursuant to this subdivision. The period of time over which such periodic payments shall be made and the period of time used to calculate the present value of the annuity contract shall be the period of years determined by the trier of fact in arriving at the itemized verdict; provided, however, that the period of time over which such periodic payments shall be made and the period of time used to calculate the present value for damages attributable to pain and suffering shall be ten years or the period of time determined by the trier of fact, whichever is less. The court, as part of its judgment, shall direct that the defendants and their insurance carriers shall be required to offer and to guarantee the purchase and payment of such an annuity contract. Such annuity contract shall provide for the payment of the annual payments of such remaining future damages over the period of time determined pursuant to this subdivision. The annual payment for the first year shall be calculated by dividing the remaining amount of future damages by the number of years over which such payments shall be made and the payment due in each succeeding year shall be computed by adding four percent to the previous year's payment. Where payment of a portion of the future damages terminates in accordance with the provisions of this article, the four percent added payment shall be based only upon that portion of the damages that remains subject to continued payment. Unless otherwise agreed, the annual sum so arrived at shall be paid in equal monthly installments and in advance.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

12. Filing of Notice of Pendency (CPLR 6501)

The Committee recommends that CPLR 6501 be amended to make it clear that a notice of pendency may not be filed in a summary proceeding brought to recover the possession of real property.

CPLR 6501 provides that a notice of pendency may be filed in an action in which "the judgment demanded would affect the title to, or the possession, use or enjoyment of, real property". The question whether this definition includes summary proceedings to recover the possession of real property recently divided the Appellate Division, Third Department in *Nadeau* v. *Tuley*, 160 A.D.2d 1130 (1990), appeal dismissed, 76 N.Y.2d 846 (1990), where the majority answered the question in the negative and the dissent in the affirmative. The dissent stated, however, that "recognizing a great potential for mischief, we would call upon the Legislature to consider amending CPLR 6501 so as to exclude tenancies of limited duration from its coverage." The majority held that "literal construction of CPLR 6501 would bring about an unreasonable, if not absurd result in this case since, when a notice of pendency is filed in an action asserting a right to possession of realty under a month-to-month tenancy, the provisional remedy places a greater servitude upon the realty than the interest asserted in the underlying action." The majority also noted that "a notice of pendency has a 'powerful impact' upon the alienability of property, particularly 'conjoined with the facility with which it may be obtained'".

The Advisory Committee recommends that CPLR 6501 be amended to codify the holding in *Nadeau* v. *Tuley, supra.*, to clarify that a *lis pendens* may not be filed in a summary proceeding.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the filing of a notice of pendency

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

Section 1. Section 6501 of the civil practice law and rules, as amended by chapter 532 of the laws of 1963, is amended to read as follows:

§6501. Notice of pendency; constructive notice. A notice of pendency may be filed in any action in a court of the state or of the United States in which the judgment demanded would affect the title to, or the possession, use or enjoyment of, real property, *except in a summary proceeding brought to recover the possession of real property.* The pendency of such an action is constructive notice, from the time of filing of the notice only, to a purchaser from, or incumbrancer against, any defendant named in a notice of pendency indexed in a block index against a block in which property affected is situated or any defendant against whose name a notice of pendency is indexed. A person whose conveyance or incumbrance is recorded after the filing of the notice is bound by all proceedings taken in the action after such filing to the same extent as [if he were] a party.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

13. Compensation of Referees Appointed to Sell Real Property (CPLR 8003(b))

The Committee has been made aware of an odd disparity incorporated in CPLR 8003(b). As construed (see *Schorner* v. *Schorner*, 128 Misc.2d 415 (1985)), the statute appears to permit the court, in its discretion, to award increased compensation, where warranted, to a referee appointed by a court to sell property in an action to foreclose a mortgage, but not in an action for partition. The Committee believes that there is no reason to treat referees appointed by a court to sell property differently with respect to compensation merely because the sales are the consequence of judgments rendered in different types of actions. No matter what the nature of the underlying action, the referee's assignment to sell property is the same.

The Committee also is aware that the statutorily-prescribed compensation of referees appointed to sell real property has not been increased since 1976. Accordingly, it has become increasingly difficult to attract lawyers willing to undertake such appointments. For this further reason, it favors an increase in the current rates of compensation.

Both flaws in CPLR 8003(b) can and should be eliminated by the deletion of the archaic language from the text of the provision, as proposed.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the compensation of referees appointed to sell real property

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

Section 1. Subdivision (b) of section 8003 of the civil practice law and rules, as amended by chapter 700 of the laws of 1976, is amended to read as follows:

(b) Upon sale of real property. A referee appointed to sell real property pursuant to a judgment is entitled to the same fees and disbursements as those allowed to a sheriff. Where a referee is required to take security upon a sale, or to distribute, apply, or ascertain and report upon the distribution or application of any of the proceeds of the sale, he *or she* is also entitled to one-half of the commissions upon the amount secured, distributed or applied as are allowed by law to an executor or administrator for receiving and paying out money. Commissions in excess of fifty dollars shall not be allowed upon a sum bid by a party, and applied upon that party's judgment, without being paid to the referee. A referee's compensation, including commissions, upon a sale pursuant to a judgment in [an] *any* action [to foreclose a mortgage] cannot exceed [two hundred dollars, or pursuant to any other judgment,] five hundred dollars, unless the property sold for [ten] *fifty* thousand dollars or more, in which event the referee may receive such additional compensation as to the court may seem proper.

§2. This act shall take effect immediately.

III. NEW OR MODIFIED MEASURES

1. Period of Limitations when Summons is Delivered to Sheriff or County Clerk (CPLR 203(b)(5)) [new]

The Committee recommends that CPLR §203(b)(5), which permits a plaintiff to obtain an extension of a period of limitations by serving process on the sheriff outside the City of New York, or a county clerk within the City of New York, in the proper county, provided that service is made upon the defendant within 60 days, be amended to clarify that it does not apply to an Article 78 proceeding where the period of limitations is four months or less.

It is inappropriate that a four-month statute of limitations to review a determination or refusal to act by a governmental agency should be extended for two additional months by service on a sheriff or county clerk, where there is no difficulty in locating the public agency for service. The Committee believes it should be made clear that this provision is not intended to be available to a petitioner in an Article 78 proceeding, which could result in inappropriate delays in implementing determinations of public bodies and officers.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the period of limitations when a summons is delivered to the sheriff or county clerk

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

Section 1. Paragraph five of subdivision (b) of section 203 of the civil practice law and rules is amended to read as follows:

5. The summons is delivered to the sheriff of that county outside the city of New York or is filed with the clerk of that county within the City of New York in which the defendant resides, is employed or is doing business, or if none of the foregoing is known to the plaintiff after reasonable inquiry, then of the county in which the defendant is known to have last resided, been employed or been engaged in business, or in which the cause of action arose; or if the defendant is a corporation, of a county in which it may be served or in which the cause of action arose; provided that:

(i) the *time for commencement of the action or proceeding is greater than four months, and the* summons is served upon the defendant within sixty days after the period of limitations would have expired but for this provision; or,

(ii) first publication of the summons against the defendant is made pursuant to an order within sixty days after the period of limitation would have expired but for this provision and publication is subsequently completed; or

(iii) the summons is served upon the defendant's executor or administrator within sixty days after letters are issued, where the defendant dies within sixty days after the period of limitation would have expired but for this provision and before the summons is served upon him or publication is completed.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Permission to Proceed as a Poor Person (CPLR 1101) [new]

On the basis of proposals made by the Committees on Legal Aid and Public Interest Law and the President's Committee on Access to Justice, Committees of the New York State Bar Association, this Committee recommends the amendment of CPLR §1101 to provide for the granting by the court of an application by a party to proceed as a poor person in civil litigation, without the necessity of formal motion practice.

The purpose of this measure is to expedite and simplify the granting of poor person status in litigation. At present, the courts almost invariably grant "poor person" status to a party who is represented by a legal aid society or a legal services organization. These organizations carefully screen clients for indigency. Formal motion practice in each case to obtain poor person relief is time-consuming, expensive and sometimes the occasion of detrimental delay in permitting poor persons to assert their legal rights.

This measure would provide that where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization, which has as its primary purpose the furnishing of legal services to indigent persons, or by private counsel working on behalf of or under the auspices of such society or organization, all fees and costs relating to the filing and service of papers shall be waived without the necessity of a motion, provided that a determination has been made by such society, organization or attorney that such party is unable to pay the costs, fees and expenses necessary to the appeal, and that an attorney's certification that such determination has been made is provided to the clerk of the court. The person represented by the legal service organization would be entitled upon *ex parte* application to commence the proceeding and file all necessary papers without paying the index number fee, the request for judicial intervention (RJI) fee, the note of issue fee and the jury demand fee. However, a motion would be required for obtaining a free transcript of the trial or hearing and to file a notice of appeal, and a motion to the appellate court would be required to appeal as a poor person.

This measure also preserves the motion procedure for all other applications for poor person relief, and provides a precise definition of who is eligible for the *ex parte* procedure.

A similar rule has been adopted by the court system in the State of New Jersey (*see* section 1:13-2 of the New Jersey Court Rules of General Application).

Proposal

AN ACT

to amend the civil practice law and rules, in relation to application for permission to proceed as a poor person

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

Section 1. Section 1101 of the civil practice law and rules, as amended by chapter 212 of the laws of 1987, is amended to read as follows:

§1101. Motion for permission to proceed as a poor person; affidavit; certificate; notice; *when motion not required.*

(a) Motion; affidavit. Upon motion of any person, the court in which the action is triable, or to which an appeal has been or will be taken, may grant permission to proceed as a poor person. Where a motion for leave to appeal as a poor person is brought to the court in which an appeal has been or will be taken, such court shall hear such motion on the merits and shall not remand such motion to the trial court for consideration. The moving party shall file [his] *an* affidavit setting forth the amount and sources of his *or her* income and listing his *or her* property with its value; that he *or she* is unable to pay the costs, fees and expenses necessary to prosecute or defend the action or to maintain or respond to the appeal; the nature of the action; sufficient facts so that the merit of [his] *the* contentions can be ascertained; and whether any other person is beneficially interested in any recovery sought and, if so, whether every such person is unable to pay such costs, fees and expenses. An executor, administrator or other representative may move for permission on behalf of a deceased, infant or incompetent poor person.

(b) Certificate. The court may require the moving party to file with the affidavit a certificate of any attorney stating that [he] *the attorney* has examined the action and believes there is merit to the moving party's contentions.

(c) Notice. If an action has already been commenced, notice of the motion shall be served on all parties, and notice shall also be given to the county attorney in the county in which the action is triable or the corporation counsel if the action is triable in the city of New York.

(d) *When motion not required. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization, which has as its primary purpose the furnishing of legal services to indigent*

persons, or by private counsel working on behalf of or under the auspices of such society or organization, all fees and costs relating to the filing and service of papers shall be waived without the necessity of a motion, provided that a determination has been made by such society, organization or attorney that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that an attorney's certification that such determination has been made is provided to the clerk of the court.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

3. Unsworn Affirmation of Truth of Statement Under Penalty of Perjury (CPLR 2106) [new]

The Committee recommends the amendment of CPLR 2106 (affirmation of truth of statement by attorney, physician, osteopath or dentist), which now permits certain professional persons to substitute an affirmation for an affidavit in judicial proceedings, to replace the use of an affidavit for all purposes in a civil action by the use of an affirmation — a procedure modelled upon the federal declaration procedure system modelled upon the federal declaration procedure (28 USC 1746; unsworn declarations under penalty of perjury).

New York notarial fees have increased (L. 1991, c. 143) and, in many circumstances, notaries are hard to find by persons wanting immediately to make an affidavit, occasioning many unnecessary delays. It is increasingly difficult to find notaries outside of central business districts, and when found, usually in banks, they often refuse to notarize for anyone not known to a branch officer. The Committee also notes that perjury is easier to prove under an affirmance procedure than under the affidavit-notary procedure, because it is unnecessary to prove that an oath had been administered.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to unsworn affirmation of truth of statement under penalty of perjury

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

Section 1. Rule 2106 of the civil practice law and rules is REPEALED and a new rule 2106 is added to read as follows:

Rule 2106. Affirmation of truth of statement under penalty of perjury. Wherever, under any law of the state of New York or under any rule, regulation, order or requirement made pursuant to law, with respect to any civil action, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certification, statement, oath, affirmation or affidavit, in writing, of any person, such matter may be established, supported, evidenced or proved by the affirmation, in writing, of such person, which is subscribed to be true under the penalty of perjury, and dated.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

REPEAL NOTE.—Rule 2106 of the civil practice law and rules, to be REPEALED by this act, now permits certain professional persons to substitute an affirmation for an affidavit in judicial proceedings. The new rule 2106, to be added in its place, would replace the use of an affidavit by an affirmation for all purposes in a civil action.

4. Requirement that Judge's Decisions on Motions and Applications be Written or Otherwise Recorded (CPLR 2219(a)) [new]

The Committee recommends that CPLR 2219(a), relating to the time and form of an order determining a motion, be amended to provide that a ruling or order made by a judge in an action, whether upon written or oral application or motion of a party or *sua sponte*, shall, upon the request of any party, be reduced to writing or otherwise recorded.

Oral rulings frequently are made by judges, often during conference in chambers with no court reporter present. If the court disposes of an application or motion of a party orally, or makes an oral *sua sponte* ruling or order affecting a party, and if such oral ruling or order is neither recorded nor reduced to writing, it becomes almost impossible for the party to preserve objections for purposes of appeal. The Committee believes that a party is entitled to preserve all rulings and objections for appeal and that the CPLR should provide a procedure to do this. The procedure should come into play only upon request of a party, since it is not necessary that every oral ruling by a judge be so recorded, but upon request of a party, it should be.

The Committee notes that it is not intended by this amendment that each judicial ruling made during a *voir dire* be recorded or reduced to writing, because, at the end of the *voir dire*, an appeal may be taken upon affidavit of an attorney who states that the jury panel is not satisfactory.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the recording of judicial rulings and orders

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

Section 1. Subdivision (a) of rule 2219 of the civil practice law and rules is amended to read as follows:

(a) Time and form or order determining motion, generally. An order determining a motion relating to a provisional remedy shall be made within twenty days, and an order determining any other motion shall be made within sixty days, after the motion is submitted for decision. The order shall be in writing and shall be the same in form whether made by a court or a judge out of court. An order determining a motion made upon supporting papers shall be signed with the judge's signature or initials by the judge who made it, state the court of which he *or she* is a judge and the place and date of the signature, recite the papers used on the motion, and give the determination or direction in such details as the judge deems proper. *Except where otherwise provided by law, any ruling or order made by a judge in an action, whether upon written or oral application or motion of a party or sua sponte, shall, upon the request of any party, be reduced to writing or otherwise recorded.*

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

5. Production of Records and Other Things by a Non-party Witness in Disclosure (CPLR 3111) [new]

The Committee recommends that CPLR 3111 be amended to provide that the reasonable production expenses of a non-party witness shall be defrayed by the party seeking the discovery.

Where a non-party witness is required to produce information for discovery pursuant to CPLR 3120(b), the witness may rely upon a specific provision that the order must provide for the defraying of the non-party's expenses. However, where a non-party witness, subpoenaed under CPLR 3016, is required to produce records, even if voluminous, under CPLR 3111, there is no counterpart provision to reimburse the witness for his or her expenses incurred in complying with the required production. It is inappropriate and burdensome in such case, where the party demanding discovery does not agree reasonably to reimburse the witness, to require the witness to resort to an application under CPLR 3103 for a protective order.

The Committee believes that the most appropriate method to assure non-party witnesses protection against incurring unreimbursed expenses, which can be considerable, in an effort to comply with discovery, is to harmonize CPLR 3111 with CPLR 3120(b) by explicitly providing that reasonable production expenses must be defrayed, even in the deposition setting. This would establish a general rule that would avoid applications to court in most instances, leaving both the parties and non-party witness free to seek judicial relief if necessary under CPLR 3103 or 3124.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the reimbursement of expenses for the production of things at an examination

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

Section 1. Rule 3111 of the civil practice law and rules is amended to read as follows:

Rule 3111. Production of things at the examination. The notice or subpoena may require the production of books, papers and other things in the possession, custody or control of the person to be examined to be marked as exhibits, and used on the examination. *The reasonable production expenses of a non-profit witness shall be defrayed by the party seeking discovery.*

§2. This act shall take effect on the first day of January next succeeding that date on which it shall have become a law.

6. Authentication of Records of Defunct Hospitals (CPLR 4518(c)) [new]

The Committee's attention has been called to a gap in the coverage of CPLR 4518(c), which provides for the certification or authentication of, among other things, records of patient care maintained by a hospital. In conjunction with CPLR 2306, the statute provides that, in response to a subpoena *duces tecum*, copies of patient records may be produced and are *prima facie* evidence of the facts contained therein if certified by the head of the hospital, laboratory, or an employee delegated by a qualified physician.

The gap in coverage arises when a hospital is closed and there is no head of hospital or other person who may certify the records pursuant to CPLR 4518(c). Typically, the hospital's records are held by a warehouse or records archive company which is in the business of storing records.

Numerous hospitals in New York State have closed in the recent past, and as financial pressures intensify, it is clear that others also will close, particularly small hospitals. New York State Health Department Regulations 10 NYCRR 401.4(i) provide for retention of records of a hospital which is closing, pursuant to a written plan approved by the State Commissioner of Health, but such written plans do not and cannot address the evidentiary problem of authenticating such records in a judicial proceeding.

The Committee proposes to fill the gap by permitting a person who is in the business of maintaining records to certify as to his authority to hold them, and to who has had access to them.

Because the warehouseman cannot certify that the record received from the hospital is, in fact, the complete hospital record, the warehouseman should be permitted to give a certificate as to the facts he ordinarily would know, making the records admissible, with the issues of their completeness and weight to be left to the judgment of the trier of facts.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the certification of business records

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

Section 1. Subdivision (c) of rule 4518 of the civil practice law and rules, as amended by chapter 792 of the laws of 1984, is amended to read as follows:

(c) Other records. All records, writings and other things referred to in sections 2306[,] *and* 2307 and any record and report relating to the administering and analysis of a blood genetic marker test administered pursuant to sections four hundred eighteen and five hundred thirty-two of the family court act, are admissible in evidence under this rule and are prima facie evidence of the facts contained; provided they bear a certification or authentication by the head of the hospital, laboratory, department or bureau of a municipal corporation or of the state, or by an employee delegated for that purpose or by a qualified physician. *Where a hospital record is in the custody of a warehouse, or "warehouseman" as that term is defined by uniform commercial code section 7-102(1)(h), pursuant to a plan approved in writing by the state commissioner of health, admissibility under this subdivision may be established by a certification made by the manager of the warehouse that sets forth (i) the authority by which the record is held, including but not limited to a court order, order of the commissioner, or order or resolution of the governing body or official of the hospital, and (ii) that the record has been in the exclusive custody of such warehouse or warehouseman since its receipt from the hospital or, if another has had access to it, the name and address of such person and the date on which and the circumstances under which such access was had.*

§2. This act shall take effect immediately.

7. Notification of Application for Temporary Restraining Order (CPLR 6313(a)) (Civil Service Law 211) [modified]

The Committee recommends that CPLR 6313(a) be amended to regularize the giving of notification to other parties upon application for a temporary restraining order, thereby curtailing unwarranted *ex parte* orders for such relief by introducing a simple and expeditious method that also would provide for TROs without such notification when appropriate.

This measure would provide that the application for a TRO shall be made on notification to the other parties unless the plaintiff shows, by affidavit or affirmation, that the giving of notification is impracticable or would defeat the purpose of the order. If the court grants the TRO without notification, the court shall state in the order the reason for dispensing with notification. The term "notification" is used in preference to the term "notice" to make it clear that the notification to other parties required upon application for a TRO is not the formal eight days' notice required for a formal motion; in appropriate circumstances, notification by telephone, for example, would suffice.

The aim of a preliminary injunction is to prevent irreparable injury or to preserve the *status quo* between parties to litigation pending final judgment. The aim of a temporary restraining order is to accomplish the same ends while application is being made for a preliminary injunction. Given this function, it frequently is assumed that each instance of an application for a temporary restraining order is one in which the urgency of the interim injunctive relief being sought is too great to allow for time spent to notify the other side. The experience of most judges, however, suggests that while occasionally there is a showing of an exigency that warrants completely dispensing with such notification, many cases involve no such urgency, and no prejudice will ensue to any party where steps are taken to give notification of the application for the order.

Prior notification also avoids a two-step procedure under which notification would not be given until ordered by the court, for in that procedure a direction that notification be given would require that the application then be resubmitted to the court.

The Committee also recommends the amendment of the provision barring a TRO against a public officer, board, or municipal corporation to restrain the performance of statutory duties to reflect the current practice of allowing applications for TROs against public entities upon prior notification.

The Committee further recommends an amendment to section 211 of the Civil Service Law, to clarify the minimal type of notification required with respect to temporary restraining orders in cases involving injunctive relief sought by public employers with respect to public employees under the Taylor Law.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to notification of application for a temporary restraining order

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

Section 1. Subdivision (a) of section 6313 of the civil practice law and rules, as amended by chapter 235 of the laws of 1982, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury, loss or damages will result unless the defendant is restrained before a hearing can be had, a

temporary restraining order may be granted without notice. *Notification of an application for a temporary restraining order shall, however, be given to the defendant, unless the plaintiff shows, by affidavit or affirmation, that the giving of such notification is impracticable or would defeat the purpose of the order. If the court grants the temporary restraining order without notification, the court shall state in the order the reason for dispensing with notification.* Upon granting a temporary restraining order, the court shall set the hearing for the preliminary injunction at the earliest possible time. No temporary restraining order may be granted in an action arising out of a labor dispute as defined in section eight hundred seven of the labor law[, nor]. *No temporary restraining order may be granted without notification* against a public officer, board or municipal corporation of the state to restrain the performance of statutory duties.

§2. Section 211 of the civil service law, as added by chapter 392 of the laws of 1967, is amended to read as follows:

§211. Application for injunctive relief. Notwithstanding the provisions of section eight hundred seven of the labor law, where it appears that public employees or an employee organization threaten or are about to do, or are doing, an act in violation of section two hundred ten of this article, the chief executive officer of the government involved shall (a) forthwith notify the chief legal officer of the government involved, and (b) provide such chief legal officer with such facilities, assistance and data as will enable the chief legal officer to carry out his *or her* duties under this section, and, notwithstanding the failure or refusal of the chief executive officer to act as aforesaid, the chief legal officer of the government involved shall forthwith apply to the supreme court for an injunction against such violation. *In an application for a temporary restraining order made pursuant to this section, notification in accordance with section sixty-three hundred thirteen of the civil practice law and rules shall consist of either: (1) a telephonic, facsimile, or verbal communication with or to the defendant, advising that an application to a court will be made to restrain actual or impending conduct, as the case may be; or (2) a good faith attempt to so communicate. The only evidence to be required regarding the giving of such notification or the attempt to do so shall be the sworn testimony of the person acting on behalf of the plaintiff.* If an order of the court enjoining or restraining such violation does not receive compliance, such chief legal officer shall forthwith apply to the supreme court to punish such violation under section seven hundred fifty of the judiciary law.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

IV. Pending and Future Matters

Several interrelated matters now are under consideration by the Advisory Committee on Civil Practice, working largely through one or more subcommittees, with a view toward recommending legislation and rule changes for the following purposes:

1. The Subcommittee on Appellate Jurisdiction is considering a variety of suggestions that might be recommended to expedite and streamline the appellate process.

2. The Subcommittee on the Constitutionality of Enforcement Procedures is monitoring practice under CPLR 5231 (Income Execution), as amended by L. 1987, c. 829, in the light of *Follette* v. *Vitanza*, 658 F.Supp. 492 (N.D.N.Y. *1987); see also Follette* v. *Cooper*, 658 F.Supp. 514 (N.D.N.Y. 1987), in which the court, upon holding unconstitutional New York's income withholding formula and post-judgment income execution procedures, ordered conformance of statute and form to federal standards. The Committee, as a part of its review, has provided assistance to the Law Revision Commission.

3. Study will be given by the Subcommittee on Alternative Dispute Resolution to new or improved procedures, as well as to increased and innovative employment of judicial and nonjudicial personnel, for the purpose of expediting the disposition of litigation. The Subcommittee proposes to consider procedures selected from a wide range of sources, including arbitration, compulsory arbitration, the Simplified Procedure for Court Determination of Disputes (CPLR 3031-3037), and more extensive utilization of Judicial Hearing Officers and special masters. In addition, the Subcommittees on the Individual Assignment System and Courts of Limited Jurisdiction have suggested measures to expand the functions of Judicial Hearing Officers to include, for example, conducting the *voir dire* and presiding at jury trials with the consent of the parties. These matters remain under consideration.

4. A proposal made previously by the Committee to eliminate the statutory exemption given to municipalities from paying a jury demand fee when they demand a jury in a small claims proceeding, so as to force a claimant into day court, has been withdrawn. The Committee is informed that this practice, which it was advised existed in one county in the State, and which was unfair to small claims plaintiffs, most of whom are *pro se* litigants, has been discontinued. However, if the practice should be reinstated anywhere in the State, the Committee intends to renew its recommendation for remedial legislation.

5. The Committee is studying a proposal that CPLR 3404, governing the abandonment of cases and the marking of abandoned cases off the calendar, be repealed as superfluous or, in the alternative, be updated by amendment.

6. The Committee is studying the implementation of new CPLR 306-a, enacted by chapter 166 of the Laws of 1991, which provides for the mandatory filing, within 30 days of service, of the summons, including a third-party summons. The Committee intends shortly to recommend to the Office of Court Administration uniform procedures for implementing this difficult-to-implement statute. The Committee also is studying the feasibility and desirability of utilizing the new provision as the basis of a restructuring of statutes to make the New York State Supreme and County Courts true "filing" courts, and intends as soon as possible to recommend amendments to CPLR 306-a.

7. The Committee, through its Subcommittee on Evidence, has undertaken a detailed study of the latest version of the Code of Evidence proposed by the Law Revision Commission, with whom the Committee and Subcommittee are cooperating. The Committee has supported enactment of a codification of the New York evidentiary rules which today are scattered among various statutes and court decisions. In the Committee's view, rules of evidence are fundamental to the fair conduct of trials, and their codification would benefit the efficient administration of justice.

8. The Committee is considering an amendment to CPLR 217(1) to make it clear when the period of limitation commences to run within which an aggrieved party may bring an Article 78 proceeding to review a determination made by or a refusal to act by a public agency, body or officer. At present, although CPLR 217 provides that the period begins when the determination or refusal becomes final and binding, that point often factually is ambiguous and much litigation takes place to determine the point of finality. Clarification is desirable.

The following 23 subcommittees of the Advisory Committee on Civil Practice now are operational:

Subcommittee on Alternative Dispute Resolution
Chair, Marjorie E. Karowe, Esq.

Subcommittee on Matrimonial Procedures
Chair, Myrna Felder, Esq.

Subcommittee on the Constitutionality of Enforcement Procedures
Chair, Richard B. Long, Esq.

Subcommittee on Statutes of Limitations
Chair, James J. Harrington, Esq.

Subcommittee on Contribution and Apportionment of Damages
Chair, John T. Frizzell, Esq.

Subcommittee on Costs and Disbursements
Chair, Michael E. Catalinotto, Esq.

Subcommittee on Service of Process
Chair, Leon Brickman, Esq.

Subcommittee on Courts of Limited Jurisdiction
Chair, Leon Brickman, Esq.

Subcommittee on Motion Practice
Chair, Richard Rifkin, Esq.

Subcommittee on the Uniform Rules
Chair, Harold A. Kurland, Esq.

Subcommittee on Legislation
Chair, Professor George F. Carpinello

Subcommittee on Appellate Jurisdiction
Chair, James J. Harrington, Esq.

Subcommittee on the Individual Assignment System
Chair, Robert M. Blum, Esq.

Subcommittee on Medical Malpractice
Chair, Richard Rifkin, Esq.

Subcommittee on Evidence
Chair, James J. Harrington, Esq.

Subcommittee on Liability Insurance and Tort Law
Chair, Professor George F. Carpinello

Subcommittee on Sanctions
Chair, Thomas F. Gleason, Esq.

Subcommittee on Procedures for Specialized Types of Proceedings
Chair, Leon Brickman, Esq.

Subcommittee on Service of Interlocutory Papers
Chair, Thomas F. Gleason, Esq.

Subcommittee on Periodic Payment of Judgments and Itemized Verdicts
Chair, Frank L. Amoroso, Esq.

Subcommittee on "Second Chance" Provisions
Chair, Jeffrey E. Glen, Esq.

Subcommittee on Court Operational Services Manuals
Chair, John F. Werner, Esq.

Subcommittee on the Implementation of CPLR 306-a
Chair, Jeffrey E. Glen, Esq.

Respectfully submitted,

Professor George F. Carpinello, Chair
Frank L. Amoroso, Esq.
Bert Bauman, Esq.
Robert M. Blum, Esq.
Leon Brickman, Esq.
William A. Bulman, Esq., (*ex officio*)
Michael E. Catalinotto, Esq.
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Myrna Felder, Esq.
John T. Frizzell, Esq.
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Lenore Kramer, Esq.
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Lauretta E. Murdock, Esq.
Thomas R. Newman, Esq.
Nancy L. Pontius, Esq.
Richard Rifkin, Esq.
Professor David D. Siegel
Irene A. Sullivan, Esq.
John F. Werner, Esq., (*ex officio*)

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John P. Brosnan, Esq.
Counsel

December, 1991

1992 Report

of the

Advisory Committee on Criminal Law and Procedure

to the

Chief Administrator of the Courts

of the

State of New York

December 1991

Contents

proof only

I. Introduction

The Advisory Committee on Criminal Law and Procedure, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(g) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of criminal law and procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and proposals received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, bar association and legislative committees, and other state agencies. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning criminal law and procedure.

In this 1992 Report, the Committee recommends a total of 24 bills for enactment by the 1992 Legislature. Of these, 16 bills have previously been proposed, five are new measures, two are previously proposed bills that the Committee has revised, and one is a bill that was introduced at the request of the Judiciary during the 1991 Legislative session but now appears in the Committee's report for the first time. The five new bills are proposals to: 1) permit oral pre-trial motions upon consent of the parties and agreement of the court; 2) authorize a court to place a defendant on interim supervision; 3) clarify the procedure for service of a supporting deposition in a traffic offense case; 4) resolve several questions arising when a court orders that an indictment be reduced; and 5) permit a third party, in certain situations, to recount a witness's pre-trial identification. The two revised measures are proposals to: 1) amend the procedure when a court dismisses an indictment for failure to notify the defendant of the right to testify before the grand jury; and 2) permit a deadlocked jury to consider lesser included offenses of the top charge. The bill introduced last year that now appears in this Report for the first time is a measure to reform the procedure by which trial jurors are selected and discharged.

Part II of this Report summarizes each of the measures previously submitted and explains its purpose. Part III summarizes the new and revised measures. In both Parts II and III, individual summaries are followed by drafts of appropriate legislation. Part IV briefly discusses pending and future projects under Committee consideration.

II. Previously Endorsed Measures

1. Discovery (CPL Article 240)

The Committee recommends that Article 240 and sections 255.20 and 710.30 of the Criminal Procedure Law be amended to effect broad reform of discovery in criminal proceedings. The major features of this measure are (1) elimination of the need for a formal discovery demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which discovery must be made; (3) modification of defendant's obligations with respect to notice of a psychiatric defense and (4) legislative superseder of the Court of Appeals' rulings in *People* v. *Ranghelle*, 69 N.Y.2d 56 (1986) and *People* v. *O'Doherty*, 70 N.Y.2d 479 (1987).

I. Elimination of demand discovery

Under current law, the prosecutor's duty to make disclosure is triggered by defendant's service of a demand to produce (CPL §§240.20(1), 240.80(1)). This measure amends section 240.20 of the Criminal Procedure Law to eliminate the need to make such a demand and to provide instead for automatic discovery of the property and information included in section 240.20(1). Conforming amendments are made to sections 30.30(4)(a), 240.10, 240.30, 240.35, 240.40, 240.44, 240.45, 240.60 and 240.80 of the Criminal Procedure Law.

Eliminating the requirement of a written demand would simplify and expedite discovery practice. In an "open file" discovery system, a demand serves the useful purpose of identifying those matters defendant truly is interested in discovering and thus saves both parties time and effort. New York, however, does not have such an open file system. Because discoverable material is limited under New York law and routinely is requested and received, a demand is not needed to identify the subject of discovery. The demand requirement rather is an unnecessary step that results in delay during the time that demand papers generated from programs on office work processors are exchanged by the defense and the prosecution. Recognizing the futility of exchanging such boilerplate papers, many prosecutors already provide the automatic discovery mandated by this measure.

II. Expedition and liberalization of discovery

Various committees of experts commissioned to study criminal discovery have concluded that expedited and liberalized discovery is an essential ingredient to improving criminal procedure. Expedited and liberalized discovery promotes fairness and efficiency by: providing a speedy and fair disposition of the charges, whether by diversion, plea, or trial; providing the accused with sufficient information to make an informed plea; permitting thorough trial preparation and minimizing surprise, interruptions and complications during trial; avoiding unnecessary and repetitious trials by identifying and resolving prior to trial any procedural, collateral, or constitutional issues; eliminating as much as possible the procedural and substantive inequities among similarly situated defendants; and saving time, money, judicial resources and professional skills by minimizing paperwork, avoiding repetitious assertions of issues and reducing the number of separate hearings. A.B.A. Standards for Criminal Justice §11.1 (1986). *See also* National Advisory Commission on Criminal Justice Standards and Goals, *Courts* §4.9; Judicial Conference Report on CPL, *Memorandum and Proposed Statute Re: Discovery*, 1974 Sess. Laws of N.Y., p. 1860.

This measure seeks to accomplish the foregoing objectives by streamlining and expanding discovery. It would expedite discovery by requiring automatic disclosure by the prosecutor within fifteen days after arraignment [proposed section 240.80(1)]. This would reduce the forty-five day delay under current law, whereby defense counsel must demand discovery within thirty days after arraignment and the prosecutor has up to fifteen days thereafter to comply (CPL §240.80). Such an approach to reducing pretrial delay has been adopted in Colorado. Colo. R. Crim., Rule 16. *See also* National Advisory Commission on Criminal Justice Standards and Goals, *Courts* §4.9.

Under current law, defendant must serve and file all pretrial motions within 45 days of arraignment (CPL §255.20(1)). This measure would amend subdivision one of section 255.20 to provide that pretrial motions with respect to material which the prosecutor has disclosed pursuant to article 240 must be served within 30 days after the prosecutor has disclosed the material that is the subject of the motion. A defendant is in a much improved position to assert effective pretrial motions after having had an opportunity to review the prosecutor's discovery materials. In certain cases, motions otherwise asserted as part of an omnibus application will not have to be made, thereby conserving judicial resources. Under this measure, defendant's duty to file pretrial motions as to discoverable material would be delayed only for as long as the prosecutor delays in providing discovery. Timely prosecutional compliance will require reciprocal timely filing of defendant's motions.

This measure provides a further means of avoiding unnecessary delay by requiring the parties to disclose witnesses' statements at least three days prior to a hearing or trial [proposed sections 240.44, 240.45]. Under present law, a witness's statements need not be disclosed until after direct examination of the witness at a pretrial hearing or after the jury has been sworn at a trial. By accelerating the time when witnesses' statements must be disclosed, such statements become part of routine pretrial discovery. This permits the parties to prepare for a pretrial hearing or a trial and avoids delays occasioned by counsel's need for time to study witnesses' statements when served with them after a hearing or trial commences. Provisions for the routine pretrial disclosure of witnesses' statements have been incorporated into the ABA standards. ABA Standards for Criminal Justice §11-2.1(a) (1986). *See also* National Advisory Commission, *Courts* §4.9(2); National District Attorneys Association National Prosecution Standards §13.2(A)(1); Judicial Conference Report on CPL, *Memorandum and Proposed Statute Re*: *Discovery,* 1974 Sess. Laws of N.Y., p. 1860.

In addition to expediting discovery, the measure liberalizes the process by expanding the scope of items disclosable to the defendant to include:

A. Police reports

Proposed section 240.20(1)(c), (d) requires the prosecutor to produce any officially required police reports relating to the criminal action or proceeding, including arrest, complaint and follow-up investigation reports, and any reports prepared by any other law enforcement agency containing material relevant to the criminal action or proceeding. The disclosure of law enforcement records puts teeth into the decision of *Brady* v. *Maryland*, 373 U.S. 83 (1963), requiring that evidence favorable to the defendant be disclosed. In many cases, the prosecutor is unaware of such evidence and would not search for it as effectively as he or she would search for evidence favorable to the prosecution. This provision allows the defense to make its own search. Police records are an extremely valuable device in putting together the circumstances of the crime. Requiring their automatic disclosure would not impose a major additional burden, since collection of police records is a routine part of the prosecutor's trial preparation and such records now regularly are produced in response to a defense subpoena.

B. Names and Addresses of Witnesses

Proposed section 240.20(1)(i) provides that the prosecutor must disclose the name, address and date of birth of any witness the prosecutor intends to call at trial. This information easily is accessible to the prosecutor and is of immense benefit to the defense. Considering the normally meager investigative resources of the defendant, a witness's birthdate often is the only means by which defendant can obtain information from public records to prepare his or her defense. Pretrial disclosure of the names, addresses and birthdates of prospective prosecution witnesses facilitates plea discussions and agreements. It also enables defense counsel adequately to prepare for cross-examination and to uncover other evidence relevant to the facts in issue.

C. Criminal records of prospective witnesses

Proposed section 240.20(1)(j) requires the prosecutor to disclose the conviction record and the existence of any pending criminal action against a witness the prosecutor intends to call at trial, if the People know or have reason to know of such records or action, but does not require the prosecutor to fingerprint a witness. The conviction records of a witness readily are available to the prosecutor within a matter of hours by teletype request to the Division of Criminal Justice Services. The district attorney also has access to information concerning whether there exists a pending criminal action against a witness. Requiring the production of this information where the prosecutor knows or has reason to know of its existence balances the discovery power otherwise weighted in the favor of the prosecution. *See People* v. *Buckley*, 131 Misc. 2d 744 (Sup. Ct., Monroe Co., 1986).

D. Names and addresses of and prior statements by witnesses the People do not intend to call at trial

Proposed section 240.20(1)(k),(l) provides that the prosecutor must disclose the name and address of and any prior statements by an eyewitness the prosecutor does not intend to call at trial. Although the prosecutor may not plan

to have an eyewitness to a crime testify at trial, the witness may possess information that is helpful to the defense. Providing defendant with such witness's name and address and with his or her previous statements will enable defendant to explore possible defenses and to assess whether to call the witness on defendant's own behalf.

E. Information concerning expert witnesses

Proposed section 240.20(1)(q) is modeled after CPLR 3101(d)(1)(i). It requires the prosecutor to disclose the name, address and current employment of any expert witness the prosecutor intends to call at trial, the subject matter on which the expert is expected to testify, the expert's qualifications and a summary of the grounds for his or her opinion. Disclosure of this information will permit defendant to prepare a defense to expert testimony, thereby preventing surprise and delay at trial.

F. Disclosing victim's or witness's mental health history

Proposed section 240.42 provides that if the prosecutor has knowledge that a victim or witness was institutionalized or treated for mental illness, mental disability or drug or alcohol addiction within the ten years preceding the commencement of a criminal action or proceeding, the prosecutor must disclose this information to the court for a determination whether its probative value outweighs the victim's or witness's right to privacy. The court may condition disclosure of a victim's or witness's mental health history upon an agreement to treat such history as confidential except as may be required to prepare or present the defense. This procedure will allow defendant to prepare for cross-examination of the People's witnesses, while safeguarding the privacy rights of victims and witnesses.

Although this measure liberalizes the scope of discovery, it also recognizes that in certain instances disclosure of information in the prosecutor's possession may endanger the security of witnesses or compromise an investigation. Proposed section 240.20(1)(c), (d), (i), (k), (l) (requiring disclosure of police and other law enforcement agency reports; name, address and date of birth of witness the prosecutor intends to call at trial; and name, address and statement of eyewitness the prosecutor does not intend to call at trial) therefore permits the prosecutor to withhold material, the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going criminal investigation. If the prosecutor elects to exercise this option, he or she must serve a written notice upon defendant, advising that material has been withheld and specifying the grounds therefor [proposed section 240.35]. Defendant then is free to move to compel disclosure of the withheld material, pursuant to proposed section 240.40(1)(a).

III. Modifying defendant's discovery obligations with respect to notice of psychiatric defense

Although section 250.10(2) of the Criminal Procedure Law provides that defendant must serve notice of his or her intent to present psychiatric evidence, it does not require defendant to specify the type of insanity defense upon which he or she intends to rely (e.g., extreme emotional disturbance). By contrast, sections 250.20(1) (notice of alibi) and 250.20(2) (notice of defenses in offenses involving computers) demand considerable specificity. Section 250.10 also does not require that a psychologist or psychiatrist who has examined a defendant generate a written report of his or her findings, whereas the People's psychiatric examiners must prepare written reports, copies of which must be made available to defendant (CPL §250.10(4)).

In *People* v. *Davis*, 136 Misc. 2d 1076 (Sup. Ct., N.Y. Co., 1987), the Court observed that the failure to require defendant to specify the type of psychiatric defense on which he or she intends to rely or to supply the prosecutor with copies of reports produced by defense psychiatric examiners "undermines the legislative intent [of section 250.10] to prevent surprise of the prosecutor and unfair disadvantage to the People." 136 Misc. 2d at 1079. This measure would remedy the gaps in the law identified in *People* v. *Davis* by amending section 250.10(2) to require a notice of intention to present psychiatric evidence to state the nature of the psychiatric defense relied upon and the subject matter on which the expert is expected to testify. The measure also requires any expert witness retained by defendant for the purpose of advancing a psychiatric defense to prepare a written report of his or her findings [proposed section 250.10(4)]. Reports by psychiatric examiners for the People and for the defense are to be exchanged 15 days prior to the commencement of trial [proposed section 250.10(5)]. Defendant's failure to provide the district attorney with copies of the written report of a psychiatrist or psychologist whom defendant intends to call at trial may result in the preclusion of testimony by such psychiatrist or psychologist [proposed section 250.10(7)].

IV. Legislative superseder of ruling in *People* v. *Ranghelle*

This measure would amend section 240.20 of the Criminal Procedure Law to supersede the Court of Appeals' ruling in *People* v. *Ranghelle*, 69 N.Y.2d 56 (1986). In *Ranghelle*, the Court held that the People's failure to produce *Rosario* material constitutes *per se* error requiring reversal and a new trial, without regard to whether defendant suffered any prejudice. 69 N.Y.2d at 63. This *per se* error rule was reaffirmed by the Court in *People* v. *Jones*, 70 N.Y.2d 547 (1987). The result of this ruling has been to create a windfall for defendant. Requiring reversal where the People have not acted in bad faith and where no prejudice has resulted from the People's failure to produce *Rosario* material gives defendant an unfair advantage. As Judge Bellacosa observed in his concurrence in *People* v. *Jones:*

> The new per se error rule has elevated the consequences of ... nonconstitutional Rosario violations to a level higher than a host of nonconstitutional errors to which harmless error analysis applies ... The new per se error rule unavoidably plants an uncertainty into every tried criminal case. It is a law enforcer's nightmare and a

perpetrator's delight. Insofar as the rule is not constitutionally rooted, I believe it would be useful for the legislature to consider [adopting legislation] overcoming the per se-ness of this exalted court-made rule.

70 N.Y.2d at 555, 557.

In accordance with Judge Bellacosa's suggestion, this measure would add a new subdivision three to section 240.20 of the Criminal Procedure Law, providing that nonwillful failure of the prosecutor to provide the discovery required under subdivision one of section 240.20 shall not constitute grounds for (1) setting aside a verdict pursuant to section 330.30, (2) vacating a judgment pursuant to section 440.10, or (3) reversing or modifying a judgment on appeal pursuant to Article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction. This amendment would substitute the constitutional harmless error standard for the *per se* error rule adopted in *Ranghelle*, thus rectifying the inequities resulting from that decision.

V. Legislative superseder of ruling in *People v. O'Doherty*

This measure would amend section 710.30 of the Criminal Procedure Law to supersede the Court of Appeals' ruling in *People* v. *O'Doherty*, 70 N.Y.2d 479 (1987). In *O'Doherty*, the Court of Appeals was called upon to construe section 710.30, which provides that identification testimony and defendant's statements must be suppressed if notice of the People's intention to offer such evidence is not served upon defendant within fifteen days of arraignment, unless the People show good cause for serving late notice. Although several lower courts had permitted the use of belatedly noticed statements and identification statements where defendant was not harmed by the failure to give timely notice, the Court of Appeals held that these decisions conflicted with the plain language of the statute. The Court concluded that lack of prejudice to defendant is not a substitute for a demonstration of good cause and that the court may not consider prejudice to defendant unless and until the People have made a threshold showing that unusual circumstances precluded their giving timely notice. 70 N.Y.2d at 487.

As in the case of *People* v. *Ranghelle*, the court's holding in *O'Doherty* has resulted in a windfall to defendants. The overly rigorous application of the notice requirement in section 710.30 detracts from the integrity of the truth-finding process by precluding reliable evidence of guilt where the prosecutor fails through inadvertence or lack of knowledge of the existence of evidence to give notice within fifteen days of arraignment. This measure would correct the unfairness of penalizing the People by suppressing evidence where no harm to defendant has resulted from giving late notice. It would amend section 710.30(2) to provide that the court may permit late notice upon a showing that failure to serve defendant with notice in timely fashion was not intended to impair and has not substantially prejudiced defendant's ability to move to suppress. Such an amendment would advance the objectives of the statute — to provide defendant with an opportunity to obtain a pretrial ruling on the admissibility of statements and identification testimony — while preserving the public interest in permitting the introduction of reliably obtained evidence.

Proposal

AN ACT

to amend the criminal procedure law, in relation to discovery

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

Section 1. Paragraph (a) of subdivision 4 of section 30.30 of the criminal procedure law, as amended by chapter 558 of the laws of 1982, is amended to read as follows:

(a) a reasonable period of delay resulting from other proceedings concerning the defendant, including but not limited to: proceedings for the determination of competency and the period during which defendant is incompetent to stand trial; [demand to produce] *proceedings relating to discovery*; request for a bill of particulars; pre-trial motions; appeals; trial of other charges; and the period during which such matters are under consideration by the court; or

§2. Section 240.10 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.10. Discovery; definition of terms. The following definitions are applicable to this article:

1. ["Demand to produce" means a written notice served by and on a party to a criminal action, without leave of the court, demanding to inspect property pursuant to this article and giving reasonable notice of the time at which the demanding party wishes to inspect the property designated.

2.] "Attorneys' work product" means [property] *material* to the extent that it contains the opinions, theories or conclusions of the prosecutor, defense counsel or members of their legal staffs.

[3. "Property" means any existing tangible personal or real property, including but not limited to, books, records, reports, memoranda, papers, photographs, tapes or other electronic recordings, articles of clothing, fingerprints, blood samples, fingernail scrapings or handwriting specimens, but excluding attorneys' work product.

4.]2. "At the trial" means a part of the [people's] *prosecutor's* or the defendant's direct case.

§3. The criminal procedure law is amended by adding a new section 240.15 to read as follows:

§240.15. Discovery; attorneys' work product exempted. Notwithstanding any other provision of this article, the prosecutor or the defendant shall not be required to disclose attorneys' work product as defined in subdivision one of section 240.10.

§4. Section 240.20 of the criminal procedure law, as added by chapter 412 of the laws of 1979, the opening paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983, paragraphs (c) and (d) of subdivision 1 as amended by chapter 558 of the laws of 1982, paragraph (e) as added and paragraphs (f), (g), (h) and (i) of subdivision 1 as relettered by chapter 795 of the laws of 1984 and paragraph (j) of subdivision 1 as added by chapter 514 of the laws of 1986, is amended to read as follows:

§240.20. Discovery; [upon demand of defendant] *prosecutor's obligation to disclose.* 1. Except to the extent protected by court order, [upon a demand to produce by] *the prosecutor shall disclose to* a defendant against whom an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending [, the prosecutor shall disclose to the defendant] and make available *to such defendant* for inspection, photographing, copying or testing [, the following property]:

(a) Any written, recorded or oral statement of the defendant, and of a co-defendant to be tried jointly, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under [his] *the* direction *of such public servant* or in cooperation with him *or her*;

(b) Any transcript of testimony relating to the criminal action or proceeding pending against the defendant, given by the defendant, or by a co-defendant to be tried jointly, before any grand jury;

(c) Any officially required police reports relating to the criminal action or proceeding, including, but not limited to, arrest, complaint and follow-up investigation reports, provided, however, that the prosecutor may withhold from such reports any material the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going investigation;

(d) Any reports prepared by any other law enforcement agency containing material relevant to the criminal action or proceedings, provided, however, that the prosecutor may withhold from such reports any material the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going criminal investigation;

(e) Any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test or experiment, relating to the criminal action or proceeding which was made by, or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the people intend to introduce at trial;

[(d)] *(f)* Any photograph or drawing relating to the criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the people intend to introduce at trial;

[(e)] *(g)* Any photograph, photocopy or other reproduction made by or at the direction of a police officer, peace officer or prosecutor of any property prior to its release pursuant to the provisions of section 450.10 of the penal law, irrespective of whether the people intend to introduce at trial the property or the photograph, photocopy or other reproduction[.];

[(f)] *(h)* Any other property obtained from the defendant, or a co-defendant to be tried jointly;

[g]*(i) The name, address and date of birth of any witness the prosecutor intends to call at trial, provided, however, that the prosecutor may withhold the name and address of a witness the disclosure of which would imperil the safety of the witness;*

(j) A record of judgment of conviction and the existence of any pending criminal action against a witness the prosecutor intends to call at trial, if the prosecutor knows or has reason to know of the existence of such record or of such pending criminal action, provided, however, that the provisions of this paragraph shall not be construed to require the prosecutor to fingerprint a witness;

(k) The name and address of any witness who observed defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, whom the prosecutor does not intend to call at trial, provided, however, that the prosecutor may withhold the name and address of a witness the disclosure of which would imperil the safety of the witness;

(l) Any written, recorded or oral statement by a witness the prosecutor does not intend to call at trial, made to a public servant engaged in law enforcement activity or to a person then acting under the direction of such public servant or in cooperation with him or her, provided, however, that the prosecutor may withhold from such statement any material the disclosure of which would imperil the safety of a victim or witness;

(m) Any tapes or other electronic recordings which the prosecutor intends to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction;

[(h)] *(n)* Anything required to be disclosed, prior to trial, to the defendant by the prosecutor, pursuant to the constitution of this state or of the United States[.];

[(i)] *(o)* The approximate date, time and place of the offense charged and of defendant's arrest[.];

[(j)] *(p)* In any prosecution under penal law section 156.05 or 156.10, the time, place and manner of notice given pursuant to subdivision six of section 156.00 of such law[.];

[(k)] *(q) The name, address and current employment of any expert witness the prosecutor intends to call at trial and, in reasonable detail, the subject matter and the substance of the facts and opinions on which the expert is expected to testify, the qualifications of the expert witness and a summary of the grounds for his or her opinion.*

(r) In any prosecution commenced in a manner set forth in this subdivision alleging a violation of the vehicle and traffic law, in addition to any material required to be disclosed pursuant to this article, any other provision of law, or the constitution of this state or of the United States, any written report or document, or portion thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity or which was made by a person whom the prosecution intends to call as a witness at trial, or which the people intend to introduce at trial.

2. The prosecutor shall make a diligent, good faith effort to ascertain the existence of [demanded property] *material required to be disclosed pursuant to subdivision one* and to cause such [property] *material* to be made available for discovery where it exists but is not within the prosecutor's possession, custody or control[; provided, that the prosecutor shall not be required to obtain by subpoena duces tecum demanded material which the defendant may thereby obtain].

3. Nonwillful failure of the prosecutor to comply with subdivision one shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.

§5. Section 240.30 of the criminal procedure law, the opening unlettered paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983 and subdivision 2 as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.30. Discovery; [upon demand of prosecutor] *defendant's obligation to disclose.* 1. Except to the extent protected by court order, [upon a demand to produce by the prosecutor,] a defendant against whom an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending shall disclose and make available *to the prosecutor* for inspection, photographing, copying or testing, subject to constitutional limitations:

(a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of, the defendant, if the defendant intends to introduce such report or document at trial, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if such report or document was made by a person, other than defendant, whom defendant intends to call as a witness at trial; [and]

(b) any photograph, drawing, tape or other electronic recording which the defendant intends to introduce at trial;

(c) a record of judgment of conviction of a witness, other than the defendant, the defendant intends to call at trial if the record of conviction is known by the defendant to exist; and

(d) the existence of any pending criminal action against a witness, other than the defendant, the defendant intends to call at trial, if the pending criminal action is known by the defendant to exist.

2. The defense shall make a diligent good faith effort to make such [property] *material* available for discovery where it exists but the [property] *material* is not within its possession, custody or control, provided, that the defendant shall not be required to obtain by subpoena duces tecum [demanded] material that the prosecutor may thereby obtain.

§6. Section 240.35 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.35. Discovery; refusal [of demand] *to disclose.* Notwithstanding the provisions of sections 240.20 and 240.30, the prosecutor or the defendant, as the case may be, may refuse to disclose any [information] *material* which he *or she* reasonably believes is not discoverable [by a demand to produce], pursuant to section 240.20 or section 240.30 as the case may be, or for which he *or she* reasonably believes a protective order would be warranted. Such refusal shall be made in a writing, which shall set forth the grounds of such belief as fully as possible, consistent with the objective of the refusal. The writing shall be served upon the [demanding] *other* party and a copy shall be filed with the court. *Where the prosecutor withholds material pursuant to paragraphs (c), (d), (i), (k) or (l) of subdivision one of section 240.20, the prosecutor shall serve a written notice upon the defendant, a copy of which shall be filed with the court, advising that material has been withheld and specifying the grounds therefor.*

§7. Subdivisions 1 and 2 of section 240.40 of the criminal procedure law, subdivision 1 as amended by chapter 317 of the laws of 1983 and subdivision 2 as added by chapter 412 of the laws of 1979, are amended to read as follows:

1. Upon motion of a defendant against whom an indictment, superior court information, prosecutor's information, information, or simplified information charging

a misdemeanor is pending, the court in which such accusatory instrument is pending:

(a) must order discovery as to any material not disclosed [upon a demand] pursuant to section 240.20, if it finds that the prosecutor's refusal to disclose such material is not justified; (b) must, unless it is satisfied that the people have shown good cause why such an order should not be issued, order discovery or any other order authorized by subdivision one of section 240.70 as to any material not disclosed [upon demand] pursuant to section 240.20 where the prosecutor has failed to serve a timely written refusal pursuant to section 240.35; and (c) may order discovery with respect to any other [property] *material*, which the people intend to introduce at the trial, upon a showing by the defendant that discovery with respect to such [property] *material* is [material] *necessary* to the preparation of his *or her* defense, and that the request is reasonable. Upon granting the motion pursuant to paragraph (c) hereof, the court shall, upon motion of the people showing such to be [material] *relevant* to the preparation of their case and that the request is reasonable, condition its order of discovery by further directing discovery by the people of [property] *material*, of the same kind or character as that authorized to be inspected by the defendant, which he *or she* intends to introduce at the trial.

2. Upon motion of the prosecutor, and subject to constitutional limitation, the court in which an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending:

(a) must order discovery as to any [property] *material* not disclosed [upon a demand] pursuant to section 240.30, if it finds that the defendant's refusal to disclose such material is not justified; and

(b) may order the defendant to provide non-testimonial evidence. Such order may, among other things, require the defendant to:

(i) Appear in a line-up;

(ii) Speak for identification by witness or potential witness;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving reenactment of an event;

(v) Permit the taking of samples of blood, hair or other materials from his *or her* body in a manner not involving an unreasonable intrusion thereof or a risk of serious physical injury thereto;

(vi) Provide specimens of his *or her* handwriting;

(vii) Submit to a reasonable physical or medical inspection of his *or her* body.

This subdivision shall not be construed to limit, expand, or otherwise affect the issuance of a similar court order, as may be authorized by law, before the filing of an accusatory instrument consistent with such rights as the defendant may derive from the constitution of this state or of the United States. This section shall not be construed to limit or otherwise affect the administration of a chemical test where otherwise authorized pursuant to section one thousand one hundred [ninety-four-a] *ninety-four* of the vehicle and traffic law.

§8. The criminal procedure law is amended by adding a new section 240.42 to read as follows:

§240.42. Discovery; disclosure of witness's mental health history. If the prosecutor has knowledge that a witness was institutionalized or treated for mental illness, mental disability or drug or alcohol addiction within the ten years preceding the commencement of a criminal action or proceeding, the prosecutor shall disclose such information to the court for a determination whether its probative value is outweighed by the witness's right to privacy. If the court directs that such information be disclosed to the defendant, the court may issue a protective order requiring that a witness's mental health history be treated as confidential except as may be necessary to prepare or present defendant's defense.

§9. Section 240.44 of the criminal procedure law, the opening paragraph as added by chapter 558 of the laws of 1982, is amended to read as follows:

§240.44. Discovery; upon pre-trial hearing. Subject to a protective order, at *least three days, excluding Saturdays, Sundays and holidays, prior to the commencement of* a pre-trial hearing held in a criminal court at which a witness is called to testify, each party[, at the conclusion of the direct examination of each of its witnesses,] shall[, upon request of the other party,] make available to [that] *the other* party to the extent not previously disclosed:

1. Any written or recorded statement, including any testimony before a grand jury, made by such witness other than the defendant which relates to the subject matter of the witness's testimony.

2. A record of a judgment of conviction of such witness other than the defendant if the record of conviction is known by the prosecutor or defendant, as the case may be, to exist.

3. The existence of any pending criminal action against such witness other than the defendant if the pending criminal action is known by the prosecutor or defendant, as the case may be, to exist.

Nonwillful failure of the prosecutor to comply with this section shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.

§10. Section 240.45 of the criminal procedure law, as amended by chapter 558 of the laws of 1982, paragraph (a) of subdivision 1 as amended by chapter 804 of the laws of 1984, is amended to read as follows:

§240.45. Discovery; upon trial, of prior statements [and criminal history] of witnesses.

1. [After the jury has been sworn and before the prosecutor's opening address, or in the case of a single judge trial after commencement and before submission of evidence] *At least three days, excluding Saturdays, Sundays and holidays, prior to the commencement of trial,* the prosecutor shall, subject to a protective order, make available to the defendant[:

(a) Any] *to the extent not previously disclosed any* written or recorded statement, including any testimony before a grand jury and an examination videotaped pursuant to section 190.32 of this chapter, made by a person whom the prosecutor intends to call as a witness at trial, and which relates to the subject matter of the witness's testimony[;

(b) A record of judgment of conviction of a witness the people intend to call at trial if the record of conviction is known by the prosecutor to exist;

(c) The existence of any pending criminal action against a witness the people intend to call at trial, if the pending criminal action is known by the prosecutor to exist.

The provisions of paragraphs (b) and (c) of this subdivision shall not be construed to require the prosecutor to fingerprint a witness or otherwise cause the division of criminal justice services or other law enforcement agency or court to issue a report concerning a witness].

Nonwillful failure of the prosecutor to comply with this section shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.

2. After presentation of the people's direct case and before the presentation of the defendant's direct case, the defendant shall, subject to a protective order, make available to the prosecutor[:

(a)] *to the extent not previously disclosed* any written or recorded statement made by a person other than the defendant whom the defendant intends to call as a witness at the trial, and which relates to the subject matter of the witness's testimony[;

(b) a record of judgment of conviction of a witness, other than the defendant, the defendant intends to call at trial if the record of conviction is known by the defendant to exist;

(c) the existence of any pending criminal action against a witness, other than the defendant, the defendant intends to call at trial, of the pending criminal action if known by the defendant to exist].

§11. Section 240.60 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.60. Discovery; continuing duty to disclose. If, after complying with the provisions of this article or an order pursuant thereto, a party finds, either before or during trial, additional material subject to discovery or covered by such order, he *or she* shall promptly *make disclosure of such material or* comply with the [demand or] order, refuse to [comply with the demand] *disclose* where refusal is authorized, or apply for a protective order.

§12. Subdivision 1 of section 240.70 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

1. If, during the course of discovery proceedings, the court finds that a party has failed to comply with any of the provisions of this article, the court may order such party to permit discovery of the [property] *material* not previously disclosed, grant a continuance, issue a protective order, prohibit the introduction of certain evidence or the calling of certain witnesses or take any other appropriate action.

§13. Section 240.80 of the criminal procedure law, subdivision 1 as added by chapter 412 of the laws of 1979 and subdivisions 2 and 3 as amended by chapter 558 of the laws of 1982, is amended to read as follows:

§240.80. Discovery; when [demand,] *compliance and* refusal [and compliance] made. 1. [A demand to produce shall be made] *The prosecutor shall comply with subdivision one of section 240.20 or serve a written notice of refusal to disclose pursuant to section 240.35* within [thirty] *fifteen* days after arraignment and before the commencement of trial. If the defendant is not represented by counsel, and has requested an adjournment to obtain counsel or to have counsel assigned, the [thirty-day] *fifteen-day* period shall commence[, for purposes of a demand by the defendant,] on the date counsel initially appears on his *or her* behalf. [However, the court may direct compliance with a demand to produce that, for good cause shown, could not have been made within the time specified] *If the prosecutor is unable to comply with subdivision one of section 240.20 within such fifteen-day period, the court may extend such period where the prosecutor offers a reasonable explanation for the delay and shows that reasonable efforts have been undertaken to obtain discoverable material.*

2. [A refusal to comply with a demand to produce shall be made within fifteen days of the service of the demand to produce, but for good cause may be made thereafter.

3. Absent a refusal to comply with a demand to produce, compliance with such demand shall be made within fifteen

days of the service of the demand or as soon thereafter as practicable] *The defendant shall comply with subdivision one of section 240.30 or serve a written notice of refusal to disclose pursuant to section 240.35 within ninety days after arraignment or at least twenty days prior to the commencement of trial, whichever occurs sooner. If the defendant is unable to comply with subdivision one of section 240.30 within such ninety-day period, the court may extend such period where the defendant offers a reasonable explanation for the delay and shows that reasonable efforts have been undertaken to obtain discoverable material.*

§14. Section 250.10 of the criminal procedure law, as amended by chapter 548 of the laws of 1980, subdivision 1 as amended by chapter 558 of the laws of 1982 and paragraph (a) of subdivision 1 and subdivision 5 as amended by chapter 668 of the laws of 1984, is amended to read as follows:

§250.10. Notice of intent to proffer psychiatric evidence; examination of defendant upon application of prosecutor. 1. As used in this section, the term "psychiatric evidence" means:

(a) Evidence of mental disease or defect to be offered by the defendant in connection with the affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

(b) Evidence of mental disease or defect to be offered by the defendant in connection with the affirmative defense of extreme emotional disturbance as defined in paragraph (a) of subdivision one of section 125.25 of the penal law and paragraph (a) of subdivision two of section 125.27 of the penal law.

(c) Evidence of mental disease or defect to be offered by the defendant in connection with any other defense not specified in the preceding paragraphs.

2. *As used in this section, the term "psychiatric defense" means:*

(a) The affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

(b) The affirmative defense of extreme emotional disturbance as defined in paragraph (a) of subdivision one of section 125.25 of the penal law and paragraph (a) of subdivision two of section 125.27 of the penal law.

(c) Any other defense supported by evidence of mental disease or defect.

3. Psychiatric evidence is not admissible upon a trial unless the defendant serves upon the [people] *prosecutor* and files with the court a written notice of his *or her* intention to present psychiatric evidence. *The notice must state the nature of the psychiatric defense or defenses relied upon and, in reasonable detail, the subject matter on which the expert is expected to testify.* Such notice must be served and filed before trial and not more than thirty days after entry of the plea of not guilty to the indictment. In the interest of justice and for good cause shown, however, the court may permit such service and filing to be made at any later time prior to the close of the evidence.

[3.] *4.* When a defendant, pursuant to subdivision [two] *three* of this section, serves notice of intent to present psychiatric evidence, the [district attorney] *prosecutor* may apply to the court, upon notice to the defendant, for an order directing that the defendant submit to an examination by a psychiatrist or licensed psychologist as defined in article one hundred fifty-three of the education law designated by the [district attorney] *prosecutor*. If the application is granted, the psychiatrist or psychologist designated to conduct the examination must notify the [district attorney] *prosecutor* and counsel for the defendant of the time and place of the examination. Defendant has a right to have his or her counsel present at such examination. The [district attorney] *prosecutor* may also be present. The role of each counsel at such examination is that of an observer, and neither counsel shall be permitted to take an active role at the examination.

[4.] After the conclusion of the examination, the psychiatrist or psychologist must promptly prepare a written report of his *or her* findings and evaluation. A copy of such report must be made available to the [district attorney] *prosecutor* and to the counsel for the defendant. No transcript or recording of the examination is required, but if one is made, it shall be made available to both parties prior to the trial.

5. Any expert witness retained by a defendant for the purpose of advancing a psychiatric defense whom defendant intends to call at trial must prepare a written report of his or her findings and evaluation.

6. Within fifteen days prior to the commencement of trial, the parties shall exchange copies of any reports prepared pursuant to subdivisions four and five of this section. Any transcript or recording of an examination of defendant pursuant to subdivisions four or five of this section shall be made available to the other party together with the report of the examination.

7. If, after the exchange of psychiatric reports between the prosecutor and counsel for defendant, as provided in subdivision six of this section, any psychiatrist or psychologist through whom a party intends to introduce psychiatric evidence at trial examines the defendant, or any psychiatrist or psychologist who has previously examined the defendant makes further findings or evaluation regarding the defendant, he or she must promptly prepare a report of his or her findings and evaluation. A copy of such report must be made available to the prosecutor and to the counsel for the defendant.

8. If the court finds that the defendant has willfully refused to cooperate fully in the examination ordered pursuant to subdivision [three] *four* of this section *or that the defendant has failed to provide the prosecutor with copies of the written report of the findings and evaluation of a*

psychiatrist or psychologist whom defendant intends to call to testify at trial as provided in subdivisions five and six of this section, it may preclude introduction of testimony by a psychiatrist or psychologist concerning mental disease or defect of the defendant at trial. Where, however, the defendant has other proof of his *or her* affirmative defense, and the court has found that the defendant did not submit to or cooperate fully in the examination ordered by the court, this other evidence, if otherwise competent, shall be admissible. In such case, the court must instruct the jury that the defendant did not submit to or cooperate fully in the pre-trial psychiatric examination ordered by the court pursuant to subdivision [three] *four* of this section and that such failure may be considered in determining the merits of the affirmative defense.

§15. Subdivision 1 of section 255.20 of the criminal procedure law, as amended by chapter 369 of the laws of 1982, is amended to read as follows:

1. Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, [all] *any* pre-trial [motions] *motion* shall be served or filed within forty-five days after arraignment and before commencement of trial or within such additional time as the court may fix upon application of the defendant made prior to entry of judgment, *except that any pre-trial motion with respect to material which the prosecutor has disclosed pursuant to article 240 shall be served and filed within thirty days after the prosecutor has disclosed such material or within such additional time as the court may direct.* In an action in which an eavesdropping warrant and application have been furnished pursuant to section 700.70 or a notice of intention to introduce evidence has been served pursuant to section 710.30, such period shall be extended until forty-five days after the last date of such service. If the defendant is not represented by counsel and has requested an adjournment to obtain counsel or to have counsel assigned, such forty-five day period shall commence on the date counsel initially appears on defendant's behalf.

§16. Subdivisions 1 and 2 of section 710.30 of the criminal procedure law, subdivision 1 as amended by chapter 8 of the laws of 1976 and subdivision 2 as amended by chapter 194 of the laws of 1976, are amended to read as follows:

1. Whenever the people intend to offer at a trial (a) evidence of a statement made by a defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of section 710.20, or (b) testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, to be given by a witness who has previously identified him *or her* as such, they must serve upon the defendant a notice of such intention, specifying the evidence intended to be offered *and, to the extent not previously disclosed, must make available to the defendant any written, recorded or oral statement made by such witness regarding such observation of defendant.*

2. Such notice must be served within fifteen days after arraignment and before trial, and upon such service the defendant must be accorded reasonable opportunity to move before trial, pursuant to subdivision one of section 710.40, to suppress the specified evidence. [For good cause shown, however, the] *The* court, *however*, may permit the [people] *prosecutor* to serve such notice [thereafter and in such case it must accord the defendant reasonable opportunity thereafter to make a suppression motion] *at any time upon a showing that the failure to serve such notice in timely fashion was not intended to impair and has not substantially prejudiced the ability of the defendant to make a motion pursuant to this article.*

§17. This act shall take effect 90 days after it shall have become a law.

2. Separation of Jury During Deliberations (CPL 310.10)

The Committee recommends that section 310.10 of the Criminal Procedure Law be amended to authorize a court to permit a deliberating jury to separate temporarily, including overnight and on weekends and holidays. This would facilitate and encourage jury service, reduce the potentially coercive impetus to arrive at a prompt verdict and save the expense necessitated by prolonged sequestration in cases in which there is no likelihood of jury tampering or influence.

Section 310.10 now provides that a deliberating jury "must be continuously kept together with the supervision of a court officer or court officers" or other personnel. This requires that deliberating jurors be kept in hotel rooms or other accommodations, fed and guarded during deliberations. This rule is in marked contrast to the more flexible approach employed in the federal courts, where sequestration is within the court's discretion.

Our proposal would amend New York's rigid rule by allowing dispersal when the court so authorizes. Dispersal should be the rule rather than the exception. In most cases the jury is not sequestered during the trial itself, and the possibility that the jurors will defy the court's instructions and read about or discuss the case with outsiders, or that the jurors will be tampered with, should be no greater during deliberations. The likelihood of exposure to news reports in fact may be less during deliberations, when the media no longer has any new evidence to report.

It is undisputed that this proposal would have a favorable impact on the State budget. An evaluation of costs of sequestering juries has indicated that its enactment could result in a saving of approximately $2,700 for each day a jury is not sequestered when it normally would have been, and the total potential savings in expenses for meals, lodging and transportation for jurors and overtime pay and increased pension costs for court personnel could exceed $2,000,000 a year.

Proposal

AN ACT

to amend the criminal procedure law, in relation to authorizing the temporary separation of a deliberating jury

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

Section 1. Section 310.10 of the criminal procedure law, as amended by chapter 214 of the laws of 1974, is amended to read as follows:

§310.10. Jury deliberation; requirement of; where conducted. *1.* Following the court's charge, the jury must retire to deliberate upon its verdict in a place outside the courtroom. It must be provided with suitable accommodations therefor and must, *except as otherwise provided in subdivision two,* be continuously kept together under the supervision of a court officer or court officers. In the event such court officer or court officers are not available, the jury shall be under the supervision of an appropriate public servant or public servants. Except when so authorized by the court or when performing administerial duties with respect to the jurors, such court officers or public servants, as the case may be, may not speak to or communicate with them or permit any other person to do so.

2. At any time after the jury has commenced its deliberations, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, including Saturdays, Sundays and holidays. Before each recess, the court must admonish the jury as provided in section 270.40 and direct it to resume its deliberations when all twelve jurors have reassembled in the designated place at the termination of the declared recess.

§2. This act shall take effect immediately.

3. Dismissal of Felony Complaint (CPL 180.85)

The Committee recommends that a new section 180.85 be added to the Criminal Procedure Law, providing that after arraignment upon a felony complaint, the local or superior court before which the action is pending, on motion of either party, may dismiss such felony complaint on the ground that defendant has been denied the right to a speedy trial, pursuant to section 30.30 of the Criminal Procedure Law.

Although section 30.30(1)(a) of the Criminal Procedure Law requires the People to be ready for trial within six months of the commencement of a felony action, the Criminal Procedure Law fails to provide a procedural mechanism for dismissing a felony complaint where defendant is held for the Grand Jury and the six-month period expires before any action is taken by the Grand Jury. *See People* v. *Daniel P.*, 94 A.D.2d 83, 86 (2d Dept. 1983). The Court of Appeals has held that section 210.20 of the Criminal Procedure Law, which provides for dismissal of an indictment on speedy trial grounds, does not authorize the Supreme Court to dismiss a felony complaint and that there is no inherent authority to order such dismissal. *Morgenthau* v. *Roberts*, 65 N.Y.2d 749 (1985). Nor may a local criminal court dismiss a felony complaint on speedy trial grounds pursuant to section 170.30 of the Criminal Procedure Law, because that section applies only to nonfelony accusatory instruments. *People* v. *Sherard*, N.Y.L.J., Jan. 19, 1988, p. 19, col. 5 (App. Term, 1st Dept.).

In his commentary to section 30.30 of the Criminal Procedure Law, Professor Peter Preiser observes:

> A gap in the speedy trial provisions that should receive legislative attention was exposed by the decision in Matter of Morgenthau v. Roberts, 65 N.Y.2d 749, 492 N.Y.S.2d 21, 481 N.E.2d 561 (1985). Apparently there is no court that has jurisdiction to entertain a motion to dismiss a felony complaint on speedy trial grounds in a case where more than six months has elapsed but the defendant still has not been indicted. This could result in a situation where a defendant must remain under the shadow of what may well be an unprosecutable charge (at least insofar as statutory as distinguished from constitutional speedy trial is concerned).

N.Y. Crim. Proc. Law §30.30, 1985 Supplementary Practice Commentary (McKinney Supp. 1988, p. 54). *See also People* v. *Daniel P.*, *supra*, at 90-91 (noting defendant's interest in securing final disposition of an action and the benefits of liberating defendant from the stigma of being accused of an unprovable charge).

This measure would remedy the present gap in the law by creating a procedural mechanism for dismissing a felony complaint where there has been no timely grand jury action. It would permit either a superior court or a local criminal court before which an action is pending to dismiss a felony complaint on speedy trial grounds, upon the motion of either party. By providing defendant with the means of obtaining dismissal of a felony complaint where the Grand Jury has failed to act within the six-month trial readiness period, this measure would give effect to the objectives of section 30.30 of requiring the People to be ready for trial in a timely fashion.

Proposal

AN ACT

to amend the criminal procedure law, in relation to dismissal of a felony complaint

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

Section 1. Subdivision one of section 30.30 of the criminal procedure law is amended to read as follows:

1. Except as otherwise provided in subdivision three, a motion made pursuant to paragraph (e) of subdivision one of section 170.30, *section 180.85* or paragraph (g) of subdivision one of section 210.20 must be granted where the people are not ready for trial within:

§2. The criminal procedure law is amended by adding a new section 180.85 to read as follows:

§180.85. Proceeding upon felony complaint; dismissal upon speedy trial grounds. After arraignment upon a felony complaint, the local criminal court or superior court before which the action is pending, may, on the motion of either party, dismiss such felony complaint or any count thereof, upon the ground that defendant has been denied the right to a speedy trial pursuant to section 30.30.

§3. This act shall take effect 90 days after it shall have become a law.

4. Reduction of Peremptory Challenges (CPL 270.25)

The Committee recommends that section 270.25 of the Criminal Procedure Law be amended to reduce the number of peremptory challenges allotted to a single defendant from 20 to 15 if the highest crime charged is a Class A felony, from 15 to 12 if the highest crime charged is a Class B or C felony, and from ten to eight in all other cases. Where two or more defendants are tried together, the number of peremptory challenges allotted would remain at 20 for a Class A felony, 15 for a Class B or C felony, and ten for all other cases. The Committee further proposes that, for good cause shown, the court be permitted to increase the number of peremptory challenges available either to single or multiple defendants.

After conducting an intensive study of the method of jury selection in New York, the Subcommittee on the Jury System of the Advisory Committee on Court Administration, chaired by the Hon. Caroline K. Simon, recommended the reduction of the number of peremptory challenges to the levels proposed herein as a means of improving the efficiency of our jury selection system. Subcommittee on the Jury System, *Interim Report*, 1976/77. The Subcommittee based its recommendation on the following specific findings:

1. There is a direct correlation between the number of peremptory challenges permitted and the excessively large size of panels sent to *voir dire*.

2. Peremptory challenges extend the time necessary to conduct *voir dire*, which has the effect of delaying trials and congesting court calendars.

3. The use of the challenge provokes hostility and resentment on the part of jurors who are peremptorily excused.

4. The availability of a large number of peremptory challenges in criminal cases can result in systematic exclusion of particular groups from jury service in a given trial.

5. It is questionable whether the peremptory challenge accomplishes the purpose for which it was devised — producing an impartial jury. Instead, it may convincingly be argued that it is used by attorneys to pick a biased jury rather than an unbiased one.

The Subcommittee also noted that New York now allows more challenges in felony cases than most other states.

This Committee agrees with these findings and recommends this proposal as an effective method of significantly reducing delays in the conduct of criminal jury trials, without diminishing the fairness of the trial. Our proposal would permit the court, for good cause shown, to increase the number of allotted peremptory challenges allowed to single or multiple defendants. We feel this authority is necessary to preserve the rights of the parties in exceptional cases.

Proposal

AN ACT

to amend the criminal procedure law, in relation to the number of peremptory challenges

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

Section 1. Subdivisions 2 and 3 of section 270.25 of the criminal procedure law are amended to read as follows:

2. [Each] *When one defendant is tried, each* party must be allowed the following number of peremptory challenges:

(a) [Twenty] *Fifteen* for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.*

(b) [Fifteen] *Twelve* for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.*

(c) [Ten] *Eight* for the regular jurors in all other cases, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.*

3. When two or more defendants are tried jointly, [the number of peremptory challenges prescribed in subdivision two is not multiplied by the number of defendants, but such defendants] *each party must be allowed the following number of peremptory challenges:*

(a) Twenty for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.

(b) Fifteen for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.

(c) Ten for the regular jurors in all other cases, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.

All defendants tried jointly are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§3. This act shall take effect 90 days after it shall have become a law.

5. Amendment of Indictment (CPL Article 205)

The Committee recommends that the Criminal Procedure Law be amended, by the addition of a new Article 205, to establish a procedure for amending an indictment, prior to retrial, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon. Legislative action permitting such amendments was recommended to the Advisory Committee by the Court of Appeals.

In *People* v. *Mayo*, 48 N.Y.2d 245 (1979), defendant was charged with robbery in the first degree. The trial court refused to submit that charge to the jury, submitting instead the lesser included offenses of robbery in the second and third degrees. The jury was unable to reach a verdict on these lesser charges and a mistrial was declared. Defendant then was retried on the original indictment. Although the first degree robbery count was not submitted to the jury at the second trial, the Court of Appeals held that it was improper to retry defendant on the original indictment. The Court reasoned that since the sole count of the indictment could not be retried because of the prohibition against double jeopardy, nothing remained to support further criminal proceedings under that accusatory instrument. 48 N.Y.2d at 253. Impliedly, this holding also foreclosed amendment of the original indictment to charge the lesser included offenses on which retrial was not prohibited. Accordingly, the practical effect of the Court's holding is to require re-presentation of cases to grand juries. This consumes the time and resources of district attorneys, grand juries and witnesses alike, without any concomitant benefit to defendant. *See People* v. *Gonzales*, 96 A.D.2d 847 (2d Dept. 1983) (Titone, J., dissenting).

In a footnote to its holding in *Mayo*, the Court noted its belief that "there would have been no constitutional or statutory bar to a retrial" had the People obtained a new indictment containing only the second and third degree robbery counts. 48 N.Y.2d at 250 (*see* footnote 2). In accordance with this observation and at the request of the Court of Appeals, the Advisory Committee undertook to prepare remedial amendments to the Criminal Procedure Law.

This measure, which reflects those amendments, would establish a new Article 205 of the Criminal Procedure Law setting forth a procedure whereby an indictment may be amended prior to retrial to charge lesser included offenses of counts that have been disposed of at the first trial, whether or not such lesser included offenses were submitted to the jury at the initial trial. It would require the People to make a written application to amend the indictment, on notice to defendant, at least 20 days prior to the new trial. Further, the People would be required to file a copy of the indictment, as it is proposed to be amended, with their application, and to serve a copy of the amended indictment upon defendant. These provisions are intended to insure that the functions of an indictment — to give defendant adequate notice of the charges against him — are not compromised by the amendment procedure.

Proposal

AN ACT

to amend the criminal procedure law, in relation to amendment of indictment

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

Section 1. The criminal procedure law is amended by adding a new article 205 to read as follows:

ARTICLE 205

RETRIAL OF LESSER INCLUDED OFFENSES

§205.10. Procedure for amending indictment where retrial is ordered.

§205.10. Procedure for amending indictment where retrial is ordered. Notwithstanding any other provision of law, whenever (a) an offense charged in a count of an indictment is disposed of under such circumstances as to preclude defendant's retrial thereon and (b) a new trial is ordered, the trial court may, upon application of the people and with notice to the defendant and opportunity to be heard, order the amendment of the indictment to charge any lesser included offenses, as defined in section 1.20(37), of such offense, whether or not such lesser included offenses were submitted to the finder of fact upon trial of the original indictment, provided, however, that the indictment may not be amended to charge a lesser included offense that was disposed of under such circumstances as to preclude

defendant's retrial thereon. Such application must include a copy of the indictment as it is proposed to be amended and must be made, in writing, at least twenty days prior to commencement of the new trial. Upon granting an application hereunder, the trial court shall order the people to file the amended indictment with the court and to cause defendant to be furnished with a copy thereof.

§2. This act shall take effect 90 days after it shall have become a law.

6. Appeal by the People from Preclusion Order (CPL 450.20, 450.50)

The Committee recommends that section 450.20 of the Criminal Procedure Law be amended to provide that the People may appeal as of right from an order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70 of the Criminal Procedure Law. The Committee further proposes that section 450.50 of the Criminal Procedure Law be amended to permit the People to take an appeal from a preclusion order, if the People file a statement asserting that they are unable to prosecute without the evidence ordered precluded, and to provide that the taking of an appeal from a preclusion order constitutes a bar to prosecution unless or until such order is reversed or vacated.

In *People* v. *Anderson*, 66 N.Y.2d 529, 537 (1985), the Court of Appeals held that section 30.30 of the Criminal Procedure Law does not require the Court to dismiss an action for a default by the People after the People have announced their readiness for trial where lesser sanctions, such as preclusion orders, are available. Anticipating that the court's decision in *Anderson* may lead to an increase in the use of preclusion orders, the Committee recommends that section 450.20 of the Criminal Procedure Law be amended to permit the People to appeal from a preclusion order. The People's right to take such an appeal would be conditioned, however, on the filing of a statement asserting that the prosecution cannot proceed without the precluded evidence.

This procedure would conform to that now required where the People take an appeal from an order suppressing evidence. It would allow the People to obtain appellate review of preclusion orders, while assuring that only those orders affecting evidence at the heart of the People's case are the subject of interlocutory appeals.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appeal by the people from a preclusion order

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

Section 1. Section 450.20 of the criminal procedure law is amended by adding a new subdivision 10 to read as follows:

10. An order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70; provided that the people file a statement in the appellate court pursuant to section 450.50.

§2. Subdivisions 1 and 2 of section 450.50 of the criminal procedure law are amended to read as follows:

1. In taking an appeal, pursuant to subdivision eight *or ten* of section 450.20, to an intermediate appellate court from an order of a criminal court suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses,* the people must file, in addition to a notice of appeal or, as the case may be, an affidavit of errors, a statement asserting that the deprivation of the use of the evidence ordered suppressed *or precluded* has rendered the sum of the proof available to the people with respect to a criminal charge which has been filed in the court either (a) insufficient as a matter of law, or (b) so weak in its entirety that any reasonable possibility of prosecuting such charge to a conviction has been effectively destroyed.

2. The taking of an appeal by the people, pursuant to subdivision eight *or ten* of section 450.20, from an order suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses,* constitutes a bar to the prosecution of the accusatory instrument involving the evidence ordered suppressed *or precluded,* unless and until such suppression *or preclusion* order is reversed upon appeal and vacated.

§3. This act shall take effect 90 days after it shall have become a law.

7. Appeal from Order Included in Judgment (CPL 460.10)

The Committee recommends that section 460.10(1)(a) of the Criminal Procedure Law be amended to provide that an appeal from an order and sentence included in a judgment must be taken within 30 days after imposition of sentence. Legislative action to effect such amendment was recommended by the Court of Appeals in *People* v. *Coaye*, 68 N.Y.2d 857 (1986).

In *Coaye*, the trial court reduced a conviction pursuant to section 330.30 of the Criminal Procedure Law and immediately imposed sentence. Defendant filed his notice of appeal within 30 days of the judgment. The People, however, waited several weeks before submitting an order modifying the verdict pursuant to the court's decision and then appealed from that order. Defendant claimed that the People's appeal was untimely.

The Court of Appeals accepted defendant's argument that the People's time to appeal ran from the date of the judgment, rather than the date of the order. It held that where an order and sentence are subsumed in a judgment triggering defendant's time to appeal, section 460.10 of the Criminal Procedure Law must be read to require that an appeal from an order modifying a conviction be taken within

30 days after the imposition of sentence. The Court suggested, however, that the ambiguity giving rise to the dispute in *Coaye* be addressed by the Legislature.

In accordance with the suggestion of the Court of Appeals, the Committee undertook to prepare a remedial amendment to section 460.10(1)(a) of the Criminal Procedure Law. This measure, which reflects that amendment, provides that a party seeking to appeal from an order and sentence included in a judgment must file a notice of appeal within 30 days after sentence is imposed. This amendment would eliminate any ambiguity as to the time for taking an appeal from an order and sentence subsumed in a judgment, and meets with the approval of the Court of Appeals.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appeal from an order and sentence included in a judgment

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

Section 1. Paragraph (a) of subdivision 1 of section 460.10 of the criminal procedure law is amended to read as follows:

(a) A party seeking to appeal from a judgment or [the] *a* sentence *or an order and sentence* included within [it] *such judgment*, or from a resentence, or from an order of a criminal court *not included in a judgment,* must, within thirty days after imposition of the sentence or as the case may be, within thirty days after service upon [him] *such party* of a copy of [such] *an* order *not included in a judgment*, file with the clerk of the criminal court in which such sentence was imposed or in which such order was entered a written notice of appeal, in duplicate, stating that such party appeals therefrom to a designated appellate court.

§2. This act shall take effect 90 days after it shall have become a law.

8. Verification of Allegations by Child Witness or Person Suffering from Mental Disease or Defect and Conversion of Misdemeanor Complaint (CPL 100.30, 100.40, 170.65)

The Committee recommends that section 100.30 of the Criminal Procedure Law be amended to prescribe a procedure for verification of a felony complaint, information, misdemeanor complaint or supporting deposition, where the deponent is a child less than 12 years old or a person suffering from mental disease or defect. The Committee also recommends that section 170.65 of the Criminal Procedure Law be amended to provide that a misdemeanor complaint may be converted to an information based on the unverified allegations of a child witness or person suffering from mental disease or defect, provided those allegations are corroborated by verified allegations.

The law requires that a felony complaint, information, misdemeanor complaint or supporting deposition be subscribed and verified by a person having knowledge of the commission of the offense charged (CPL §§100.15(1), 100.20). Section 100.30 of the Criminal Procedure Law provides that a felony complaint, information, misdemeanor complaint or supporting deposition may be verified by being sworn to before (a) the court in which it is filed; (b) a desk officer in charge at a police station or police headquarters or any of his or her superior officers; (c) a designated public servant; or (d) a notary public. Verification also may be accomplished by having the deponent sign a felony complaint, information, misdemeanor complaint or supporting deposition bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

In *People* v. *Bryan S.*, N.Y.L.J., Sept. 12, 1985, p. 6, col. 6 (Crim. Ct., N.Y. County), the Court called attention to the difficulty of complying with the verification requirement where the complainant is a child. Noting that "[t]he rigid requirements of CPL 100.15, 100.30 and 100.40 require an oath of verification to convert the hearsay allegations of a [misdemeanor] complaint into a jurisdictionally sufficient accusatory instrument," the Court concluded that the verification provisions cannot be satisfied where a child does not understand and appreciate the nature of an oath. In response to the *Bryan S.* decision, the Committee proposed legislation to permit a misdemeanor complaint to be converted to an information based on a child's unverified allegations, where such allegations are supported by verified allegations tending to establish that a crime was committed and tending to connect defendant to the crime.

Since the Committee made its initial proposal, several other cases have considered the issue raised in *Bryan S.*. In *People* v. *King*, 137 Misc.2d 1087 (Crim. Ct., N.Y. County 1988), the Court observed that the Criminal Procedure Law fails to provide a specific procedure for verification of a misdemeanor complaint by a child witness. The Court directed the People to conduct a *voir dire* of the child witness as to the witness's capacity to understand the nature of the oath and to file a supporting affidavit attesting to the child's ability to verify the facts alleged in the information. In *People* v. *Pierre*, 140 Misc.2d 623 (Crim. Ct., N.Y. County, 1988), the Court declined to follow this approach, on the ground that the method of verification devised in *King* is not contemplated by the Criminal Procedure Law and that section 100.30(1)(a) of the Criminal Procedure Law, which provides that a complaint may be verified by being sworn to before the court, gives the court authority to conduct an *ex parte* inquiry to determine the child's ability to be sworn. *See also People* v. *Wiggans*, 140 Misc.2d 1011 (Crim. Ct., Kings County, 1988) (court should make case by case evaluation to determine what method of verification permitted by CPL §100.30 is appropriate).

The frequency with which the verification issue is raised

and the divergent results reached by the courts demonstrate the clear need for a uniform method of verifying allegations made by a child witness, or, by like reasoning, a witness suffering from mental disease or defect. *Cf.* CPL §60.20 (testimonial capacity of infants and persons suffering from mental disease or defect). The Committee's proposal accordingly has been expanded to provide that the prosecutor shall conduct an *ex parte* examination of the child or person suffering from mental disease or defect to determine his or her ability to understand the oath. A transcript or videotape of such examination shall be reviewed by the court. If, after reviewing the transcript or videotape or conducting its own *ex parte* examination of the witness, the court determines that the witness understands the nature of an oath, it shall permit the witness's allegations to be verified by being sworn to before the court, a desk officer, public servant or notary public [*see* CPL §100.30(1)(a)-(c), (e)].

In the event the court determines that the verification requirement cannot be met because the witness does not understand the nature of an oath, it nevertheless may permit a misdemeanor complaint to be converted to an information where the unverified allegations of the witness are sufficient to establish every element of the offense charged and of defendant's commission thereof and are corroborated by verified allegations [see proposed amendments to CPL §170.65(1)]. In view of the large number of child abuse cases in which the verification requirement may pose an insurmountable barrier to prosecution [*see People* v. *Bryan S, supra*], this amendment is necessary to protect child victims. At the same time, by requiring a child's unverified statements to be corroborated by verified allegations, it will assure that defendant is not prosecuted on an unprovable charge.

Proposal

AN ACT

to amend the criminal procedure law, in relation to verification of accusatory instrument by child witness or person suffering from mental disease or defect and conversion of misdemeanor complaint

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

Section 1. Section 100.30 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. Where the deponent is a child under the age of twelve or a person suffering from mental disease or defect, the prosecutor shall examine the child or person suffering from mental disease or defect in an ex parte proceeding to determine such child's or person's ability to understand the nature of an oath. If the prosecutor determines that the child or person suffering from mental disease or defect understands the nature of an oath, a written transcript or videotaped recording of such examination shall be submitted to the court for review. If the court cannot determine from reviewing the transcript or videotaped recording whether the child or person suffering from mental disease or defect understands the nature of an oath, it may conduct its own ex parte on the record examination of the child or person suffering from mental disease or defect. If, after reviewing the transcript or videotaped recording of the prosecutor's examination, or conducting its own examination, the court finds that the child or person understands the nature of an oath, it must permit the child or person to be deposed or sworn in the manner described in paragraphs (a), (b), (c) and (e) of subdivision one, for the purpose of verifying a felony complaint, information, misdemeanor complaint, or supporting deposition.

§2. Paragraph (c) of subdivision 1 of section 100.40 of the criminal procedure law is amended to read as follows:

(c) [Non-hearsay] *Except as otherwise provided in subdivision one of section 170.65 of this chapter, nonhearsay* allegations of the factual part of the information and/or of any supporting depositions establish, if true, every element of the offense charged and the defendant's commission thereof.

§3. Subdivision 1 of section 170.65 of the criminal procedure law is amended to read as follows:

1. A defendant against whom a misdemeanor complaint is pending is not required to enter a plea thereto. For purposes of prosecution, such instrument must, except as provided in subdivision three, be replaced by an information, and the defendant must be arraigned thereon. If the misdemeanor complaint is supplemented by a supporting deposition and such instruments taken together satisfy the requirements for a valid information, such misdemeanor complaint is deemed to have been converted to and to constitute a replacing information. *Where a misdemeanor complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than twelve years old, or person suffering from mental disease or defect, to understand the nature of an oath, the aforesaid requirements shall be deemed satisfied where the unverified allegations of such child or person suffering from mental disease or defect, as set forth in the accusatory instrument or supporting deposition, if true, are sufficient to establish every element of the offense charged and defendant's commission thereof, and are supported by verified allegations tending to establish that a crime was committed and tending to connect the defendant with the commission of such offense.*

§4. This act shall take effect 90 days after it shall have become a law.

9. Motion to Dismiss Indictment in Interest of Justice (CPL 210.40)

The Committee recommends that a new paragraph be added to subdivision one of section 210.40 of the Criminal Procedure Law to provide that in determining whether to grant a motion to dismiss an indictment in the interest of justice, the court shall consider whether there has been

unreasonable delay due to the People's repeated and unjustifiable failure to proceed with the action after both sides have answered ready and the court has fixed a date for a hearing or trial.

Although the expeditious processing of a criminal case often is hampered by the failure to produce witnesses at a hearing or trial, the Court of Appeals has held that a trial court has no authority to enter a nonappealable trial order of dismissal as a remedy for the People's inability to produce the complaining witness after multiple adjournments. *Holtzman* v. *Goldman*, 71 N.Y.2d 564 (1988). The Court noted, however, that the trial court was not helpless in the face of the People's failure to proceed and had various options available to it, including a dismissal in the interest of justice. 71 N.Y.2d at 574. The Court observed that such a dismissal "may well be appropriate" to redress the People's abuse of adjournments. 71 N.Y.2d at 575.

While the Court of Appeals thus indicated that dismissal in the interest of justice is an appropriate remedy for the failure to proceed, section 210.40 of the Criminal Procedure Law does not provide expressly for consideration of this factor. By inviting the trial court to consider whether unreasonable delay has resulted from the repeated and unjustifiable failure to proceed after the parties have answered ready and the court has fixed a hearing or trial date, this measure would draw attention to the Court of Appeals' suggestion that section 210.40 is a permissible vehicle for redressing abuse of adjournments. At the same time, it would ensure that any dismissal in the interest of justice on this ground would be subject to the requirement that the court state the basis for its ruling (CPL §210.40(3)) and would be appealable by the People (CPL §450.20(1)).

Proposal

AN ACT

to amend the criminal procedure law, in relation to motion to dismiss indictment in furtherance of justice

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

Section 1. Paragraph j of subdivision 1 of section 210.40 of the criminal procedure law, as added by chapter 216 of the laws of 1979, is relettered paragraph k and a new paragraph j is added to read as follows:

(j) whether there has been unreasonable delay due to the people's repeated and unjustifiable failure to proceed with the action after the people and the defendant have answered ready and the court has fixed a date for a hearing or trial.

§2. This act shall take effect 90 days after it shall have become a law.

10. Anonymous Jury (CPL 270.15, 270.17)

The Committee recommends that subdivision 1-a of section 270.15 of the Criminal Procedure Law be repealed and that a new section 270.17 be added that permits the court to issue an order precluding disclosure of jurors' and prospective jurors' names and addresses upon a showing by the People that such an order is necessary to prevent bribery, jury tampering or physical injury to or harassment of the jurors or prospective jurors.

Subdivision 1-a of section 270.15 of the Criminal Procedure Law now provides that the court may issue a protective order regulating disclosure of the business or residential address of any prospective or sworn juror to any person or persons, other than to counsel for either party. Significantly, subdivision 1-a does not allow the court to protect jurors' and prospective jurors' names from disclosure, nor does it provide complete assurance that jurors' addresses will not be disclosed to defendant by defense counsel. *See* New York Criminal Procedure Law §270.15, Supplementary Practice Commentary (McKinney Supp. 1989, pp. 199-200) (potential conflict between attorney's faithfulness to officer-of-the-court code and attorney-client relationship "could cause trouble in the very type case for which this legislative protection is created"). While salutary, subdivision 1-a thus fails to provide the court with sufficient means to protect jurors from intimidation and harm.

Although there are no reported New York cases addressing the propriety of withholding the names and addresses of jurors and prospective jurors, an anonymous jury was selected in the celebrated 1983 Brinks case in Orange County. Moreover, the federal courts are in agreement that a trial judge has the discretion to protect the identities of jurors and prospective jurors in an appropriate case. *See United States* v. *Scarfo*, 850 F.2d 1015, 1021-1023 (3rd Cir.), *cert. denied*, 488 U.S. 910 (1988) (motion to impanel an anonymous jury granted where alleged boss of organized crime group was charged with conspiracy and extortion, prospective witness and judge had been murdered in the past and attempts had been made to bribe other judges); *United States* v. *Persico*, 832 F.2d 705, 717 (2d Cir. 1987), *cert. denied*, 486 U.S. 1022 (1988) (upholding decision to impanel anonymous jury based on violent acts committed in normal course of Columbo Family business, the Family's willingness to corrupt and obstruct criminal justice system and extensive pretrial publicity); *United States* v. *Ferguson*, 758 F.2d 843, 854 (2d Cir.), *cert. denied*, 474 U.S. 841 (1985) (trial court justified in keeping jurors' identities secret where evidence that defendants had discussed killing five government witnesses and "Wanted: Dead or Alive" poster of another government witness had been circulated); *United States* v. *Thomas*, 757 F.2d 1359, 1362-1365 (2d Cir. 1985), *cert. denied*, 479 U.S. 818 (1986) (anonymous jury impaneled where defendants charged with narcotics, firearm and RICO violations and government submitted evidence that defendants had bribed a juror at a prior trial and had put out a contract on the life of the chief government witness); *United States* v. *Barnes*, 604 F.2d 121, 140-141 (2d Cir. 1979), *cert. denied*, 446 U.S. 907 (1980) (court properly directed jurors not to disclose their names

and addresses where notwithstanding that no actual threats were received, the seriousness of the charges, the extent of pretrial publicity and the history of attempts to influence and intimidate jurors in multi-defendant narcotics cases tried in the Southern District of New York was sufficient to put the court on notice that safety precautions should be taken).

In *United States* v. *Thomas*, defendants claimed that impanelment of an anonymous jury deprived them of due process by destroying the presumption of innocence. The Second Circuit rejected this argument, saying:

> [P]rotection of jurors is vital to the functioning of the criminal justice system. As a practical matter, we cannot expect jurors to "take their chances" on what might happen to them as a result of a guilty verdict. Obviously, explicit threats to jurors or their families or even a general fear of retaliation could well affect the jury's ability to render a fair and impartial verdict. Justice requires that when a serious threat to juror safety reasonably is found to exist, precautionary measures must be taken.
>
> * * * *
>
> Nevertheless, we do not mean to say that the practice of impanelling an anonymous jury is constitutional in all cases. As should be clear from the above analysis, there must be, first, strong reason to believe that the jury needs protection and, second, reasonable precaution must be taken to minimize the effect that such a decision might have on the jurors' opinions of the defendants.

757 F.2d at 1364-1365. *Accord United States* v. *Scarfo*, 850 F.2d at 1021-1023 (selection of anonymous jury did not impair defendant's right to exercise peremptory challenges or infringe on the presumption of innocence).

There are compelling policy considerations favoring the use of anonymous juries in appropriate cases. As the Third Circuit observed in *United States* v. *Scarfo*:

> Juror's fears of retaliation from criminal defendants are not hypothetical; such apprehension has been documented .... As judges, we are aware that, even in routine criminal cases, veniremen are often uncomfortable with disclosure of their names and addresses to a defendant. The need for such information in preparing an effective defense is not always self-evident. If, in circumstances like those in *Barnes*, jury anonymity promotes impartial decision making, that result is likely to hold equally true in less celebrated cases.
>
> The virtue of the jury system lies in the random summoning from the community of twelve "indifferent" persons - "not appointed till the hour of trial" - to decide a dispute, and in their subsequent, unencumbered return to their normal pursuits. The lack of continuity in their service tends to insulate jurors from recrimination for their decisions and to prevent the occasional mistake of one panel from being perpetuated in future deliberations. Because the system contemplates that jurors will inconspicuously fade back into the community once their tenure is completed, anonymity would seem entirely consistent with, rather than anathema to, the jury concept. In short, we believe that the probable merits of the anonymous jury procedure are worthy, not of a presumption of irregularity, but of disinterested appraisal by the courts.

850 F.2d at 1023 (citations omitted). These considerations, together with the lack of any constitutional bar to impanelment of an anonymous jury, warrant passage of legislation that expressly would permit the court to protect the identities of jurors from disclosure.

This measure provides that the prosecutor may move within three days prior to the commencement of jury selection for an order directing that jurors and prospective jurors shall not disclose their names or residential or business addresses. The court may permit the prosecutor to file such a motion thereafter, for good cause shown. At a hearing on the motion, the prosecutor is required to show by clear and convincing evidence that such an order is necessary to protect against the likelihood of bribery or of jury tampering or intimidation. In determining whether the prosecutor has sustained this burden, the court shall consider any relevant factors, including:

1. Whether defendant or persons acting on defendant's behalf have bribed, tampered with, or caused or attempted to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in another criminal action or proceeding or in the instant proceeding;

2. Whether defendant is a member of a group that has manifested an intention to harm or intimidate witnesses or jurors;

3. The seriousness of the charges against defendant;

4. The extent of pretrial publicity about the criminal action or proceeding.

To balance any adverse effect on defendant of withholding the identities of jurors, this measure permits the court to enlarge the scope and duration of *voir dire*. See *United States* v. *Scarfo*, 850 F.2d at 1017 (potential jurors completed written questionnaires encompassing wide range of personal demographics and jurors questioned personally by court and counsel); *United States* v. *Persico*, 832 F.2d at 717 (searching *voir dire* conducted by trial judge alleviated risk that use of anonymous jury would cast unfair aspersions on defendants); *United States* v. *Barnes*, 604 F.2d at 142 (no denial of right to exercise challenges where parties had "arsenal of information" about prospective jurors based on extensive *voir dire*).

This measure further seeks to offset any prejudicial effect of selecting jurors on an anonymous basis by requiring the court to give a precautionary instruction to the jury upon defendant's request. *See United States* v. *Thomas,* 757 F.2d at 1364-1365 (trial judge's explanation to the jury minimized potential for prejudice to defendant). *But see United States* v. *Scarfo,* 850 F.2d at 1026 (suggesting that if court had not made a point of discussing anonymity, jurors simply might have assumed nondisclosure to be the normal course).

Because the provisions of present subdivision 1-a of section 270.15 are subsumed in proposed section 270.17, this measure repeals subdivision 1-a. It also makes a conforming amendment to subdivision one of section 270.15.

Proposal

AN ACT

to amend the criminal procedure law, in relation to anonymous juries

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

Section 1. Paragraph (a) of subdivision 1 of section 270.15 of the criminal procedure law, as amended by chapter 467 of the laws of 1985, is amended to read as follows:

(a) If no challenge to the panel is made as prescribed by section 270.10, or if such challenge is made and disallowed, the court shall direct that the names of not less than twelve members of the panel be drawn and called as prescribed by the judiciary law, *except as otherwise required by section 270.17.* Such persons shall take their places in the jury box and shall be immediately sworn to answer truthfully questions asked them relative to their qualifications to serve as jurors in the action. In its discretion, the court may require prospective jurors to complete a questionnaire concerning their ability to serve as fair and impartial jurors, including but not limited to place of birth, current address, education, occupation, prior jury service, knowledge of, relationship to, or contact with the court, any party, witness or attorney in the action and any other fact relevant to his or her service on the jury. An official form for such questionnaire shall be developed by the chief administrator of the courts in consultation with the administrative board of the courts. A copy of questionnaires completed by the members of the panel shall be given to the court and each attorney prior to examination of prospective jurors.

§2. Subdivision 1-a of section 270.15 of the criminal procedure law is REPEALED.

§3. The criminal procedure law is amended by adding a new section 270.17 to read as follows:

§270.17. Trial jury; anonymous panel. (1) The people may make a motion for an order protecting the names and residential and business addresses of jurors and prospective jurors from disclosure to any person. Such a motion shall be made no later than three days, excluding Saturdays, Sundays and holidays, prior to the commencement of jury selection, but for good cause may be made thereafter. The court shall conduct a hearing upon such motion and make findings of fact essential to the determination thereof. All persons giving factual information at such hearing must testify under oath, except that unsworn evidence pursuant to subdivision two of section 60.20 of this chapter also may be received. Upon such hearing, hearsay evidence shall be admissible to establish any material fact.

(2) At the hearing, the people shall bear the burden of proving by clear and convincing evidence that a protective order is necessary to protect against the likelihood of bribery, jury tampering or physical injury to or harassment of the jurors or prospective jurors. In determining whether the people have sustained this burden, the court may consider any relevant factors, including:

(a) whether defendant or persons acting on defendant's behalf have bribed, tampered with, or caused or attempted to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in another criminal action or proceeding or in the instant criminal action or proceeding;

(b) whether defendant is a member of an enterprise, as defined in subdivision two of section 460.10 of the penal law, that by itself or through any of its members has manifested an intention to bribe, tamper with, or cause or attempt to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in the instant criminal action or proceeding;

(c) the seriousness of the charges against defendant;

(d) the extent of pretrial publicity concerning the criminal action or proceeding.

(3) If the court determines that a protective order should issue, it shall direct that all jurors and prospective jurors thereafter shall be identified by some means other than their names and their residential and business addresses. The court may enlarge the scope and duration of the parties' examination of prospective jurors to assure that the parties have sufficient information upon which to base the exercise of peremptory challenges and challenges for cause pursuant to sections 270.20 and 270.25.

(4) Upon request by a defendant, but not otherwise, the court shall instruct the jury that the fact that the jury was selected on an anonymous basis is not a factor from which any inference unfavorable to the defendant may be drawn.

§3. This act shall take effect 90 days after it shall have become a law.

11. Alternate Jurors (CPL 270.30)

The Committee recommends that section 270.30 of the

Criminal Procedure Law be amended to increase from four to six the maximum number of alternate jurors. Section 270.30 of Criminal Procedure Law now permits the selection of a maximum of four alternate jurors. This number has proven to be too small in multi-defendant, complex or protracted cases. For example, in *People* v. *Canning*, a recent New York County Supreme Court case, four defendants were tried on conspiracy and scheme to defraud charges. Within the first three months of the five-month trial, four jurors were required to be replaced by alternate jurors for a variety of reasons. Because there were no remaining alternate jurors, the court would have been forced to declare a mistrial if one more juror had been discharged. The time, energy and money spent on the trial thus was placed at risk by the lack of available alternate jurors.

As complex and protracted cases against multiple defendants under the State RICO laws increase, the *Canning* scenario likely will be repeated. To avoid the risk of mistrial from the lack of availability of alternate jurors, this measure would give the court discretion to direct the selection of up to six alternate jurors.

Proposal

AN ACT

to amend the criminal procedure law, in relation to alternate jurors

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

Section 1. Section 270.30 of the criminal procedure law, as amended by chapter 267 of the laws of 1979, is amended to read as follows:

§270.30. Trial jury; alternate jurors. Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of one or more, but not more than [four] *six* additional jurors to be known as "alternate jurors." Alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors. After the jury has retired to deliberate, the court must either (1) with the consent of the defendant and the people, discharge the alternate jurors or (2) direct the alternate jurors not to discuss the case and must further direct that they be kept separate and apart from the regular jurors.

§2. This act shall take effect 90 days after it shall have become a law.

12. Appeal from Order Granting or Denying Motion to Set Aside Order of Appellate Court on Ground of Ineffective Assistance of Appellate Counsel (CPL 450.90)

The Committee recommends that section 450.90(1) of the Criminal Procedure Law be amended to authorize an appeal to the Court of Appeals from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance of appellate counsel. Legislative action establishing such authorization was recommended by the New York Court of Appeals in *People* v. *Bachert*, 69 N.Y.2d 593 (1987).

In *People* v. *Bachert*, defendant's conviction was affirmed on direct appeal. Defendant then brought a motion to vacate the judgment in the trial court, pursuant to CPL 440.10(1)(h), based on alleged ineffective assistance of appellate counsel. The *nisi prius* court denied defendant's motion on the ground that it lacked jurisdiction to review a claim of ineffective assistance of appellate counsel. The Appellate Division reversed, concluding that a motion pursuant to CPL 440.10 was the appropriate procedural vehicle to challenge a judgment of conviction based on ineffective appellate counsel grounds. The Court of Appeals reversed, holding that neither a CPL 440.10 motion to vacate judgment nor a CPL 470.50 motion for reargument is a proper means of asserting a claim of ineffective assistance of appellate counsel and that absent any codified form of relief, a common-law *coram nobis* proceeding brought in the proper appellate court is the only available procedure to review such a claim.

Although the Court of Appeals thus held that a claim of ineffective assistance of appellate counsel could be raised in a *coram nobis* proceeding, it urged the Legislature to enact a statutory remedy for the assertion of such claims:

> [E]ven as we render our decision, "we are also obliged to take this opportunity to express our discomfiture" (see, *People* v *Belge*, 41 NY2d 60, 62) with the absence of a comprehensive statutory mechanism to address collateral claims of ineffective assistance of appellate counsel. The dimensions of the issue and the policy choices involved require that the more permanent solution should come from the Legislature, for example, even on so important an issue as appealability of this new coram nobis determination (under CPL art. 450 and 450.70, such orders would not be appealable by permission or as of right). We invite the Legislature's prompt attention to this problem.

69 N.Y.2d at 600.

In accordance with the Court of Appeals' suggestion, the Appellate Divisions are in the process of adopting a uniform rule, creating a procedural mechanism for reviewing claims of ineffective assistance of counsel. This measure would complement the Appellate Divisions' rule by codifying the power of the Court of Appeals to entertain a permissive appeal from an order of the Appellate Division granting or denying a *Bachert* motion. Enactment of this measure would fill a significant gap in the Criminal Procedure Law and assure that the Court of Appeals has the opportunity to review claims of ineffective assistance of appellate counsel.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appeal from an order granting or denying a motion to set aside an order of an appellate court on the ground of ineffective assistance of appellate counsel

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

Section 1. Subdivision 1 of section 450.90 of the criminal procedure law, as amended by chapter 671 of the laws of 1971, is amended to read as follows:

1. Provided that a certificate granting leave to appeal is issued pursuant to section 460.20, an appeal may, except as provided in subdivision two, be taken to the court of appeals by either the defendant or the people from any adverse or partially adverse order of an intermediate appellate court entered upon an appeal taken to such intermediate appellate court pursuant to section 450.10, 450.15, or 450.20 *or from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance of appellate counsel.* An order of an intermediate appellate court is adverse to the party who was the appellant in such court when it affirms the judgment, sentence or order appealed from, and is adverse to the party who was the respondent in such court when it reverses the judgment, sentence or order appealed from. An appellate court order which modifies a judgment or order appealed from is partially adverse to each party.

§2. This act shall take effect 90 days after it shall have become a law.

13. Written Submissions to the Jury (CPL 310.20, 310.30)

The Committee recommends that section 310.20 of the Criminal Procedure Law be amended to permit certain written materials to be submitted to the jury during deliberations. Although the Criminal Procedure Law provides that exhibits, verdict sheets and, in certain circumstances, copies of statutes may be given to the jury (CPL 310.20, 310.30), the law makes no provision for submission to the jury of a copy of the accusatory instrument, the court's instructions to the jury, or a list of the elements of the charges against the defendant and of defenses thereto.

Since 1987, the Court of Appeals has decided a series of cases concerning what materials may be submitted to the jury, with conflicting results. *Cf. People* v. *Owens*, 69 N.Y.2d 585 (1987) (improper to distribute portions of oral charge in writing over defendant's objection) and *People* v. *Nimmons*, 72 N.Y.2d 830 (1988) (absent parties' consent, submission to the jury of sheet listing counts of indictment and defining elements of counts was reversible error) *with People* v. *Moore*, 71 N.Y.2d 684 (1988) (no reversible error found where court granted jury request to be given copy of two counts of indictment, over defendant's objection). Following these decisions, the Court of Appeals invited the Committee to consider proposing legislation to clarify what materials may be submitted to the jury during deliberations.

The Committee agrees that this sensitive issue should be free from any uncertainty. This measure accordingly provides that where the parties so request, the court may submit to the jury so much of the accusatory instrument as contains the counts submitted to the jury and a copy of the court's charge to the jury. The measure further provides that, even absent the parties' consent, the court is authorized to give the jury a sheet stating the elements of all the offenses charged and of defenses thereto, as well as a copy of those portions of the court's charge which define the elements of such offenses and defenses. When more than one offense is charged, the court may not provide the jury with a sheet containing only one or some of the offenses charged, or a copy of the corresponding portions of the court's charge, unless the parties consent or unless the jury specifically requests further instruction regarding only one or some of the offenses. Left undisturbed is the present provision relating to the submission of exhibits to the jury.

Legitimate arguments can be made both favoring and opposing submitting to the jury copies of the accusatory instrument and the court's charge. On the one hand, there is the danger that the jury will place undue emphasis on written materials. *See People* v. *Owens*, 69 N.Y.2d at 590-591; *People* v. *Moore*, 71 N.Y.2d at 687-688. On the other hand, without the aid of these materials, it may be difficult for the jury properly to do its job, particularly in complex cases. This measure, therefore, would require the parties' consent to submission of the accusatory instrument or the court's charge because, at least in some cases, the jury's emphasis on these materials could unfairly prejudice one of the parties, particularly the defendant. Consent would not be required, however, to submission of a sheet stating the elements of the crimes charged and the defenses thereto, and the portions of the court's charge defining the elements of the crimes and defenses. Access to these materials would significantly aid the jury without any unfair prejudice to the parties.

Proposal

AN ACT

to amend the criminal procedure law, in relation to submission of written materials to the jury during deliberation

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

Section 1. Section 310.20 of the criminal procedure law is amended to read as follows:

§310.20. Jury deliberation; [use] *receipt* of exhibits and other material. [Upon] *At the discretion of the court, and after according the parties an opportunity to be heard upon*

the matter, the jury, upon retiring to deliberate, [the jurors may take with them] *or during its deliberation, may receive:*

1. Any exhibits received in evidence at the trial [which the court, after according the parties an opportunity to be heard upon the matter, in its discretion permits them to take; and].

2. A written list prepared by the court containing the offenses submitted to the jury by the court in its charge and the possible verdicts thereon.

3. A written sheet prepared by the court, which may be made part of the list described in subdivision two, stating the elements of all the offenses submitted to the jury by the court in its charge and the defenses thereto. Such a sheet may be accompanied by a copy of those portions of the court's charge which define the elements of such offenses and defenses. Notwithstanding the provisions of subdivision five, the jury may receive a copy of the aforesaid portions of the court's charge without the consent of the parties. When more than one offense is submitted to the jury by the court in its charge, the jury may not receive a written sheet stating the elements of only one or some of those offenses and the defenses thereto, or a copy of the corresponding portions of the court's charge, unless the parties consent or unless the jury requests the court for further instruction or information with respect to only one or some of the offenses.

4. Upon consent of the parties, a copy of so much of the accusatory instrument as contains the counts submitted to the jury by the court in its charge.

5. Upon consent of the parties, a copy of any portion, or the entirety, of the court's charge to the jury.

6. Upon consent of the parties, and upon the request of the jury for further instruction with respect to a statute, a copy of the text of any statute.

§2. Section 310.30 of the criminal procedure law, as amended by chapter 208 of the laws of 1980, is amended to read as follows:

§310.30. Jury deliberation; request for *instruction or* information. At any time during its deliberation, the jury may request the court for further instruction or information with respect to the law, with respect to the content or substance of any trial evidence, or with respect to any other matter pertinent to the jury's consideration of the case. Upon such a request, the court must direct that the jury be returned to the courtroom and, after notice to both the people and counsel for the defendant, and in the presence of the defendant, must give such requested information or instruction as the court deems proper. [With the consent of the parties and upon the request of the jury for further instruction with respect to a statute, the court may also give to the jury copies of the text of any statute which, in its discretion, the court deems proper.]

§3. This act shall take effect 90 days after it shall have become law.

14. Establishment of Procedure to Obtain Warrant of Arrest (CPL 1.20, Article 120)

The Committee recommends that section 1.20 and Article 120 of the Criminal Procedure Law be amended to establish a procedure for obtaining a warrant of arrest prior to the formal commencement of a criminal action.

The United States Supreme Court has held that, absent exigent circumstances, an arrest warrant must be obtained before police may enter a suspect's home to make a "routine" felony arrest. *Payton* v. *New York,* 445 U.S. 573 (1980). Under existing New York law, an arrest warrant may not be issued until after an accusatory instrument commencing a criminal action is filed. CPL 120.10. This limitation causes difficulty when authority to arrest is needed and a court is unavailable for the filing of the accusatory instrument, or practical problems delay the preparation of the instrument itself. There also are circumstances under which probable cause to arrest an individual exists but further investigation is warranted before the prosecution can determine whether to commence a criminal action. Therefore, it is necessary to develop a mechanism whereby law enforcement officers possessing the statutory requirements to arrest without a warrant in a public place may obtain judicial authorization to arrest a person in his or her home before formal criminal proceedings are begun.

Our proposal would establish that mechanism by amending the existing arrest warrant provisions to permit an *ex parte* application to be made to the court for a warrant when a person may be arrested for a crime pursuant to section 140.10 of the Criminal Procedure Law and all other statutory requirements are met. The application provisions are patterned after those governing search warrants *(see* CPL 690.35), and the procedure to be followed after arrest remains as stated in section 140.20, with the additional requirement of a return of the warrant and a report to the court indicating the time and place of the arrest and subsequent steps taken.

The new procedure established by this measure will safeguard the rights of individuals suspected of criminal activity while permitting law enforcement officers to complete their investigation before commencing formal proceedings. It must be noted, however, that this measure also may have an impact upon the scope of other investigatory procedures that may be conducted before an action is commenced. *See, e.g., People* v. *Samuels,* 49 N.Y.2d 218 (1980) (defendant's right to counsel attaches when criminal action has commenced, and criminal action commences with filing of an accusatory instrument).

Proposal

AN ACT

to amend the criminal procedure law, in relation to warrant of arrest

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

Section 1. Subdivisions 28 and 29 of section 1.20 of the criminal procedure law are amended to read as follows:

28. ["Warrant] *(a) "Warrant of arrest" means a process of a criminal court, more fully defined in subdivisions three and four of section 120.10, directing a police officer to arrest a person.*

(b) "Local criminal court warrant of arrest" means a [process] *warrant of arrest* of a local criminal court [, more fully defined in section 120.10,] directing a police officer, *pursuant to article 120,* to arrest a defendant and to bring [him] *such defendant* before such court for the purposes of arraignment upon an accusatory instrument filed therewith by which a criminal action against [him] *such defendant* has been commenced.

[29.] *(c)* "Superior court warrant of arrest" means a [process] *warrant of arrest* of a superior court directing a police officer, *pursuant to subdivision three of section 210.10,* to arrest a defendant and to bring [him] *such defendant* before such court for the purpose of arraignment upon an indictment filed therewith by which a criminal action against [him] *such defendant* has been commenced.

§2. Sections 120.10, 120.20, 120.30 and 120.40 of the criminal procedure law, section 120.10 as amended by chapter 843 of the laws of 1980, section 120.40 as amended by chapter 324 of the laws of 1988, are amended to read as follows:

§120.10. Warrant of arrest; definition, function, form and content. 1. A *warrant of arrest is a process of a criminal court directing a police officer to arrest a person.*

2. *A local criminal court* warrant of arrest is a [process] *warrant of arrest* issued by a local criminal court directing a police officer or a peace officer appointed by the state university to arrest a defendant designated in an accusatory instrument filed with such court and to bring [him] *such defendant* before such court in connection with such instrument. The sole function of a *local criminal court* warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

[2.]*3.* A warrant of arrest must be subscribed by the issuing judge and must state or contain (a) the name of the issuing court, and (b) the date of issuance of the warrant, and (c) the name or title of an offense [charged in the underlying accusatory instrument] *for which the person is to be arrested,* and (d) the name of the [defendant] *person* to be arrested or, if such be unknown, any name or description by which he *or she* can be identified with reasonable certainty, and (e) the police officer or officers or peace officers appointed by the state university to whom the warrant is addressed, and (f) a direction that such officer arrest [the defendant] *such person,* and *(g) where the warrant of arrest is issued upon an accusatory instrument, a direction to* bring [him] *such person* before the issuing court.

[3.]*4.* A warrant of arrest may be addressed to *any police officer,* a classification of police officers, or to two or more classifications thereof, as well as to a designated individual police officer or officers, as well as to peace officers appointed by the state university. Multiple copies of such a warrant may be issued.

§120.20. Warrant of arrest; when issuable. 1. When a criminal action has been commenced in a local criminal court by the filing therewith of an accusatory instrument, other than a simplified [traffic] information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto, such court may, if such accusatory instrument is sufficient on its face, issue a *local criminal court* warrant *of arrest* for such defendant's arrest.

2. *(a) Where a person may be arrested for a crime pursuant to section 140.10, a police officer or a district attorney may apply to a criminal court for a warrant of arrest. Upon such application, if the criminal court is satisfied that an arrest of such person is authorized by section 140.10, the court may issue the warrant.*

(b) An ex parte application for such warrant must be submitted to a judge of a criminal court and it must be in writing, subscribed and sworn to by the applicant, or be made orally by the applicant, under oath, to the issuing judge and recorded verbatim. The application must contain:

(i) The name of the court, the name and title of the applicant, and the date of the application;

(ii) A statement that an arrest of a named person (or, if such be unknown, any name or description by which such person can be identified with reasonable certainty) for a specified crime is authorized by section 140.10;

(iii) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief. The applicant may also submit depositions of other persons containing allegations of fact, based upon personal knowledge or upon information and belief, supporting or tending to support those contained in the application. Allegations based upon information and belief shall include the source of such information and the grounds of such belief; and

(iv) A request that the court issue the warrant.

3. Even though such accusatory instrument or *application, as the case may be,* is sufficient on its face, the court may refuse to issue a warrant of arrest based thereon until it has further satisfied itself, by inquiry or examination of witnesses, that there is reasonable cause to believe that the defendant committed an offense charged. Upon such inquiry or examination, the court may examine, under oath or

otherwise, any available person whom it believes may possess knowledge concerning the subject matter of the charge.

[3.]4. Notwithstanding the provisions of subdivision one, if a summons may be issued in lieu of a *local criminal court* warrant of arrest pursuant to section 130.20, and if the court is satisfied that the defendant will respond thereto, it may not issue a *local criminal court* warrant of arrest.

§120.30. Warrant of arrest; by what courts issuable and in what courts returnable. 1. A *warrant of arrest may be issued by a criminal court with geographical jurisdiction of a crime specified in the application submitted to it pursuant to subdivision two of section 120.20.*

2. A local criminal court warrant of arrest may be issued only by the local criminal court with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

[2.]*3.* The particular local criminal court or courts with which any particular local criminal court accusatory instrument may be filed for the purpose of obtaining a *local criminal court* warrant of arrest are determined, generally, by the provisions of section 100.55. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

§120.40. Warrant of arrest; attaching accusatory instrument to warrant of town court, village court or city court. A town court, village court or city court which issues a *local criminal court* warrant of arrest may attach thereto a duplicate copy of the underlying accusatory instrument. If one or more duplicate copies of the warrant are issued, such court may attach as many copies of such accusatory instrument to copies of such warrant as it chooses. In any case where, pursuant to subdivision five of section 120.90, a defendant arrested upon such a warrant of arrest is brought before a local criminal court other than the town court, village court or city court in which the warrant is returnable, a copy of the accusatory instrument constitutes a valid basis for arraignment as provided in subdivision one of section 170.15.

§3. Section 120.50 of the criminal procedure law is REPEALED.

§4. Section 120.90 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding the foregoing provisions of this section, the procedure following an arrest upon a warrant of arrest issued pursuant to subdivision two of section 120.20 shall be as provided in section 140.20. Further, within a reasonable time after the arrest of a person pursuant to such warrant, a police officer shall return the warrant to the issuing court and file with it a report of the time and place of the arrest and a report as to which of the procedures of section 140.20 were followed. The failure to file such report shall not be grounds for invalidating the arrest or the evidence derived from the arrest.

§5. This act shall take effect immediately.

REPEAL NOTE: - CPL 120.50 is repealed by this act since its provisions are included within subdivision three of CPL 120.10.

15. Elimination of Due Diligence Requirement in Speedy Trial Law When Defendant Fails to Appear (CPL 30.30)

The Committee recommends that subdivision 4(c) of section 30.30 of the Criminal Procedure Law be amended to make clear that when a defendant escapes from custody or fails to appear in court after being released on bail or recognizance, the period of time during which he or she is absent is excluded in computing the time within which the prosecution must be ready for trial, regardless of whether the prosecution has exercised due diligence in locating the defendant and returning him or her to court.

Many of the courts that have applied section 30.30(4)(c) have concluded that the time period between the issuance of a bench warrant resulting from a defendant escaping or jumping bail, and the defendant's subsequent appearance in court pursuant to the bench warrant (or voluntarily or otherwise), is not excludable from the time within which the prosecution must be ready for trial, unless the prosecution exercised due diligence in locating and apprehending the defendant during his or her absence. *See, e.g., People* v. *Jackson,* 150 A.D.2d 609 (2d Dept. 1989); *People* v. *Quiles,* N.Y.L.J., July 5, 1990, p. 29, col. 1 (Sup. Ct. Bronx Cty.); *People* v. *Gonzalez,* N.Y.L.J., March 16, 1989, p. 23, col. 3 (Sup. Ct. N.Y. Cty.); *People* v. *Gaston,* N.Y.L.J., March 22, 1988, p. 13, col. 3 (Sup. Ct. N.Y. Cty.); *People* v. *Tindal,* N.Y.L.J., August 9, 1988, p. 20, col. 2 (N.Y.C. Crim. Ct.); *People* v. *Richberg,* 125 Misc.2d 975 (N.Y.C. Crim. Ct. 1984).

The apparent requirement that the prosecution exercise due diligence in this context should be eliminated. Given the huge number of bench warrants outstanding in New York City alone — estimated at over 500,000 — insistence upon compliance with the due diligence standard in these cases is unrealistic and the cause of an enormous drain on limited police and prosecutorial resources. Moreover, a due diligence requirement in this situation effectively rewards defendants who voluntarily evade the court process. This is because if a defendant is absent from court for a sufficiently lengthy period of time, and the prosecution is unable to show that it exercised the requisite due diligence in locating the

defendant, the defendant frequently will be able to avoid prosecution by arguing that he or she was not brought to trial within the statutorily prescribed period. Thus, the due diligence requirement serves to encourage defendants to flee the court's jurisdiction.

Accordingly, the Legislature should act to eliminate this illogical and excessively burdensome requirement. Under this measure, however, the prosecution would still be required to exercise due diligence in locating and apprehending a defendant against whom an accusatory instrument has been filed but who has never been arrested and arraigned thereon. In that situation, it makes sense to condition a toll of the speedy trial period upon the prosecution's exercise of due diligence in locating the defendant; it makes no sense to impose such a condition when a defendant is under the jurisdiction of the court and voluntarily chooses to flee.

Proposal

AN ACT

to amend the criminal procedure law, in relation to the period of time which must be excluded in computing the time within which the people must be ready for trial

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

Section 1. Paragraph (c) of subdivision 4 of section 30.30 of the criminal procedure law, as amended by chapter 670 of the laws of 1984, is amended to read as follows:

(c) the period of delay resulting from the absence or unavailability or, where the defendant is absent or unavailable and has either escaped from custody or has previously been released on bail or on his *or her* own recognizance, the period extending from the day the court issues a bench warrant pursuant to section 530.70 because of the defendant's failure to appear in court when required, to the day the defendant subsequently appears in the court pursuant to a bench warrant or voluntarily or otherwise. A defendant must be considered absent whenever his *or her* location is unknown and he *or she* is attempting to avoid apprehension or prosecution, or his *or her* location cannot be determined by due diligence. A defendant must be considered unavailable whenever his *or her* location is known but his *or her* presence for trial cannot be obtained by due diligence. *Provided, however, that a defendant who has either escaped from custody or has previously been released on bail or on his or her own recognizance, and who has failed to appear in court when required, must be considered absent or unavailable regardless of whether his or her location cannot be determined, or presence for trial cannot be obtained, by due diligence; or*

§2. This act shall take effect immediately.

16. Bail or Recognizance for Cooperating Defendant Convicted of Class A-II Felony (CPL 530.40)

The Committee recommends that subdivision three of section 530.40 of the Criminal Procedure Law be amended to allow a superior court to order bail or recognizance for a defendant who has been convicted of a class A-II felony if the defendant is providing, or has agreed to provide, material assistance pursuant to section 65.00(1)(b) of the Penal Law.

Section 530.40(3) of the Criminal Procedure Law precludes a superior court from ordering recognizance or bail after a defendant has been convicted of a class A felony. Although in most cases this reflects a sound policy, it may in some cases wholly undermine the incentive to cooperate in drug investigations that section 65.00(1)(b) of the Penal Law seeks to create for defendants charged with serious drug offenses. That section permits a court, in certain circumstances, to sentence to probation a defendant convicted of a class A-II or class B felony drug offense if the prosecutor recommends such a sentence and confirms that the defendant is providing, or has provided, material assistance to the authorities in a drug investigation. As one trial court recently pointed out, however, the mandatory incarceration requirement of section 530.40(3) effectively prevents a defendant who pleads guilty to a class A-II felony, but is eager to cooperate with the authorities in return for the more lenient sentence of probation permitted under section 65.00(1)(b), from actually providing that cooperation. Indeed, if a defendant is incarcerated, he or she will generally be unable to assist in a drug investigation. The court in that case, therefore, urged the Legislature to remedy the problematic inconsistency between these two statutes. *See People* v. *Dale D'Amigo*, N.Y.L.J., June 5, 1990, p. 26, col. 5 (Suffolk Cty. Ct).

This measure would eliminate that inconsistency by creating an exception to the mandatory incarceration rule of section 530.40(3) for a defendant who is convicted of a class A-II felony but who agrees to cooperate in a drug investigation. By doing so, if a defendant who pleaded guilty or was otherwise convicted of a Class A-II felony was cooperating, or agreed to cooperate, with the authorities in a drug investigation, the court could order bail or recognizance, and thereby enable the defendant to fulfill his or her commitment to cooperate. This would provide such defendants with a meaningful opportunity to benefit from the incentive provided them in section 65.00(1)(b), as well as afford law enforcement a more effective weapon in combating drug crimes.

Proposal

AN ACT

to amend the criminal procedure law, in relation to an order of recognizance or bail

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

Section 1. Subdivision 3 of section 530.40 of the criminal procedure law is amended to read as follows:

3. Notwithstanding the provisions of subdivision two, a superior court may not order recognizance or bail, or permit a defendant to remain at liberty pursuant to an existing order, after he *or she* has been convicted of a class A felony, but must commit or remand the defendant to the custody of the sheriff; *provided, however, that a superior court may order recognizance or bail, or permit a defendant to remain at liberty pursuant to an existing order, after the defendant has been convicted of a class A-II felony, if the defendant is providing, or has agreed to provide, material assistance pursuant to paragraph (b) of subdivision one of section 65.00 of the penal law.*

§2. This act shall take effect immediately.

III. New and Revised Measures

1. Selection and Discharge of Trial Jurors (CPL Articles 270 and 360)[1]

The Committee recommends that the current procedure for selecting trial jurors in criminal cases, as prescribed in articles 270 and 340 of the Criminal Procedure Law, be amended to eliminate burdensome delays that frequently plague criminal trials and to ensure that those jurors who ultimately decide a case are fully prepared to do so.

Among the specific changes it proposes, this measure would eliminate current law's provision for selection of "alternate" jurors and "trial" jurors. It would substitute a system whereby a court, depending on its view of the anticipated length of the trial, would direct the selection of: (i) at least 12 and up to 18 jurors in felony cases; or (ii) at least 6 and up to 8 jurors in non-felony cases in which jury trials are required. No differentiation would be made at this point in the status or responsibilities of the jurors thereby selected. The number of peremptory challenges now provided for in the Criminal Procedure Law would not change.

Thereafter, following the evidentiary phase of the trial and the court's charge to the jury, the 12 jurors (or 6 in a non-felony case) who actually are to decide the case would be selected. The selection process would be a random one conducted by the clerk of the court in the presence of the court, the defendant, the defendant's attorney and the prosecutor. The non-deliberating jurors *(viz.,* those who are not selected to deliberate the case) then are available to serve just as alternate jurors do now once deliberations have begun.

The virtues of this proposal are clear. Experience has shown that, under the current system, alternate jurors often do not devote the required attention unless and until they are actually substituted for a discharged juror. This has resulted in mistrials or, when alternate jurors do not concede their inability to deliberate intelligently, uninformed jury verdicts. Under the system proposed in this measure, however, until the clerk randomly selects the jurors after the close of the proof and the charge, none will know whether or not he or she actually will be among those who deliberate to decide the case. Thus all jurors will have a strong incentive to pay close attention to the trial proceedings and, ultimately, be better prepared to participate in deliberations.

The measure also would provide the trial court, once all the jurors were selected and sworn, with greater discretion to discharge a juror who fails to appear in court on time. Applying the provisions of current section 270.35 of the Criminal Procedure Law, appellate courts have made it increasingly difficult for trial courts to discharge jurors who are late or temporarily unavailable and whose absence may delay the trial for a few hours, a day or even longer. *See, e.g., People* v. *Watkins,* 157 A.D.2d 301, 308-10 (1st Dept. 1990); *People* v. *Celestin,* 150 A.D.2d 385, 385-86 (2d Dept. 1989); *see generally People* v. *Page,* 72 N.Y.2d 69 (1988). The result has been that trial courts usually feel constrained to adjourn the resumption of trials until the tardy or temporarily unavailable juror can return, thereby wasting valuable time and resources as well as frustrating all those subjected to ensuing delays. This measure would amend section 270.35 to give trial courts express authority to discharge a juror who fails to appear in court within a reasonable period of the time that the court has scheduled for the trial to resume.

We believe that, in the overall, this proposal would prove workable, and would promote economy and fairness. Similar procedures for selecting and discharging jurors exist in other states, including New Jersey and Michigan.

Proposal

AN ACT

to amend the criminal procedure law, in relation to formation of a jury

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

Section 1. Section 270.05 of the criminal procedure law is REPEALED.

§2. Section 270.10 of the criminal procedure law is amended to read as follows:

§270.10. Trial Jury; *formation in general;* challenge to the panel.

1. *The panel from which the jury is drawn is formed and selected as prescribed in the judiciary law.*

2. A challenge to the panel is an objection made to the entire panel of prospective trial jurors returned for the term

1 This measure was introduced at the request of the Judiciary during the 1991 Legislative Session. This is the first time that it appears as a proposal in the Committee's Report.

and may be taken to such panel or to any additional panel that may be ordered by the court. Such a challenge may be made only by the defendant and only on the ground that there has been such a departure from the requirements of the judiciary law in the drawing or return of the panel as to result in substantial prejudice to the defendant.

3. A challenge to the panel must be made before the selection of the jury commences, and, if it is not, such challenge is deemed to have been waived. Such challenge must be made in writing setting forth the facts constituting the ground of challenge. If such facts are denied by the people, witnesses may be called and examined by either party. All issues of fact and law arising on the challenge must be tried and determined by the court. If a challenge to the panel is allowed, the court must discharge that panel and order another panel of prospective trial jurors returned for the term.

§3. Subdivisions 3 and 4 of section 270.15 of the criminal procedure law, subdivision 3 as amended by chapter 516 of the laws of 1985, are amended to read as follows:

3. The court may thereupon direct that the persons excluded be replaced in the jury box by an equal number from the panel or, in its discretion, direct that all sworn jurors be removed from the jury box and that the jury box be occupied by such additional number of persons from the panel as the court shall direct. Sworn jurors who are removed from the jury box as provided herein shall be seated elsewhere in the courtroom separate and apart from the unsworn members of the panel. Upon the consent of both parties, the presence of the sworn jurors in the courtroom during the remainder of jury selection may be waived in which case the sworn jurors may be removed to the jury room. The process of jury selection as prescribed herein shall continue until *at least* twelve persons *and as many as eighteen persons, as the court in its discretion and taking into consideration the anticipated length of the trial may direct,* are selected and sworn as trial jurors. [The juror whose name was first drawn and called must be designated by the court as the foreman, and no special oath need be administered to him.] If before [twelve] *the number of* jurors *the court has decided should be selected* are *all* sworn, a juror already sworn *for any reason fails to appear in court within a reasonable period of time from the time that the court has scheduled for the proceedings to resume or* becomes unable to serve by reason of illness or other physical incapacity *or for any other reason,* the court [must] *may* discharge him *or her* and the selection of the trial jury must be completed in the manner prescribed in this section.

4. A challenge for cause of a prospective juror which is not made before he *or she* is sworn as a trial juror shall be deemed to have been waived, except that such a challenge based upon a ground not known to the challenging party at that time may be made at any time before a witness is sworn at the trial. If such challenge is allowed by the court, the juror shall be discharged and the selection of the trial jury shall be completed in the manner prescribed in this section[, except that if alternate jurors have been sworn, the alternate juror whose name was first drawn and called shall take the place of the juror so discharged].

§4. Subdivision 2 of section 270.25 of the criminal procedure law is amended to read as follows:

2. Each party must be allowed the following number of peremptory challenges:

(a) [Twenty for the regular jurors if] *If* the highest crime charged is a class A felony, [and two for each alternate juror] *twenty if only twelve jurors are* to be selected.

(b) [Fifteen for the regular jurors if] *If* the highest crime charged is a class B or class C felony, [and two for each alternate juror] *fifteen if only twelve jurors are* to be selected.

(c) [Ten for the regular jurors in] *In* all other cases, [and two for each alternate juror] *ten if only twelve jurors are* to be selected.

The total number of peremptory challenges specified in subdivisions (a), (b) and (c) must be increased by two for each additional juror to be selected beyond the first twelve selected.

§5. Section 270.30 of the criminal procedure law, as amended by chapter 267 of the laws of 1979, is amended to read as follows:

§270.30. Trial jury; [alternate jurors] *selection of deliberating jurors.*

[Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of one or more, but not more than four additional jurors to be known as "alternate jurors." Alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors.] *If more than twelve jurors were selected and sworn, and if at the conclusion of the court's charge more than twelve jurors remain on the jury, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney and the prosecutor, shall randomly draw the names of twelve of the remaining jurors, and those twelve jurors shall retire to deliberate upon a verdict. The juror whose name was first drawn must be designated by the court as the foreperson, and no special oath need be administered to him or her.* After the [jury has] *deliberating jurors have* retired to deliberate, the court must either (1) with the consent of the defendant and the [people] *prosecutor,* discharge the [alternate] *remaining non-deliberating* jurors or (2) direct the [alternate] *remaining non-deliberating* jurors not to discuss the case and must further direct that they be kept separate and apart from the [regular] *deliberating* jurors.

§6. Section 270.35 of the criminal procedure law, as amended by chapter 77 of the laws of 1975, is amended to read as follows:

§270.35. Trial jury; discharge *and replacement* of juror[; replacement by alternate juror].

If at any time after the [trial] jury has been sworn and before the rendition of [its] *the* verdict, a juror is unable to continue serving by reason of illness or other incapacity, or for any other reason is unavailable for continued service, or *for any reason fails to appear in court within a reasonable period of time from the time that the court has scheduled for the trial to resume, the court may discharge such juror. If* the court finds, from facts unknown at the time of the selection of the jury, that a juror is grossly unqualified to serve in the case or has engaged in misconduct of a substantial nature, but not warranting the declaration of a mistrial, the court must discharge such juror. If [an alternate] *the deliberating jurors have retired to deliberate and a deliberating juror is discharged hereunder, and a non-deliberating* juror or jurors are available for service, the court, *upon the consent* of the *defendant,* must order that the discharged *deliberating* juror be replaced by [the alternate] *a non-deliberating* juror [whose name was first drawn and called, provided, however, that if the trial jury has begun its deliberations, the defendant must consent to such replacement]. Such consent must be in writing and must be signed by the defendant in person in open court in the presence of the court. *If more than one non-deliberating juror is available for service, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney, and the prosecutor, shall randomly draw the name of the non-deliberating juror who will replace the discharged deliberating juror. The defendant may withhold consent to replacement of a deliberating juror by a non-deliberating juror when more than one non-deliberating juror is available for service until after the name of the non-deliberating juror is drawn and identified.* If no [alternate] *non-deliberating* juror is available, the court must declare a mistrial pursuant to subdivision three of section 280.10.

§7. Section 360.10 of the criminal procedure law, as amended by chapter 815 of the laws of 1971, is amended to read as follows:

§360.10. Trial jury; formation in general.

[1. A trial jury consists of six jurors, but "alternate jurors" may be selected and sworn pursuant to section 360.35.

2.] The panel from which the *trial* jury is drawn is formed and selected as prescribed in the uniform district court act, uniform city court act, and uniform justice court act. In the New York city criminal court the panel from which the jury is drawn is formed and selected in the same manner as is prescribed for the formation and selection of a panel in the supreme court in counties within cities having a population of one million or more.

§8. Section 360.20 of the criminal procedure law is amended to read as follows:

§360.20. Trial jury; examination of prospective jurors; challenges generally.

If no challenge to the panel is made as prescribed by section 360.15, or if such challenge is made and disallowed, the court must direct that the names of six members of the panel be drawn and called. Such persons must take their places in the jury box and must be immediately sworn to answer truthfully questions asked them relative to their qualifications to serve as jurors in the action. The procedural rules prescribed in section 270.15 with respect to the examination of the prospective jurors and to challenges are also applicable to the selection of a trial jury in a local criminal court, *except that in a local criminal court the process of jury selection as prescribed in section 270.15 shall continue until at least six persons and as many as eight persons, as the court in its discretion and taking into consideration the anticipated length of the trial may direct, are selected and sworn as trial jurors.*

§9. Subdivision 2 of section 360.30 of the criminal procedure law is amended to read as follows:

2. Each party must be allowed three peremptory challenges *if only six jurors are to be selected. The total number of peremptory challenges must be increased by one for each additional juror to be selected beyond the first six selected.* When two or more defendants are tried jointly, such challenges are not multiplied by the number of defendants, but such defendants are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§10. Section 360.35 of the criminal procedure law is amended to read as follows:

§360.35. Trial jury; [alternate juror]; *selection of deliberating jurors.*

1. [Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of either one or two additional jurors to be known as "alternate jurors." The alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors. Whether or not a party has used its peremptory challenge in the selection of the trial jury, one peremptory challenge is authorized in the selection of the alternate jurors.] *If more than six jurors were selected and sworn, and if at the conclusion of the court's charge more than six jurors remain on the jury, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney and the prosecutor, shall randomly draw the names of six of the remaining jurors, and those six jurors shall retire to deliberate upon a verdict. The juror whose name was first drawn must be designated by the court as the foreperson, and no special oath need be administered to him or her.*

2. The provisions of section [270.35] *270.30* with respect to [alternate] *non-deliberating* jurors are also applicable to a trial jury in a local criminal court.

§11. The criminal procedure law is amended by adding a new section 360.37 to read as follows:

§360.37. Trial jury; discharge of juror; replacement of juror during deliberations.

The provisions of section 270.35 with respect to discharge of a sworn juror and replacement of a deliberating juror with a non-deliberating juror are applicable to a trial jury in a local criminal court.

§12.This act shall take effect 90 days after it shall have become law.

2. Motion to Dismiss Indictment for Failure to Notify Defendant of Right to Testify Before Grand Jury (CPL 210.20)[2]

The Committee recommends that section 210.20(1)(c) of the Criminal Procedure Law be amended to provide that an order dismissing an indictment for failure to give the defendant notice of his or her right to testify before the grand jury shall be conditioned upon the defendant testifying before the grand jury to which the charges are to be submitted or resubmitted.

Section 190.50(5)(a) of the Criminal Procedure Law requires the district attorney to notify a defendant who has been arraigned in a local criminal court upon an undisposed felony complaint that a grand jury proceeding against the defendant is pending and to afford the defendant a reasonable time to exercise the right to testify before the grand jury. Paragraph (c) of subdivision five provides that any indictment obtained in violation of paragraph (a) is invalid and must be dismissed upon a motion pursuant to section 210.20. Three Appellate Divisions have construed the language of paragraph (c) as requiring dismissal of an indictment where the People fail to give the notice required by paragraph (a) and as precluding an order conditioning a dismissal upon the defendant appearing before a grand jury to which the charges are re-presented. *See Borrello* v. *Balbach,* 112 A.D.2d 1051 (2d Dept. 1985). *Accord People* v. *Massard,* 139 A.D.2d 927 (4th Dept. 1988); *People* v. *Bey-Allah,* 132 A.D.2d 76 (1st Dept. 1987).

In *Borrello* v. *Balbach,* the Second Department acknowledged that several lower courts had fashioned orders conditioning dismissal on the defendant exercising his or her right to testify before the grand jury. The Court, however, rejected this approach, saying:

> To dismiss the indictment outright, it is claimed, would merely encourage the insincere defendant to engage in gamesmanship to delay his prosecution. Such reasoning, however, overlooks the fact that the People may in the first instance avoid any gamesmanship by duly notifying the defendant of the date on which the charges will be presented to the Grand Jury. Moreover, the five-day time limitation for making a motion to dismiss contained in CPL 190.50(5)(c) adequately serves to separate those defendants who sincerely wish to testify before the Grand Jury from those with no such intention.
>
> Accordingly, we conclude that where a person is entitled to relief under CPL 190.50(5), the only proper remedy is outright dismissal of the indictment, in view of the mandatory language contained in paragraph (c) of that subdivision and the absence of any statutory basis for the expedient solution of a conditional dismissal.

112 A.D.2d at 1053 (citations omitted).

Notwithstanding these Appellate Division rulings, the lower courts have struggled to avoid the necessity of dismissing an indictment where the People have failed to give the notice required by section 190.50(5), if the defendant does not intend to take advantage of the right to testify when the case is represented to the grand jury. In *People* v. *Garcia,* N.Y.L.J., October 5, 1989, p. 23, col. 2 (Sup. Ct. N.Y. Co.), for example, the Court held that defendant's challenge to a conditional order of dismissal was barred by laches. The Court stated:

> While the Appellate Division, Second Department noted in *Borello, supra,* that it felt that there were sufficient statutory safeguards to prevent gamesmanship by insincere defendants serving grand jury notice, this court's practical experience has been to the contrary. Given the difficulties of both scheduling and rescheduling grand jury presentations and the cost in prosecutor, police and court time, a conditional dismissal is appropriate and just and should be authorized. The court commends an appropriate amendment to CPL 190.50 to the Legislature's attention.

See also People v. *Lynch,* 138 Misc. 2d 331, 336 (Sup. Ct. Kings Co. 1988) (converting motion to dismiss indictment based on failure to accord defendant the right to testify into motion to dismiss in interests of justice and denying motion on ground that dismissing indictment without defendant's agreeing to testify would serve no purpose); *People* v. *Salazar,* 136 Misc. 2d 992 (Sup. Ct. Bronx Co. 1987) (refusing to dismiss indictment where defendant did not intend to testify before a grand jury).

In accordance with the suggestion in *People* v. *Garcia,* this measure would amend section 210.20 to provide that an order dismissing an indictment for the People's failure to afford the defendant an opportunity to appear before the grand jury shall be conditioned upon the defendant exercising his or her right to testify before the grand jury to which the charges are to be submitted or resubmitted. Following the order, the prosecutor must provide the defendant with a reasonable opportunity to testify before the grand jury. If the defendant fails to do so, the court, upon the

2 This is a revised version of a measure that has been included in previous Committee Reports.

prosecutor's application, must vacate the order and reinstate the indictment. Such an amendment would protect the defendant's right to testify before the grand jury, but would avoid the burden of re-presenting cases to the grand jury where the defendant has no intention of invoking that right.

Proposal

AN ACT

to amend the criminal procedure law, in relation to motion to dismiss indictment for failure to notify defendant of right to testify before grand jury

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

Section 1. Paragraph (c) of subdivision 1 of section 210.20 of the criminal procedure law is amended to read as follows:

(c) The grand jury proceeding was defective, within the meaning of section 210.35, *provided that where the defect is as set forth in subdivision four of that section, an order of dismissal entered pursuant to this subdivision shall be conditioned upon the defendant testifying before the grand jury to which the charge or charges are to be submitted or resubmitted. Following such an order, the prosecutor shall provide the defendant with a reasonable opportunity to testify before the grand jury. If the defendant fails to so testify, without a reasonable excuse therefor, the court, upon application of the prosecutor, shall vacate the order of dismissal and order the indictment reinstated;* or

§2. This act shall take effect 90 days after it shall have become a law.

3. Jury Consideration of Lesser Included Offenses (CPL 300.50)[3]

The Committee recommends that section 300.50 of the Criminal Procedure Law be amended. Under this amendment, whenever the court submits two or more offenses in the alternative to the jury, and the jury communicates that it is unable to agree on a verdict as to the greatest offense, the court, if it concludes that such agreement is unlikely within a reasonable time, may instruct the jury that it may consider any lesser included offenses of that count. If the court chooses to give such instruction, however, it further must instruct the jury that if the defendant is convicted of a lesser included offense, he or she may not be retried on the greater offense.

Section 300.50 provides that when alternative offenses are submitted to the jury, the jury must be instructed that it may not render a verdict of guilty on both the greater and the lesser count. As noted in Professor Preiser's commentary, section 300.50 does not address the question of when the jury is permitted to consider the lesser count. N.Y. Crim. Proc. Law §300.50, Practice Commentary (McKinney Supp. 1988, p. 260).

In *People* v. *Boettcher*, 69 N.Y.2d 174 (1987), the Court of Appeals was presented with this question and concluded that the trial court properly charged the jury that it could not consider the lesser included offense until it had reached a unanimous verdict on the top count. Although the Court noted the existence of recent federal cases holding that defendant is entitled to an instruction permitting the jury to move on to a lesser offense if after reasonable efforts it is unable to reach a verdict on the greater, the Court was of the view that these cases "give insufficient weight to the principle that it is the duty of the jury not to reach compromise verdicts based on sympathy for the defendant or to appease holdouts, but to render a just verdict." 69 N.Y.2d at 183. The Court also distinguished these federal cases on the ground that, unlike section 300.50(4) of the Criminal Procedure Law, federal law does not automatically deem a conviction of a lesser offense an acquittal of the greater for double jeopardy purposes. 69 N.Y.2d at 182-183.

The Court of Appeals' ruling in *Boettcher* has had unfortunate consequences. In the highly publicized *People* v. *Robert Chambers* trial, the jury struggled in vain for nine days to reach a unanimous verdict on the top count and never even considered any of the lesser counts. As one of the jurors in that case described in a May 4, 1988 letter to the editor of the *New York Times*, the requirement that the jury reach a unanimous verdict on the top count before turning to any lesser counts was "the jury's albatross." The *Boettcher* rule harms the People, insofar as it increases the possibility of mistrial, and prejudices defendant by creating an often insurmountable obstacle to the jury's consideration of lesser included offenses.

This measure legislatively would supersede *Boettcher* by amending section 300.50 of the Criminal Procedure Law to permit the court, upon a communication from the jury that it is unable to agree on a verdict as to the greatest offense, to instruct the jury that it may consider lesser included offenses without reaching unanimity on the top count. The jury would be allowed to turn to such lesser offenses only if the court concludes that agreement on the highest charge is unlikely within a reasonable time. As a further precaution against compromise verdicts, the jury must be instructed that defendant's conviction of a lesser count will bar his or her retrial on the top count.

Proposal

AN ACT

to amend the criminal procedure law, in relation to jury consideration of lesser included offenses

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

Section 1. Subdivision 5 of section 300.50 of the criminal procedure law, as added by chapter 481 of the laws

3 This is a revised version of a measure that has been included in previous Committee Reports.

of 1978, is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. Whenever the court submits two or more offenses in the alternative pursuant to this section, and the jury communicates to the court that it is unable to agree upon a verdict with respect to the greatest offense, and the court concludes that such agreement is unlikely within a reasonable time, the court may instruct that the jury may go on to consider lesser included offenses of that count. If the court so instructs the jury, it must also instruct the jury that if the defendant is convicted of any such lesser included offense, the defendant cannot be retried for the greatest offense.

§2. This act shall take effect 90 days after it shall have become a law.

4. Oral Pre-Trial Motions (CPL 200.95, 210.43, 210.45, 225.20, 710.60)

The Committee recommends that provisions in the Criminal Procedure Law requiring that pre-trial motions be made in writing be amended to allow for oral pre-trial motions whenever the defendant and the prosecutor consent and the court agrees.

The Criminal Procedure Law now requires that pre-trial motions be made in writing. Although some pre-trial motions, such as speedy trial motions, may in some cases raise complicated factual or legal issues, the vast majority of pre-trial motions consist of routine, straightforward applications that are made in virtually every criminal action that survives the arraignment stage. Many attorneys, in fact, frequently file the same omnibus pre-trial motion, with only a few technical changes, in case after case. The current mandatory writing requirement thus results in a needless waste of paper and burdensome delay in criminal proceedings.

This measure would add a new subdivision 1-a to section 255.20 of the Criminal Procedure Law to allow for oral pre-trial motions if the defendant and the prosecutor consent and the court agrees. Even if initially agreeing that the motion could be made orally, the court would retain the authority to require written papers if they would aid the court in determining the motion. Conforming amendments are made to several other sections of the Criminal Procedure Law that now require that specific types of pre-trial motions be made in writing. *See* CPL 200.95(5), 210.43(3), 210.45, 710.60. These amendments, though removing language mandating written motions, would not change the current requirements that certain pre-trial motions, when made in writing, be supported by sworn factual allegations. *See* CPL 210.45, 710.60. Finally, the measure directs the Chief Administrator of the Courts to promulgate an appropriate form that courts must use when an oral pre-trial motion is made, to record the nature of the motion and any decision thereon. This safeguard will ensure that the issues raised in a pre-trial motion will be plainly discernible to the attorneys and courts involved in any appeal of the case.

Oral pre-trial motions are an easier and more efficient procedure for disposing of most pre-trial applications. Rather than require that these motions always be in writing, the law should encourage oral pre-trial motions whenever the parties and the court agree. By doing so, criminal actions will proceed more expeditiously.

Proposal

AN ACT

to amend the criminal procedure law, in relation to pre-trial motions

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

Section 1. Subdivision 5 of section 200.95 of the criminal procedure law is amended to read as follows:

5. Court ordered bill of particulars. Where a prosecutor has timely served a written refusal pursuant to subdivision four of this section and upon motion, [made] *either oral or* in writing, of a defendant, who has made a request for a bill of particulars and whose request has not been complied with in whole or in part, the court must, to the extent a protective order is not warranted, order the prosecutor to comply with the request if it is satisfied that the items of factual information requested are authorized to be included in a bill of particulars, and that such information is necessary to enable the defendant adequately to prepare or conduct his *or her* defense and, if the request was untimely, a finding of good cause for the delay. Where a prosecutor has not timely served a written refusal pursuant to subdivision four of this section the court must, unless it is satisfied that the people have shown good cause why such an order should not be issued, issue an order requiring the prosecutor to comply or providing for any other order authorized by subdivision one of section 240.70.

§2. Subdivision 3 of section 210.43 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

3. The procedure for bringing on a motion pursuant to subdivision one of this section[,] shall accord with the procedure prescribed in subdivisions one and two of section 210.45 of this article. After *the parties have been heard, if the motion is made orally, and after* all papers, *if any,* of both parties have been filed and after all documentary evidence, if any, has been submitted, the court must consider the same for the purpose of determining whether the motion is determinable [on the motion papers submitted] *thereon* and, if not, may make such inquiry as it deems necessary for the purpose of making a determination.

§3. Subdivisions 1, 2, 3, 4 and 5 of section 210.45 of the criminal procedure law are amended to read as follows:

1. [A] *If a* motion to dismiss an indictment pursuant to section 210.20 [must be made in writing and upon reasonable

notice to the people. If the motion] is based upon the existence or occurrence of facts, the motion [papers] must contain [sworn] allegations thereof, whether [by] *of* the defendant or [by] *of* another person or persons. [Such sworn] *If the motion is in writing, the* allegations *must be sworn, and* may be based upon personal knowledge of the affiant or upon information and belief, provided that in the latter event the affiant must state the sources of such information and the grounds of such belief. The defendant may further submit documentary evidence supporting or tending to support the allegations of the [moving papers] *motion.*

2. [The] *If the motion is made in writing, the* people may file with the court, and in such case must serve a copy thereof upon the defendant or his *or her* counsel, an answer denying or admitting any or all of the allegations of the moving papers, and may further submit documentary evidence refuting or tending to refute such allegations.

3. After *the parties have been heard, if the motion is made orally, and after* all papers, *if any,* of both parties have been filed, and after all documentary evidence, if any, has been submitted, the court must consider the same for the purpose of determining whether the motion is determinable without a hearing to resolve questions of fact.

4. The court must grant the motion without conducting a hearing if:

(a) The [moving papers allege] *motion alleges* a ground constituting legal basis for the motion pursuant to subdivision one of section 210.20; and

(b) Such ground, if based upon the existence or occurrence of facts, is supported by [sworn] allegations of all facts essential to support the motion; and

(c) The [sworn] allegations of fact essential to support the motion are either conceded by the people to be true or are conclusively substantiated by unquestionable documentary proof.

5. The court may deny the motion without conducting a hearing if:

(a) The [moving papers do] *motion does* not allege any ground constituting legal basis for the motion pursuant to subdivision one of section 210.20; or

(b) The motion is based upon the existence or occurrence of facts, and the [moving papers do not contain sworn] *defendant has not stated* allegations supporting all the essential facts; or

(c) An allegation of fact essential to support the motion is conclusively refuted by unquestionable documentary proof.

§4. Subdivisions 1 and 2 of section 255.20 of the criminal procedure law, subdivision one as amended by chapter 369 of the laws of 1982, are amended to read as follows:

1. Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, all pre-trial motions shall be *made or* served or filed within forty-five days after arraignment and before commencement of trial, or within such additional time as the court may fix upon application of the defendant made prior to entry of judgment. In an action in which an eavesdropping warrant and application have been furnished pursuant to section 700.70 or a notice of intention to introduce evidence has been served pursuant to section 710.30, such period shall be extended until forty-five days after the last date of such service. If the defendant is not represented by counsel and has requested an adjournment to obtain counsel or to have counsel assigned, such forty-five day period shall commence on the date counsel initially appears on defendant's behalf.

2. All pre-trial motions, *whether written* with supporting affidavits, affirmations, exhibits and memoranda of law, *or oral,* whenever practicable, shall be included within the same *application or* set of motion papers, and shall be *raised or* made returnable on the same date, unless the defendant shows that it would be prejudicial to the defense were a single judge to consider all the pre-trial motions. Where one motion seeks to provide the basis for making another motion, it shall be deemed impracticable to include both motions in the same set of motion papers *or oral application* pursuant to this subdivision.

§5. Section 255.20 of the criminal procedure law is amended by adding a new subdivision 1-a to read as follows:

1-a. Upon the consent of the defendant and the prosecutor, and upon the agreement of the court, any pre-trial motion may be made orally. However, the court may at any time thereafter require that such a motion be in writing if the court believes that written papers would assist in determining the motion. The chief administrator of the courts shall promulgate an appropriate form that courts throughout the state shall use when an oral pre-trial motion is made and upon which the court shall record the nature of such motion and the court's decision thereon.

§6. Subdivisions 1, 2, 3 and 5 of section 710.60 of the criminal procedure law, subdivision 3 as amended by chapter 776 of the laws of 1986, are amended to read as follows:

1. A motion to suppress evidence made before trial [must be in writing and upon reasonable notice to the people and with an opportunity to be heard. The motion papers] must state the ground or grounds of the motion and must contain [sworn] allegations of fact, whether of the defendant or of another person or persons, supporting such grounds. [Such] *If the motion is in writing, the* allegations *must be sworn, and* may be based upon personal knowledge of the deponent or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated. [The] *If the motion is in writing, the* people may file with the court, and in such case must serve a copy thereof upon the defendant or his *or her* counsel, an answer denying or admitting any or all of the allegations of the moving papers.

2. The court must summarily grant the motion if:

(a) The motion [papers comply] *complies* with the requirements of subdivision one and the people concede the truth of allegations of fact therein which support the motion; or

(b) The people stipulate that the evidence sought to be suppressed will not be offered in evidence in any criminal action or proceeding against the defendant.

3. The court may summarily deny the motion if:

(a) The motion [papers do] *does* not allege a ground constituting legal basis for the motion; or

(b) The [sworn] allegations of fact do not as a matter of law support the ground alleged; except that this paragraph does not apply where the motion is based upon the ground specified in subdivision three or six of section 710.20.

5. A motion to suppress evidence made during trial [may be in writing and may] *must* be litigated and determined [on the basis of motion papers] as provided in subdivisions one through four [, or it may, instead, be made orally in open court. In the latter event, the]. *The* court must, where necessary, also conduct a hearing as provided in subdivision four, out of the presence of the jury if any, and make findings of fact essential to the determination of the motion.

§7. This act shall take effect 90 days after it shall have become law.

5. Interim Supervision (CPL 390.30)

The Committee recommends that a new subdivision 6 be added to section 390.30 of the Criminal Procedure Law to authorize a court to adjourn a sentencing and place a defendant on interim supervision.

In *People* v. *Rodney E.*, 77 N.Y.2d 672 (1991), the Court of Appeals held that a sentencing court lacks the statutory authority to place a defendant, pending his or her sentence, on interim probation or supervision. This measure would provide that authority. It would permit the court, after consultation with the prosecutor and upon the consent of the defendant, to adjourn the sentencing to a specified date, which may not exceed six months from the date the conviction is entered. When ordering that the defendant be placed on interim supervision, the court would be required to impose all of the conditions relating to supervision that must be imposed when a defendant receives a sentence of probation or conditional discharge, *see* P.L. 65.15(3); and the court could impose any of the conditions relating to conduct and rehabilitation that may be imposed when a defendant receives such a sentence. *See* P.L. 65.15(2). The defendant's record of compliance with those conditions, and all other relevant information, would be included in the presentence report provided to the court at the time of sentencing.

Interim supervision would enable a sentencing court to make a more informed decision concerning whether a defendant, including a defendant eligible for youthful offender status, is a suitable candidate for probation. It would provide an opportunity to extend and enlarge the presentence investigation and to observe an actual demonstration of a defendant's conduct in the community. The additional time that would be provided to investigate and prepare the presentence report would result in a more thorough examination of the defendant's circumstances, which in turn would better enable the court to assess whether the defendant would benefit from a sentence other than incarceration. Although this measure undoubtedly would add some additional burden to probation agencies, it would certainly reduce incarceration costs and thus, overall, would have a beneficial fiscal impact.

Proposal

AN ACT

to amend the criminal procedure law, in relation to interim supervision

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

Section 1. Section 390.30 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. Interim supervision. In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order that the defendant be placed on interim supervision. In no event may the sentencing be adjourned for a period exceeding six months from the date the conviction is entered. When ordering that the defendant be placed on interim supervision, the court shall impose all of the conditions relating to supervision specified in subdivision three of section 65.10 of the penal law and may impose any or all of the conditions relating to conduct and rehabilitation specified in subdivision two of section 65.10 of such law; provided, however, that the defendant must receive a written copy of any such conditions at the time he or she is placed on interim supervision. The defendant's record of compliance with such conditions, as well as any other relevant information, shall be included in the presentence report, or updated presentence report, prepared pursuant to this section, and the court must consider such record and information when pronouncing sentence.

§2. This act shall take effect 90 days after it shall have become law.

6. Service of Supporting Deposition in Traffic Case (CPL 100.25)

The Committee recommends that section 100.25(2) of

the Criminal Procedure Law be amended to clarify that the period for serving a supporting deposition in a traffic offense case commences no earlier than the initial court appearance date specified in the accusatory instrument.

Section 100.25(2) entitles a defendant charged with a traffic offense to receive, upon the defendant's request of the court, a supporting deposition of the police officer specifying the factual basis for the charge. The statute further provides that the court must order the police officer to serve the deposition upon the defendant within 30 days of the date the court receives the request.

This provision has generated substantial confusion in the courts that process these cases. A court does not have jurisdiction over a case until an accusatory instrument is filed with the court. *See* CPL 1.20(17). Consequently, a court may not order a police officer to serve a supporting deposition until the officer files the traffic ticket (*i.e.*, the accusatory instrument) with the court. In many cases, however, the traffic ticket is not filed with the court until the initial court appearance date that the officer inscribed on the ticket when it was issued. The result is that in some cases the 30 day period may have substantially, or completely, elapsed before the court has jurisdiction of the case and may lawfully order the service of the deposition.

This measure seeks to resolve this nettlesome situation. Quite simply, the bill provides that the period for serving a supporting deposition commences no earlier than the initial court appearance date specified on the traffic ticket. In contrast to the current provision, this will provide clear notice of the commencement date of the period for serving a supporting deposition.

Proposal

AN ACT

to amend the criminal procedure law, in relation to serving a supporting deposition

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

Section 1. Subdivision two of section 100.25 of the criminal procedure law, as amended by chapter 431 of the laws of 1986, is amended to read as follows:

2. A defendant arraigned upon a simplified information is, upon a timely request, entitled as a matter of right to have filed with the court and served upon him *or her*, or if [he] *the defendant* is represented by an attorney, upon his *or her* attorney, a supporting deposition of the complainant police officer or public servant, containing allegations of fact, based either upon personal knowledge or upon information and belief, providing reasonable cause to believe that the defendant committed the offense or offenses charged. Such a request must be made before entry of a plea of guilty to the charge specified and before commencement of a trial thereon, but not later than thirty days after (a) entry of the defendant's plea of not guilty when he *or she* has been arraigned in person, or (b) written notice to the defendant of [his] *the* right to receive a supporting deposition when he *or she* has submitted a plea of not guilty by mail. Upon such a request, the court must order the complainant police officer or public servant to serve a copy of such supporting deposition upon the defendant or his *or her* attorney, within thirty days of the date such request is received by the court or at least five days before trial, whichever is earlier, and to file such supporting deposition with the court together with proof of service thereof; *provided, however, that the period for serving such supporting deposition shall commence no earlier than the initial court appearance date that is specified in the simplified information.*

7. Order Reducing or Dismissing Indictment (CPL 210.20)

The Committee recommends that section 210.20(6) of the Criminal Procedure Law be amended to clarify that when the prosecution accepts a court's order reducing an indictment, the indictment may be amended on its face. The Committee also recommends that this section be amended to provide that when the prosecution fails to exercise one of the options afforded it upon the entry of such an order, it must comply with the provisions of the section.

Chapter 209 of the Laws of 1990 created a new procedure whereby a court, upon motion of the defendant, may reduce a count or counts of an indictment, or dismiss an indictment and direct the filing of a prosecutor's information, when the evidence before the grand jury was not legally sufficient to establish the defendant's commission of the offense charged but was legally sufficient to establish the commission of a lesser included offense. The implementation of this new procedure has created problems in two respects. First, the statute is unclear whether an indictment may be amended on its face when a court orders that the indictment be reduced. Second, confusion arises when a court orders that an indictment be reduced, or orders that an indictment be dismissed and directs the filing of a prosecutor's information, but the prosecution fails to exercise one of its three options within the 30-day stay period following the order — *i.e.*, accept the court's order by filing a reduced indictment or by dismissing the indictment and filing a prosecutor's information, resubmit the subject count or counts to the grand jury, or appeal the order.

This measure would resolve these issues. The measure amends section 210.20(6)(a) to make clear that, following an order reducing an indictment, the indictment may be amended on its face. Allowing for the accusatory instrument to be amended on its face will avoid the additional paperwork, logistical problems and related delay that result from the need to prepare an entirely new instrument. Of course, the alternative of filing a new instrument, rather than amending the original one on its face, would still be available. In addition, the measure adds new language to section 210.20(6) providing that if the prosecution, after a court orders that an indictment be reduced or that an indictment be dismissed and a prosecutor's information be

filed, fails to exercise one of the options afforded it by the statute, then the prosecution shall comply with the provisions of subdivision 6(a). In other words, in cases when the prosecution fails to exercise one of its options within 30 days of the court's order, the order takes effect and the prosecution has an affirmative obligation to amend the indictment on its face, file a reduced indictment, or dismiss the indictment and file a prosecutor's information, as appropriate.

Proposal

AN ACT

to amend the criminal procedure law, in relation to an order reducing or dismissing an indictment

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

Section 1. Subdivision 6 of section 210.20 of the criminal procedure law, as added by chapter 209 of the laws of 1990, is amended to read as follows:

6. The effectiveness of an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information shall be stayed for thirty days following the entry of such order unless such stay is otherwise waived by the people. On or before the conclusion of such thirty-day period, the people shall exercise one of the following options:

(a) Accept the court's order [by filing a reduced], *whereupon the* indictment *shall be amended on its face or the people shall file a reduced indictment* or [by dismissing] *the people shall dismiss* the indictment and [filing] *file* a prosecutor's information, as appropriate *and in accordance with the court's order;*

(b) Re-submit the subject count or counts to the same or a different grand jury within thirty days of the entry of the order or such additional time as the court may permit upon a showing of good cause; provided, however, that if in such case an order is again entered with respect to such count or counts pursuant to subdivision one-a of this section, such count or counts may not again be submitted to a grand jury. Where the people exercise this option, the effectiveness of the order further shall be stayed pending a determination by the grand jury and the filing of a new indictment, if voted, charging the resubmitted count or counts;

(c) Appeal the order pursuant to subdivision one-a of section 450.20. Where the people exercise this option, the effectiveness of the order further shall be stayed in accordance with the provisions of subdivision two of section 460.40.

If the people fail to exercise one of the foregoing options, the court's order shall take effect and the people shall comply with paragraph (a) of this subdivision.

§2. This act shall take effect immediately.

8. Identification by Means of Previous Recognition (CPL 60.27)

The Committee recommends that a new section 60.27 be added to the Criminal Procedure Law to allow, in certain circumscribed situations, a third party to testify to a witness's pre-trial identification of the defendant when the witness is unwilling to identify the defendant in court because of fear.

The general common law rule is that the testimony of a third party, such as a police officer, to recount a witness's prior identification of the defendant is inadmissible. The Criminal Procedure Law currently recognizes an exception to this rule when the witness is unable on the basis of present recollection to identify the defendant in court. *See* CPL 60.25. That statutory exception does not, however, permit a third party to recount a witness's prior identification when the witness is unwilling to identify the defendant in court because of fear. *See People* v. *Bayron,* 66 N.Y.2d 77 (1985).

This measure would allow such testimony, but only if certain conditions were established. First, the witness must have identified the defendant prior to trial under circumstances consistent with the defendant's constitutional rights. Second, the prosecution must prove, by a preponderance of the evidence, that the witness is unwilling to identify the defendant in court because the witness, or a relative of the witness as that term is defined in CPL 530.11, received a threat of physical injury or substantial property damage to himself, herself or another. If these conditions were met, a third party would be permitted to testify to the witness's prior identification of the defendant.

By permitting the admission of such testimony in these circumstances, the measure would frustrate the efforts of those who seek to undermine the judicial process through intimidation and fear. Importantly, general and unsubstantiated fear on the part of the witness would not open the door to the admission of this testimony; only proof of an actual threat would suffice. Accordingly, this measure would promote the truth-seeking function of the trial without jeopardizing the defendant's right to a fair trial.

Proposal

AN ACT

to amend the criminal procedure law, in relation to identification by means of previous recognition

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

Section 1. The criminal procedure law is amended by adding a new section 60.27 to read as follows:

§60.27. Rules of evidence; identification by means of previous recognition, witness's unwillingness to make present identification because of threat.

1. In any criminal proceeding in which the defendant's commission of an offense is in issue, testimony as provided in subdivision two may be given when, at a hearing outside the presence of the jury:

(a) It is established that (i) a witness is unwilling to state at the proceeding whether or not the person claimed by the people to have committed the offense was observed by the witness at the time and place of the commission of the offense or upon some other occasion relevant to the case; and (ii) on an occasion subsequent to the offense, the witness observed, under circumstances consistent with such rights as an accused person may derive under the constitution of this state or of the United States, a person whom the witness recognized as the same person whom the witness had observed on the first or incriminating occasion; and (iii) the defendant is in fact the person whom the witness observed and recognized on the second occasion. That the defendant is the person whom the witness observed and recognized on the second occasion may be established by testimony of another person or persons to whom the witness promptly declared his or her recognition on such occasion; and

(b) The people prove, by a preponderance of the evidence, that the witness is unwilling to state at the proceeding whether or not the person claimed by the people to have committed the offense was observed by the witness at the time and place of the offense, or upon some other occasion relevant to the offense, because the witness, or a member of the witness's family or household, as defined in section 530.11, received a threat of physical injury or substantial property damage to himself, herself or another.

2. Under the circumstances prescribed in subdivision one, a person or persons to whom the witness promptly declared his or her recognition of the defendant on the second occasion may testify as to the witness's identification of the defendant on that occasion. Such testimony, together with the evidence that the defendant is in fact the person whom the witness observed and recognized on the second occasion, constitutes evidence in chief.

§2. This act shall take effect 90 days after it shall have become law.

IV. Pending and Future Matters

1. The Committee is considering a proposal that would make a youthful offender adjudication a revocable disposition, like a sentence of probation or conditional discharge.

2. The Committee is also considering a proposal that would authorize a court, at sentencing, to set conditions for parole. Under this proposal, the Parole Board would be required to impose the conditions set by the sentencing court, along with any additional conditions that the Board imposed, at the time of the defendant's parole release.

V. Conclusion

The Committee will continue to meet regularly to study and discuss all significant proposals affecting criminal law and procedure. We express our gratitude to the Chief Judge, the Chief Administrator and the Judicial Conference for their support in achieving our shared objective of improving the criminal law.

Respectfully submitted,

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Hon. D. Bruce Crew, III
Hon. Thomas A. Demakos
Hon. William C. Donnino
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1992 Report

of the

Family Court Advisory and Rules Committee

to the

Chief Administrator of the Courts

of the

State of New York

December 1991

Contents

I. Introduction

The Family Court Advisory and Rules Committee is one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(q) of the Judiciary Law and section 212(b) of the Family Court Act. The Committee annually recommends to the Chief Administrator proposals in the areas of Family Court procedure and family law that may be incorporated in the Chief Administrator's legislative program. These recommendations are based on the Committee's own studies, examination of decisional law, and suggestions received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees, and such agencies as the New York State Commission on Child Support and the Task Force on Permanency Planning. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning Family Court and family law.

The six proposals recommended in the Committee's 1991 report were not enacted, due in large part to the costs associated with them. The Committee believes that the short-term costs of these measures, including permitting a judge to order a supplemental housing allotment when lack of adequate housing is the sole factor preventing discharge of a child from foster care, and mandating appointment of a Law Guardian to represent children in foster care review proceedings, will be offset by significant savings realized by speeding the discharge of children from expensive foster care. Part II of this Report sets forth and summarizes each of these measures and explains the purpose in each instance.

Three additional proposals have grown out of the Committee's activities during the last legislative session. As stated in the report issued in December, 1990, we participated with several diverse groups in an attempt to secure enactment of new legislation to replace section 111(1)(e) of the Domestic Relations Law, which had been declared unconstitutional by the Court of Appeals in *Matter of Adoption of Raquel Marie*, 76 N.Y. 2d 387, *cert. denied* _____ U.S. _____, 111 Sup. Ct. 517. The ruling left New York without a statutory definition of the rights and obligations of biological fathers whose non-marital children are placed for adoption before they are six months old.

When repeated efforts to agree on a single proposal failed, the Committee prepared and now submits its own proposal. This legislation specifying the rights and obligations of biological fathers is urgently needed. Birth parents, adoptive parents and, above all, the newborn infants who are the subject of contested adoption petitions, are entitled to rely on clear statutory guidance, and should not be forced to wait months and sometimes years for appellate court rulings to conclude these unavoidably painful proceedings.

As the State's fiscal problems began to emerge last winter, the Committee stated its goal of reducing costly and duplicative proceedings. One such effort is a new proposal that would require in all matrimonial cases verification of a child's status with respect to custody and child support. The proposal was prepared in response to problems identified by sitting Family Court Judges and Hearing Examiners, and should eliminate unnecessary re-litigation of issues addressed in a prior case.

The Committee also prepared, and has recently revised, a bill drafted in response to the Court of Appeals decision in *Matter of Randy K*, 77 N.Y.2d 398, decided March 26, 1991. As set out more fully in Part II, the Committee believes the Legislature's intent was misconstrued by the Court, and recommends a bill clarifying the lawmakers' intent *not* to permit a juvenile respondent to obtain dismissal of delinquency charges simply by absconding from the Family Court's jurisdiction.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites submission of all observations, suggestions and inquiries to:

Professor Kevin C. Fogarty, Chair
Family Court Advisory and Rules Committee
Office of Court Administration (Suite 1402)
270 Broadway
New York, New York 10007

II. Previously Endorsed Measures

1. Authority of judge to order funds for housing where lack of adequate housing is sole reason for child to be in foster care
(SSL §§358-a, 392; FCA §1055)

This proposal, drafted at the direction of the Chief Administrator of the Courts and endorsed by the Committee in 1990, is resubmitted and vigorously recommended.

This measure amends sections 358-a and 392 of the Social Services Law, relating to foster care review, and section 1055 of the Family Court Act, relating to extensions of placement in child protective proceedings. It authorizes a Family Court Judge, when considering the continuation of a child in foster care, upon making a determination that such continuation is necessary solely because of the lack of adequate housing, to order a social services official to provide funds for housing that may equal up to 50% of the cost it would otherwise require to keep the child in foster care. Children in foster care would thus be returned to their families, at considerable savings of public monies for foster care, and incalculable benefit to the children and parents whose families had been separated.

The Committee is well aware that a similar bill was passed by the Legislature in 1990, only to be vetoed by the Governor, who expressed regret that, in his judgment, the necessary funds were not available. That bill had provided that housing funds were to be made available to *prevent* foster care placement, if lack of adequate housing were determined to be the only reason that foster care would be

necessary. The instant measure is distinctly different, providing funds that may equal up to 50% of the cost of foster care, to families whose children are already in foster care, and for whom it is determined that *return* to the family is prevented only by the lack of adequate housing. In this measure there would be a direct correlation between the funds spent on housing and the funds committed to foster care placement.

There are instances where the lack of adequate housing becomes the only reason some families are prevented from reuniting after other adverse circumstances have been alleviated or remedied. While a public assistance allowance contains a certain amount to cover rent, the amount has proven to be inadequate in a great many cases.

This result is undesirable not only because it is counterproductive from the point of view of keeping families intact or speeding permanency planning, but it is fiscally unsound. It has been estimated that it costs from approximately $18,000 to $20,000 per year to maintain a child in foster care, depending on the age of the child and the type of care provided. Depending on where the family resides, it would cost considerably less to provide funds necessary to house the family adequately. The measure places a cap on the amount that may be paid for housing equalling 50% of the sum that would be expended were the child to be in foster care during a period fixed in the court's order.

The Family Court to date has not had the authority to order a public official to make the specific payments to accomplish this purpose. This measure would explicitly authorize a Family Court Judge to do so after making a finding that lack of adequate housing is the only stumbling block preventing the child from returning home. If it appears that payment to the child's parent or caretaker is unwise, the court may direct payment to another, including a landlord.

Proposal

AN ACT

to amend the social services law and the family court act, in relation to foster care review and the extension of placement in child protective proceedings

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

Section 1. Section 392 of the social services law is amended by adding a new subdivision 11 to read as follows:

11. In cases where the court determines that the child's removal from foster care and return to the home is prevented solely by lack of adequate housing, the court may order a social services official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so ordered be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.

§2. Subdivision 3 of section 358-a of such law is amended by adding a new paragraph c to read as follows:

c. If the court determines that lack of adequate housing is the sole reason preventing the return of the child to the home, the court may order a social service official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so provided be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.

§3 Subdivision (c) of section 1055 of the family court act, as amended by chapter 283 of the laws of 1990, is amended to read as follows:

(c) In addition to or in lieu of an order of placement or extension or continuation of a placement made pursuant to subdivision (b), the court may make an order directing a child protective agency, social services official or other duly authorized agency to undertake diligent efforts to encourage and strengthen the parental relationship when it finds such efforts will not be detrimental to the best interests of the child. Such efforts shall include encouraging and facilitating visitation with the child by the parent or other person legally responsible for the child's care. Such order may include a specific plan of action for such agency or official including, but not limited to, requirements that such agency or official assist the parent or other person responsible for the child's care in obtaining adequate housing, employment, counseling, medical care or psychiatric treatment. Such order shall also include encouraging and facilitating visitation with the child by the non-custodial parent and grandparents who have obtained orders pursuant to part eight, and may include encouraging and facilitating visitation with the child by the child's siblings. *If the court determines that lack of adequate housing is the sole reason preventing the return of the child to the home, the court may order a social services official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so provided be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.* Nothing in this subdivision shall be deemed to limit the authority of the court to make an order pursuant to section two hundred fifty-five of this act.

§4. This act shall take effect immediately.

2. Appointment of a law guardian in all foster care review proceedings (FCA §249)

This measure amends section 249 of the Family Court Act to mandate the assignment of a law guardian for the child in every foster care review proceeding brought

pursuant to sections 358-a and 392 of the Social Services Law. It also renders the section gender neutral. At the present time, appointment of a law guardian in these proceedings is discretionary except for those instances in a proceeding under section 392 where the child (1) has been freed for adoption for a period of six months and has not yet been placed in a prospective adoptive home, or (2) has been freed for adoption and placed in an adoptive home but no adoption petition has been filed after 12 months.

Since 1979, the Legislature has mandated strongly enhanced procedures complicating the steps to be taken in foster care review proceedings and increasing the significance of judicial review in these cases. Based on years of experience, it is clear that, unless there is methodical and mandated representation for the child in the foster care review process, it will be difficult if not unlikely that the vigorous investigation and presentation of relevant information now required in the proceeding will take place. Such a failure will defeat the intent of the Legislature to protect children in foster care and to speed their removal from the foster care rolls when it is appropriate to do so.

Mandating the assignment of law guardians in foster care review proceedings is likely to have a discernible financial impact in the first instance. However, it will undoubtedly have a salutary effect on the quality of those proceedings. Moreover, effective legal representation, especially at the early review stages, will likely result in earlier and increased returns of children to permanent arrangements, thereby reducing the much larger expense of continued foster care.

Proposal

AN ACT

to amend the family court act in relation to appointment of law guardians

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

Section 1. Subdivision (a) of section 249 of the family court act, as amended by chapter 321 of the laws of 1989, is amended to read as follows:

(a) In a proceeding under article seven, three or ten or where a revocation of an adoption consent is opposed under section one hundred-fifteen-b of the domestic relations law or in any proceeding under section *three hundred fifty-eight-a*, three hundred eighty-four-b [of the social services law] or [under section] three hundred ninety-two of [such law in the case of a child freed for adoption for a period of six months and not placed in a prospective adoptive home or in the case of a child freed for adoption and placed in a prospective adoptive home and no petition for adoption has been filed twelve months after placement,] *the social services law* or when a minor is sought to be placed in protective custody under section one hundred fifty-eight, the family court shall appoint a law guardian to represent a minor who is the subject of the proceeding or who is sought to be placed in protective custody, if independent legal representation is not available to such minor. In any proceeding to extend or continue the placement of a juvenile delinquent or person in need of supervision pursuant to section seven hundred fifty-six or 353.3 or any proceeding to extend or continue a commitment to the custody of the commissioner of mental health or the commissioner of mental retardation pursuant to section 322.2, the court shall not permit the respondent to waive [his] *the* right to be represented by counsel chosen by [him or his parent] *the respondent, respondent's parent,* or other person legally responsible for [his] *respondent's* care, or by a law guardian. In any other proceeding in which the court has jurisdiction, the court may appoint a law guardian to represent the child, when, in the opinion of the family court judge, such representation will serve the purpose of this act, if independent legal counsel is not available to the child. The family court on its own motion may make such appointment.

§2. This act shall take effect immediately.

3. Elimination of the vestigial Family Court jurisdiction in proceedings for the education of children with handicapping conditions (FCA §§232, 236; Educ. Law §§4401, 4406)

The Committee continues to recommend the amendment of the Family Court Act and the Education Law to remove the remaining jurisdiction of the Family Court in proceedings pertaining to the education of children with handicapping conditions.

In separate enactments dating back to 1976, the Legislature, recognizing the undesirability of the Family Court having jurisdiction over education for handicapped children, removed most of this responsibility from the court, setting up a regional administrative structure in its place. In 1986, proceedings involving children under five years of age were removed from Family Court jurisdiction. In 1989, in compliance with the provisions of P.L. 94-142, Education of All Handicapped Children Act of 1975, the Legislature again reduced the Family Court jurisdiction, leaving it with jurisdiction only over children under three years of age.

This proposal would repeal section 236 of the Family Court Act entirely and correspondingly repeal section 4406 of the Education Law, which complements section 236 of the Family Court Act. It also would amend subdivision (b) of section 232 of the Family Court Act, the definitional section, to conform the definition of a physically handicapped child to the definition in section 2581 of the Public Health Law, thereby allowing the Family Court to retain its power to order necessary services other than educational services for a child, *i.e.*, medical, surgical or therapeutic services or hospital care.

It has been the position of this Committee and the Office of Court Administration that responsibility for determining and providing for the educational needs of all handicapped children regardless of age appropriately rests elsewhere and

that the vestiges of Family Court jurisdiction in this area should be repealed. As recognized by the Legislature repeatedly, the Court does not possess the special expertise to make the determinations necessary to fashion an individualized educational program for a child with handicapping conditions. A bill eliminating that responsibility has been introduced in the Legislature for the past several years. Numerous other bills have been introduced in the Legislature from time to time seeking to accomplish this result or part of it, but so far no change has been enacted into law because of unresolved questions concerning the role of Executive Branch agencies in this process. This measure simply opts for the same structure for all — placing the administration of those needs with Executive Branch agencies that now are required to handle them.

Proposal

AN ACT

to amend the family court act and the education law, in relation to providing for the education of children with handicapping conditions and to repeal section 236 of the family court act and section 4406 of the education law relating thereto

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

Section 1. Subdivision (b) of section 232 of the family court act, as amended by chapter 654 of the laws of 1986, is amended to read as follows:

(b) "Child with physical disabilities" means a person under twenty-one years of age who [,] *is handicapped* by reason of a physical disability, whether congenital or acquired by accident, injury or disease, [is or may be expected to be totally or partially incapacitated for education or for remunerative occupation, as provided in the education law,] or has a physical disability, as provided in section two thousand five hundred eighty-one of the public health law.

§2. Section 236 of the family court act is REPEALED.

§3. Subdivision 1 of section 4401 of the education law, as amended by chapter 53 of the laws of 1986, is amended to read as follows:

1. A "child with a handicapping condition" means a person *who*:

a. (i) is under the age of twenty-one [who] *and* is entitled to attend public schools pursuant to section thirty-two hundred two of this chapter, *or (ii) is under the age of three and is not entitled to attend school without the payment of tuition pursuant to section thirty-two hundred two of this chapter; and who,*

b. because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. Such term does not include a child whose education needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. "Special education" means specially designed instruction which includes special services or programs as delineated in subdivision two of this section, and transportation, to meet the individual educational needs of a child with a handicapping condition.

§4. Section 4406 of the education law is REPEALED.

§5. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

REPEAL NOTE—Section 236 of the family court act, proposed to be repealed by this act, gives the family court jurisdiction over the educational needs of certain handicapped children. Section 4406 of the education law, proposed to be repealed by this act, prescribes the procedures to be followed in children-with-handicapping-conditions proceedings in the family court. These sections would be rendered obsolete by the enactment of this measure, which would place the educational needs of all handicapped children with the state education department.

4. Elimination of court approval for agreement or compromise for child support of an out-of-wedlock child (FCA §516)

The Committee recommends the repeal of section 516 of the Family Court Act, which requires court approval for an agreement between the mother and putative father for the support and education of an out-of-wedlock child and, when so approved, bars other remedies for the support and education of the child.

Section 516, enacted in 1962 but derived from the old Domestic Relations Law, served two purposes. First, it encouraged putative fathers to settle paternity claims, thereby reducing the necessity for legal proceedings. The agreement offered the putative father certainty and a limitation on his future support obligation, while the interests of the child and mother were protected by the requirement for judicial review. Second, the statute helped ensure that the child would not be without support from the father. By furnishing an incentive to settle, the statute tended to prevent support of the out-of-wedlock child from becoming lost in the intricacies of the process and the uncertainty of adjudicatory outcome. *Bacon* v. *Bacon*, 46 N.Y.2d 477, 480 (1979).

The Committee believes this section is no longer needed or justified because of the technological advances made in the blood genetic marker tests, the statutory enactments requiring their use, and the evidentiary weight the courts are required to accord their results.

Although blood grouping tests had been in use in paternity proceedings for many years, until 1981 they were admissible only for the purposes of excluding the respondent

as father. As a result of scientific advances in the field, the Legislature, impressed by the increasing accuracy of the tests, repeatedly amended section 532 to permit the use of blood tests as positive evidence of paternity as well. In addition, appellate courts have indicated that the test results are almost tantamount to evidentiary certitude. *Barber* v. *Davis*, 120 A.D.2d 364 (1st Dept., 1986); *Nancy M. G.* v. *Dann OO*, 148 A.D.2d 714 (2nd Dept., 1989); *Discenza* v. *James M.*, 148 A.D.2d 196 (3rd Dept., 1989).

Other recent legislation requires expedited support proceedings and expands enforcement options, thus making support more readily attainable. Moreover, section 513 of the Family Court Act has been amended to make it clear that in-wedlock and out-of-wedlock children must be treated similarly for the purposes of support, thus ending uncertainty about support awards for out-of-wedlock children.

Finally, there is some question about the constitutionality of this section in light of several recent United States Supreme Court decisions. In *Clark* v. *Jeter*, 486 U.S. 456 (1988), the Supreme Court held that a six-year statute of limitations for paternity actions violated the equal protection clause in unacceptably differentiating between in-wedlock and out-of-wedlock children. Thereafter, a Wisconsin case, *Gerhardt* v. *Estate of Moore*, 407 N.W. 2d 895, was remanded to the Supreme Court of Wisconsin for further consideration in light of *Clark* v. *Jeter, supra.* That case concerned a Wisconsin statute allowing defendants in paternity proceedings to enter into settlements whereby they admitted paternity and paid off their child support obligation in one lump sum. Upon reconsideration, the Wisconsin court found that the same principle that rendered the different treatment of children born out-of-wedlock as opposed to marital children unconstitutional in *Clark* v. *Jeter* applied to preclude enforcement of a paternity settlement as a bar to a child's subsequent independent action for support. *Gerhardt* v. *Estate of Moore*, Wis. Sup. Ct., No.85-0943, 6/28/89.

All of these developments, in the opinion of the Committee, have rendered unnecessary, inappropriate and no longer in the child's best interests the compromise procedure contained in section 516 involving court approval and barring other remedies for child support. The policy considerations upon which the section was based are no longer persuasive. In fact, actual enforcement of a compromise agreement such as that contemplated under section 516 for the future support of an out-of-wedlock child may be problematic. Consequently, the Committee feels that judges should not be called upon to approve these agreements, and the section should be repealed.

Proposal

AN ACT

to amend the family court act, in relation to agreement or compromise of support in paternity proceedings

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

Section 1. Section 516 of the family court act is REPEALED.

§2. This act shall take effect immediately.

REPEAL NOTE — Section 516 of the family court act, proposed to be repealed by this act, provides for court approval of a written agreement or compromise for child support between a putative father and a mother or person on behalf of a child, which, when so approved, bars other remedies for child support.

5. Measures to reduce trauma of child witnesses (Exec. Law §642-a; FCA §165)

This measure would amend section 642-a of the Executive Law, which is addressed to criminal justice agencies, crime victim-related agencies, social services agencies and the courts, and which provides guidelines for treatment of child victims, to make it explicit that interviews of child witnesses as well as child victims fall within these statutory safeguards and guidelines. In addition, the measure provides that in proceedings involving child abuse and neglect, audio- or video-taping of the interviews of child victims should be conducted as early as feasible. Finally, physiological stress is added to the conditions to which a judge should be sensitive.

The measure also would amend section 165 of the Family Court Act, pertaining to procedures in all Family Court proceedings, to provide that, except in Article 3 (delinquency) cases, and subject to the judge's discretion, a child's testimony may be taken by the use of closed-circuit television.

In May, 1988, the Chief Administrative Judge, as required by chapter 505 of the Laws of 1985, filed a report to the Governor, the Chief Judge and the Legislature on the use of closed-circuit television to record the testimony of vulnerable child witnesses. That chapter had added a new Article 65 to the Criminal Procedure Law to establish a procedure permitting the testimony of "vulnerable" child witnesses to be taken by means of live two-way closed-circuit television. In preparation for this report, the Chief Administrative Judge requested the members of this Committee to make recommendations geared to the development and implementation of methods and techniques designed to reduce significantly the trauma to child witnesses caused by testifying in court proceedings. A copy of the Committee's report was appended to the Chief Administrative Judge's report of May, 1988. The instant measure results from the findings and recommendations contained in that report.

This Committee believes that the protections of these rules, guidelines and practices should be extended to all children, whether the child is a victim or witness. The trauma of appearing in a court proceeding may be just as great to a vulnerable child witness as it is to a child victim. The appropriateness of the treatment by the court or counsel should be left to the discretion of the judge.

By chapter 331 of the Laws of 1988 the Legislature amended section 343.1 of the Family Court Act, pertaining to juvenile delinquency proceedings, to incorporate the provisions of Article 65 of the Criminal Procedure Law. With that exception, the instant measure would allow a judge in any proceeding in Family Court to use closed-circuit television as a technique, in addition to those now available, to reduce the trauma of a child witness.

Proposal

AN ACT

to amend the executive law and the family court act, in relation to reducing the trauma of child witnesses

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

Section 1. Section 642-a of the executive law, as added by chapter 263 of the laws of 1986, is amended to read as follows:

§642-a. Guidelines for fair treatment of child victims [as] *and child* witnesses. To the extent permitted by law, criminal justice agencies, crime victim-related agencies, social services agencies and the courts shall comply with the following guidelines in their treatment of child victims *and witnesses:*

1. *Interviews with a child victim or witness shall be so conducted as to minimize trauma.*

2. To minimize the number of times a child victim *or child witness* is called upon to recite the events of the case and to foster a feeling of trust and confidence in the child [victim], whenever practicable, a multi-disciplinary team involving a prosecutor, law enforcement agency personnel, and social services agency personnel should be used for the investigation and prosecution of child abuse cases. *As early as feasible in cases of suspected child abuse and neglect, interviews of the child should be audio- or video-taped.*

[2.]*3.* Whenever practicable, the same prosecutor should handle all aspects of a case involving an alleged child victim.

[3.]*4.* To minimize the time during which a child victim must endure the stress of his *or her* involvement in the proceedings, the court should take appropriate action to ensure a speedy trial in all proceedings involving an alleged child victim. In ruling on any motion or request for a delay or continuance of a proceeding involving [an alleged] *a* child victim *or child witness*, the court should consider and give weight to any potential adverse impact the delay or continuance may have on the well-being of the child.

[4.]*5.* The judge presiding should be sensitive to the *physiological*, psychological and emotional stress a child witness may undergo when testifying.

[5.]*6.* In accordance with the provisions of article sixty-five of the criminal procedure law, when appropriate, a child witness as defined in subdivision one of section 65.00 of such law should be permitted to testify via live, two-way closed-circuit television.

[6.]*7.* In accordance with the provisions of section 190.32 of the criminal procedure law, a person supportive of the "child witness" or "special witness" as defined in such section should be permitted to be present and accessible to a child witness at all times during his *or her* testimony, although the person supportive of the child witness should not be permitted to influence the child's testimony.

[7.]*8.* A child witness should be permitted in the discretion of the court to use anatomically correct dolls and drawings during his *or her* testimony.

§2. Section 165 of the family court act is amended by adding a new subdivision (c) to read as follows:

(c) In all proceedings, except proceedings pursuant to article three of this act, in which a child is a witness, the child's testimony may be taken by the use of closed-circuit television in the discretion of the trial court.

§3. This act shall take effect immediately.

6. Compensation out of public funds for Guardians ad Litem appointed for children and adults in civil proceedings (CPLR 1204)

This measure amends section 1204 of the Civil Practice Law and Rules to provide compensation from state or county funds for guardians *ad litem* appointed for children and adults in civil proceedings. It is also supported by the Chief Administrator's Advisory Committee on Civil Practice.

There are a variety of situations in which children and adults may be deemed by judges to require the protection afforded by a guardian *ad litem*. For example, in Family Court the respondent in a child protective proceeding (the parent of the child who is allegedly mistreated) may herself be under 18 years of age. Another example is a family offense case in which a minor child is alleged to have committed an offense against a parent or guardian. Adults may require a guardian *ad litem* when their own mental capacity is challenged, for instance, in termination-of-parental-rights proceedings based on the parent's mental illness or retardation. There often is also a need to appoint a guardian *ad litem* for a child who is the subject of a custody proceeding in Supreme Court.

While judges now have the authority to make these appointments, they are reluctant to do so because they cannot guarantee that the guardian will receive any payment. CPLR 1204 authorizes payment for the services of a guardian *ad litem* by "any other party or from any recovery had on behalf of the person whom such guardian represents or from such person's other property." Neither the Family Court Act nor the CPLR provide for payment where there is no monetary

corpus from which payment can be made, and the courts have ruled that no public funds may be used in such circumstances. See Matter of *Wood* v. *Cordello*, 91 A.D. 2d 1178 (2d Dept. 1983). There most frequently is no available monetary corpus in Family Court proceedings.

This measure authorizes payment for the services of the guardian *ad litem* out of public funds, as a state charge, in the instance of a child, and as a county charge, if for an adult, consistent with the present statutory sources of funding for assignment of counsel. By virtue of section 165 of the Family Court Act, CPLR 1204, as amended, would apply to Family Court proceedings. In addition, if the proceeding is one in which there is a subsequent monetary recovery, the funds may be recovered pursuant to CPLR 1103.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to compensation of guardians ad litem

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

Section 1. Section 1204 of the civil practice law and rules is amended to read as follows:

§1204. Compensation of guardian ad litem. A court may allow a guardian ad litem a reasonable compensation for [his] *the guardian's* services to be paid in whole or part by any other party or from any recovery had on behalf of the person whom such guardian represents or from such person's other property, *or if there is no such source, compensation for services shall be from state funds in the same amounts established by subdivision three of section thirty-five of the judiciary law, if the guardian ad litem has been appointed for an infant; and out of county funds in the same amounts established by section seven hundred twenty-two-b of the county law, if appointed for an adult.* No order allowing compensation shall be made except on an affidavit of *the* guardian or [his] *the guardian's* attorney showing the services rendered.

§2. This act shall take effect immediately.

III. New or Modified Measures

1. Establishment of criteria for determining under what circumstances the consent of the biological father is required when a non-marital child under the age of six months is placed for adoption

In July, 1990 the Court of Appeals ruled in *Matter of Adoption of Raquel Marie*, 76 N.Y.2d 387, that Section 111(1)(e) of the Domestic Relations Law, governing the rights of biological fathers whose newborn non-marital children are placed for adoption, is unconstitutional. The Committee joined several legislative and bar groups in attempting to secure passage of a bill to replace the statute, but those efforts ultimately failed. Accordingly, the Committee submits its own proposal which we believe provides balanced and adequate protections to all parties to an adoption.

Section 111(1)(e) had required the biological father's consent only if he had lived with the child or mother for six months preceding the placement for adoption, held himself out as the child's father, and provided financial support. The Court of Appeals in *Raquel Marie* held that the "living together" requirement was unacceptable, because it has no bearing on the question of the father's relationship to the newborn infant, and "can easily be used to block the father's rights." Concluding that the Legislature had intended the three statutory requirements to operate together, the Court struck the statute in its entirety, and called upon the Legislature to enact a new law containing "unambiguous standards that both encapsulate the qualifying relationship and protect all of the important interests involved." The Court of Appeals stated:

> The State can deny a right of consent to all unwed fathers who do not come forward to immediately assume their parental responsibilities, and it can prescribe conditions for determining whether the unwed father's manifestation of interest in his child is sufficiently prompt and substantial to require full constitutional protection.

In the absence of statutory guidance, courts have had to determine on a case-by-case basis whether the consent of the father of a young infant born out of wedlock is required before the adoption can be approved. This process has undermined the confidence with which adoptions can be planned and has the potential to jeopardize the integrity of adoption decrees, to the detriment not only of the adults involved, but, more importantly, to the infants whose futures are at stake.

The four criteria presented in this bill restrict the right to withhold consent to those biological fathers who come forward promptly to assume full parental responsibility for a newborn child.

Such fathers are defined, first, as those otherwise entitled to receive notice of a judicial proceeding concerning the child by reference to section 111-a of the Domestic Relations Law and section 384-c of the Social Services Law. Those two sections specify several categories, including men who have been adjudicated the father in a court proceeding, those identified by the mother in a written, sworn statement, and those who have filed notice of intent to claim paternity. The constitutional adequacy of those sections was reviewed by the Supreme Court in *Lehr* v. *Robertson*, 463 U.S. 248 (1982), and was found acceptable.

The bill's second and third criteria are based on the former statute's requirements concerning holding oneself out as the father and paying financial support, but are supplemented by a "savings clause" that recognizes that the biological mother may thwart the father's efforts. Thus, the

father must "hold himself out as the father" and pay child support "unless prevented from so doing by the person or agency having lawful custody of the child."

The fourth and final requirement gives the biological father thirty days in which to assert his claim to paternity and request custody of the child, dating the time period from the date of notice of a court proceeding. If the biological father meets all four statutory criteria, the child may not be adopted without his consent or termination of his parental rights.

It should be noted that this bill does not require identification of the father by the mother. The question whether such identification may be required despite the mother's assertion of constitutional claims to privacy is a troubling one, and the bill opts not to raise the issue.

Proposal

AN ACT

to amend the domestic relations law in relation to the rights of biological fathers

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

Section 1. Paragraph (e) of subdivision 1 of section 111 of the domestic relations law, as added by chapter 575 of the laws of 1980, is amended to read as follows:

(e) Of the father, whether adult or infant, of a child born out-of-wedlock who is under the age of six months at the time he *or she* is placed for adoption, but only if: (i) such father [openly lived with the child or the child's mother for a continuous period of six months immediately preceding the placement of the child for adoption] *is a person entitled to notice pursuant to subdivision two of section 111-a of this article or subdivision two of section 384-c of the social services law*; and (ii) such father openly held himself out to be the father of such child [during such period] *prior to the placement for adoption, unless prevented from so doing by the person or agency having lawful custody of the child;* and (iii) such father paid a fair and reasonable sum, in accordance with his means, for the medical, hospital and nursing expenses incurred in connection with the mother's pregnancy or with the birth of the child, *unless prevented from so doing by the person or agency having lawful custody of the child; and (iv) upon receiving notice of an adoption proceeding pursuant to the provisions of this chapter, or a notice of a proceeding to terminate parental rights pursuant to section 384-b of the social services law, or a notice of the commitment of the guardianship and custody of the child by voluntary surrender instrument pursuant to section 383-c or section 384 of the social services law, or a notice of a proceeding to grant temporary guardianship of the child to a proposed adoptive parent pursuant to section 115-c of this article, such father filed a motion to intervene in the proceeding, including an assertion of paternity and a request for custody, within thirty days of the date of such notice. Such consent shall not be required unless paternity is established substantially in accordance with the relevant and otherwise consistent provisions of the family court act. The court shall not require a showing of diligent efforts by any person or agency to encourage the father to perform the acts specified in this paragraph.*

Section 2. This Act shall take effect on the thirtieth day after it shall have become a law.

2. Creating an exception from time restrictions for commencement of certain delinquency hearings when a warrant has been issued following respondent's failure to appear

This measure is intended to clarify the juvenile delinquency provisions of the Family Court Act so as to avoid dismissal of delinquency petitions when delay in commencing the hearing is caused by respondent's own failure to appear in court.

Article 3 of the Family Court Act establishes procedures for the prompt conduct of juvenile delinquency proceedings. Section 340.1 is more specific, directing that the fact-finding hearing "shall commence not more than sixty days" after respondent's initial appearance, except where the court has granted an adjournment either on its own motion, or on motion by the presentment agency or respondent "for good cause shown." Different time frames for adjournments are fixed, depending upon whether the respondent is held in detention or paroled.

Section 340.1 does not explicitly make an exception for cases in which the respondent, paroled at his or her initial appearance, fails to return to court for trial. Accordingly, in *Matter of Randy K*, decided March 26, 1991, a divided Court of Appeals dismissed a delinquency petition for failure to comply with the section 340.1 time limit, notwithstanding the fact that the delay was caused by respondent's own actions in absenting himself from the court for 150 days.

In the eight months since *Randy K* was decided, Family Courts throughout the state have complied with the ruling by adjourning delinquency hearings for 30-day periods following issuance of a bench warrant. At each such adjournment, assuming respondent's continued failure to appear, the court is again obliged to "make findings of special circumstances" in order to continue the court's jurisdiction. Two wholly undesirable consequences are the result: first, repeated adjournments in warrant cases are added to the court's already crowded dockets, to the detriment of other children and families awaiting the court's attention; and, second, juveniles are effectively encouraged to evade the law by their own actions. These results were surely not intended by the Legislature. Indeed, the majority in the Court of Appeals noted that, "we are not unsympathetic to the [prosecutor's] concerns, particularly in light of the reality of a much overworked Family Court system," and added, "[A]rguments in favor of a blanket rule which would permit all time periods following a juvenile's failure to appear in court to be charged to the juvenile are better addressed to the Legislature."

In response to that invitation, we propose this measure. It provides that under circumstances where a respondent absconds and thereby fails to appear at a scheduled fact-finding hearing, once the court issues a bench warrant for his or her return, all time that elapses thereafter until respondent again appears before the court shall be excluded from the computation of the 60-day rule of section 340.1. It provides further that, under these circumstances, a showing of "due diligence" is not required of the presentment agency — in a city with one-half million outstanding warrants for adult defendants, police priorities may not correspond to the presentment agency's requests to bring in juveniles, and the law guardian appointed to represent the juvenile, not the presentment agency, is plainly obligated to make the client aware of the warrant.

This measure also would make similar amendment to section 350.1 of the Family Court Act, which sets forth a time frame within which the dispositional hearing must commence in a delinquency proceeding. The due process and policy concerns underlying that statute are similar to those behind the speedy fact-finding rule, and the two sections should operate consistently.

Proposal

AN ACT

to amend the family court act, in relation to delinquency hearings

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

Section 1. Section 340.1 of the family court act is amended by adding a new subdivision 7 to read as follows:

7. For purposes of this section, and notwithstanding considerations of due diligence, should a respondent fail to appear at a scheduled fact-finding hearing, computation of the time within which such hearing must commence shall exclude the period extending from the day the court issues a bench warrant for respondent's arrest because of his or her failure to appear to the day the respondent subsequently appears in court pursuant to a bench warrant or voluntarily or otherwise.

§2. Section 350.1 of the family court act is amended by adding a new subdivision 6 to read as follows:

6. For purposes of this section, and notwithstanding considerations of due diligence, should a respondent fail to appear at a scheduled dispositional hearing, computation of the time within which such hearing must commence shall exclude the period extending from the day the court issues a bench warrant for respondent's arrest because of his or her failure to appear to the day the respondent subsequently appears in court pursuant to a bench warrant or voluntarily or otherwise.

§3. This act shall take effect immediately.

3. Requiring verification in matrimonial proceedings of the status of any children of the marriage with respect to custody and support (DRL §240)

In the past year the Committee's attention has been drawn to difficulties concerning Supreme Court and Family Court shared jurisdiction over child support and custody. Hearing Examiners (quasi-judicial officers who are authorized to hear and determine support cases) have reported numerous instances in which the Family Court's orders of child support are circumvented by the parties' subsequent divorce action in which the presiding Supreme Court Justice is not informed of the existing Family Court order and enters a conflicting order. Typically, the situation comes to light only months later, when the now-divorced non-custodial parent returns to Family Court seeking a downward modification of the original Family Court order to conform to the lower amount set in the Supreme Court's divorce decree. These maneuvers can be corrected only at substantial cost in repeated court appearances by counsel for the individual parties (and the Commissioner of Social Services), not to mention costs to the court for docketing and hearing the subsequent claims.

Although some of these recurring problems might be cured by more care on the part of counsel and litigants, the Committee believes that the statute itself should be amended to be more explicit with respect to the necessity of informing the courts of the pendency of claims or existence of prior related orders.

The Committee has prepared a statutory amendment that would require verification of the status of any child of the marriage with respect to custody and support, including any prior court orders, coupled with a direction that "the court shall enter orders for custody and support". These two directives would serve to alert the court to the existence of outstanding orders and to deter those intent on manipulating the system.

Proposal

AN ACT

to amend the domestic relations law in relation to orders for child custody and support

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

Section 1. Subdivision (1) of Section 240 of the domestic relations law, as amended by chapter 818 the laws of 1990, is amended to read as follows:

1. In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court [must give such direction, between the parties, for the custody and support of any child of the

parties,] *shall require verification of the status of any child of the marriage with respect to such child's custody and support, including any prior orders, and shall enter orders for custody and support as*, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child. In all cases there shall be no prima facie right to the custody of the child in either parent. Such direction shall make provision for child support out of the property of either or both parents. The court shall make its award for child support pursuant to subdivision one-b of this section. Such direction may provide for reasonable visitation rights to the maternal and/or paternal grandparents of any child of the parties. Such direction as it applies to rights of visitation with a child remanded or placed in the care of a person, official, agency or institution pursuant to article ten of the family court act, or pursuant to an instrument approved under section three hundred fifty-eight-a of the social services law, shall be enforceable pursuant to part eight of article ten of the family court act and sections three hundred fifty-eight-a and three hundred eighty-four-a of the social services law and other applicable provisions of law against any person having care and custody, or temporary care and custody, of the child. Notwithstanding any other provision of law, any written application or motion to the court for the establishment, modification or enforcement of a child support obligation for persons not in receipt of aid to dependent children must contain either a request for child support enforcement services completed in the manner specified in section one hundred eleven-g of the social services law; or a statement that the applicant has applied for or is in receipt of such services; or a statement that the applicant knows of the availability of such services and has declined them at this time. The court shall provide a copy of any such request for child support enforcement services to the support collection unit of the appropriate social services district any time it directs payments to be made to such support collection unit. Additionally, the copy of any such request shall be accompanied by the name, address and social security number of the parties; the date and place of the parties' marriage; the name and date of birth of the child or children; and the name and address of the employers and income payors of the party from whom child support is sought or from the party ordered to pay child support to the other party. Such direction may require the payment of a sum or sums of money either directly to the custodial parent or to third persons for goods or services furnished for such child, or for both payments to the custodial parent and to such third persons; provided, however, that unless the party seeking or receiving child support has applied for or is receiving such services, the court shall not direct such payments to be made to the support collection unit, as established in section one hundred eleven-h of the social services law. Such direction shall require that where either parent has health insurance available through an employer or organization that may be extended to cover the child and when the court determines that the employer or organization will pay for a substantial portion of the premium on any such extension of coverage, that such parent exercise the option of additional coverage in favor of such child and execute and deliver any forms, notices, documents or instruments necessary to assure timely payment of any health insurance claims for such child. When both parents have health insurance available to them and the court determines that the policies are complementary, the court may order both parents to exercise the option of additional coverage as provided herein. Such direction shall be effective as of the date of the application therefor, and any retroactive amount of child support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid. Such direction may be made in the final judgment in such action or proceeding, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and the final judgment. Such direction may be made notwithstanding that the court for any reason whatsoever, other than lack of jurisdiction, refuses to grant the relief requested in the action or proceeding. Any order or judgment made as in this section provided may combine in one lump sum any amount payable to the custodial parent under this section with any amount payable to such parent under section two hundred thirty-six of this chapter. Upon the application of either parent, or of any other person or party having the care, custody and control of such child pursuant to such judgment or order, after such notice to the other party or parties or persons having such care, custody and control and given in such manner as the court shall direct, the court may annul or modify any such direction, whether made by order or final judgment, or in case no such direction shall have been made in the final judgment may, with respect to any judgment of annulment or declaring the nullity of a void marriage rendered on or after September first, nineteen hundred forty, or any judgment of separation or divorce whenever rendered, amend the judgment by inserting such direction. Subject to the provisions of section two hundred forty-four of this article, no such modification or annulment shall reduce or annul arrears accrued prior to the making of such application unless the defaulting party shows good cause for failure to make application for relief from the judgment or order directing such payment prior to the accrual of such arrears. Such modification may increase such child support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of child support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid.

§2. This act shall take effect immediately.

IV. Pending and Future Matters

The Committee intends to study several laws passed in the last two legislative sessions whose effectiveness and impact on Family Court practice could not be clearly predicted. The Committee will attempt to assess the impact of such new mandates as: reports to the Court 60 days prior to expiration of placement, when extension of placement is not being sought; progress reports filed 90 days after dispositional hearing; commencement within 60 days of filing of petitions alleging violations of adjournments in contemplation of dismissal; and, in New York City, changes in venue governing petitions to terminate parental rights,

which will disperse throughout the five boroughs hearings that had previously been confined almost exclusively to Manhattan.

The Committee also will continue to work with the Legislature to better define the use and limitations of various forms of "validation testimony" offered in cases of alleged child sexual abuse, and will monitor implementation of Chapter 694 of the Laws of 1991, permitting videotaping of "validation interviews."

Finally, the Committee will consider what statutory reforms might be advisable in light of the several problems alluded to by the Court of Appeals in its decision in *Matter of Adoption of Samuel S*, 78 N.Y.2d 1047, (1991). Adoption litigation, even if limited to the trial court, is unusually protracted, expensive, and stressful, taxing the resources of the courts, parties and counsel. For that reason, the Committee will continue to give priority to clarification of the adoption statute.

The members of the Committee wish to express their gratitude to Chief Judge Wachtler and to Chief Administrator Crosson, who have offered understanding of and sympathy towards the urgency of the Family Court's needs. Their commitment to the Family Court is, we believe, matched by the dedication of Court personnel, judges and non-judicial staff alike, to providing professional services to the litigants who come to the Court in ever-growing numbers. We conclude with a pledge to renew and increase our own efforts and our cooperation with legislative and executive branch leaders to serve the families whose only recourse is the Family Court.

Respectfully submitted,

Professor Kevin C. Fogarty, Chair
Hon. Arthur J. Abrams
Frank D. Argano
Frank Boccio, Esq.
Hon. Barry Cozier
Hon. Marjory D. Fields
Peter J. Fiorella, Jr., Esq.
Nora Freeman, Esq. (ex officio)
Hon. Michael Gage
Hon. William L. Kellick, Jr.
Hon. Leonard E. Maas
Hon. George D: Marlow
Hon. Kathryn Austin McDonald
Hon. Anthony K. Pomilio
Hon. Adrienne Hofmann ScancarelliHon.
Mara T. Thorpe

Nora Freeman, Esq.
Counsel

December, 1991

Appendix 1

Other Programs

Contents

Retainer and Closing Statements

Pursuant to 22 NYCRR Parts 603.7, 691.20 and 1022.2, every attorney who enters into a contingent-fee agreement in the First, Second and Fourth Judicial Departments[1] must file a Statement of Retainer with the Office of Court Administration in cases involving personal injury, property damage, wrongful death, or change of grade. This statement must be filed within 30 days of the date the lawyer is retained (15 days in the case of "of counsel" lawyers). It sets forth the date of the agreement, plaintiff name, the terms of compensation, the agreement as to work and fee division between the original lawyer and the "of counsel" lawyer, and data about the person referring the client to the lawyer.

In addition, every such lawyer must file a Closing Statement with this office within 15 days after receiving or sharing any sum in connection with a claim. This statement must include information as to the gross amount of the settlement or award (if any), the net distribution between client and attorney, and a breakdown of other expenses and disbursements. If an action was commenced, the date, court and county of commencement as well as the method of recovery and the person or company paying the judgement must be included. A closing statement must also be filed if an action is abandoned or if the agreement is terminated without recovery.

The purpose of these statements is to provide information for use by the three Appellate Divisions to prevent the charging of unconscionable fees in contingent fee cases and to discourage the unlawful solicitation of cases.

According to the rules of the Appellate Divisions, all statements filed with this office are deemed to be confidential except upon written order of the presiding justice.

Table A-1 shows that 134,272 retainer statements were filed with the Office of Court Administration in 1991. This is a 3% decrease from the number of statements filed the previous year.

Table A-2 gives the breakdown of actions which were terminated during 1991 by court and dollar values of settlements and judgements. The majority of claims closed resulted in at least some monetary recovery. There were 32,597 recoveries in the $1 to $9,999 category; 23,432 in the $10,000 to $29,999 category; 8958 in the $30,000 to $49,999 category; 5931 in the $50,000 to $99,999 category; and 4593 recoveries in excess of $100,000. There were 11,897 actions filed in 1991 which involved no monetary recovery for the plaintiffs; approximately 16% of the total actions terminated in 1991.

Statements of Approval of Compensation

Section 35-a of the Judiciary Law, as originally enacted by the Legislature in 1967 required the filing of a Statement of Appointment by each person appointed by the courts to perform services in actions and proceedings for a fee or an allowance. The statute called for these statements to be filed with the Judicial Conference within 30 days of an appointment. The required information included the name and the address of the appointee, the nature of the appointment, the title of litigation, and the name of the court and the judge or justice making the appointment.

In addition, within 30 days of receiving a fee, the appointee was required to execute a Statement of Services Rendered with other pertinent data related to the fee received. Under the statute, all statements filed were to be kept as matters of public record. The law also required that an annual summary of the information in the statement be furnished to the four Appellate Divisions of the Supreme Court for use in supervising court appointments in their Judicial Departments.

An extensive study of this system of two reports for each appointment revealed a number of inefficiencies. Not the least of these was the failure of many appointees to file a Statement of Services Rendered after payment of the fee. To deal with this problem, the Office of Court Administration sponsored legislation amending Section 35-a which was enacted as Chapter 834, Laws of 1975, and which went into effect with appointments made after September 1, 1975.

Under the amended law, judges who approve fees are responsible for filing a single comprehensive statement entitled Statement of Approval of Compensation for appointments in which the fee is more than $200. The judges are required to send the statements to the Office of Court Administration each week for data processing and filing. Fees of $200 or less are not required to be reported.

In 1991, a total of 8,050 Statements of Approval of Compensation were filed with the Office of Court Administration. The system accomplished its intended purpose of obtaining timely reports of compensation approvals without loss of required data provided by the older system.

Appointment of Fiduciaries

Part 36 of the Rules of the Chief Judge were promulgated effective April 1, 1986 (22NYCRR Part 36). These rules require that all appointments of guardians, guardians ad litem, conservators, committees of the incompetent or patient, receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts unless the Court finds there is good reason to appoint someone who is not on the list and places a statement to that effect in the file.

No person related to a judge of the Unified Court System of the State of New York shall be eligible for an appointment.

No person or institution shall be eligible to receive more

[1] At present, there is no filing rule for the Third Judicial Department.

than one appointment within a 12-month period for which the compensation anticipated to be awarded to the appointee exceeds the sum of $5,000 unless exceptional circumstances exist.

Every person or institution receiving an appointment pursuant to this section must file a Statement of Appointment with the Chief Administrator of the Courts by the first business day of the week following the appointment.

The Chief Administrator shall arrange for the periodic publication of the names of all persons and institutions appointed by judges.

As of December 31, 1991, there were 8,366 applications on file from both individuals and institutions. Applicants for fiduciary appointments may list more than one county.

Table A-3 shows the distribution of 8,366 applications filed from April 1, 1986 through December 31, 1991. It also shows the distribution of 1,311 applications filed from January 1, 1991 through December 31, 1991. The number of statements of appointments filed with the Chief Administrator of the Courts for the period January 1, 1991 through December 31, 1991 was 6,918. Table A-4 shows the breakdown of appointments by county.

Attorney Registration

Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR 118) requires every attorney admitted to practice in New York State on or before January 1, 1982, to file a registration statement with the Chief Administrator of the Courts, and requires every attorney admitted to practice in New York State after January 1, 1986 to file a registration statement prior to taking the constitutional oath of office. The filing requirement is mandatory for all attorneys admitted and licensed to practice law in New York State whether resident or nonresident, and whether or not in good standing.

Every attorney is further required to reregister biennially during each alternate year following their first registration, within thirty (30) days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York Bar. In the event of any change in the business or residence address, or other information on record, the law requires that the Office of Court Administration be notified within thirty (30) days of such change.

An accompanying fee of $300.00 is required with each registration and subsequent reregistration, with only two exceptions defined in the rule; full-time judges and retired attorneys. The Rules of the Chief Administrator (118.1(g)) outlining these exemptions were amended in 1990 to refine the definition of attorneys retired from the practice of law to apply only "...other than the performance of legal services without compensation, when he or she does not practice law in any respect and does not intend ever to engage in acts that will constitute the practice of law". It continues "For purposes of section 468-a of the Judiciary Law, a full-time judge or justice of the Unified Court System of the State of New York, or of a court of any other state or of a federal court, shall be deemed 'retired' from the practice of law.

As of the end of calendar year 1991, approximately 136,108 attorneys were registered with the Office of Court Administration. During calendar year 1991, approximately 39,178 registrations were processed and $10,759,150 in registration fees were recorded.

Table A-5 shows the breakdown of attorneys by county and department of business. Table A-6 gives the breakdown of attorneys by year of birth as furnished in the registration statement.

Adoption Affidavits

According to the Rules of the respective Appellate Divisions, 22 NYCRR Parts 603.23 (1st Dept.), 691.23 (2nd Dept.) 806.14 (3rd Dept.) and 1022.33 (4th Dept.), all attorneys must file an affidavit as a condition to proceed with an adoption. The objective of this filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services.

Once the attorney has been contacted to represent a client in an adoption proceeding, the attorney prepares a petition requesting an adoption. When the petition is filed, a docket number is issued by the court. The attorney's affidavit is completed in duplicate by the attorney who files one copy with the Office of Court Administration. During 1991, 5,626 adoption affidavits were filed with the Office of Court Administration.

Table A-1
RETAINER STATEMENT FILINGS BY MONTH
January 1, 1991 - December 31, 1991

Month	*Number of Statements*
January	11,970
February	10,257
March	13,262
April	13,289
May	13,817
June	11,290
July	11,702
August	12,840
September	7,612
October	9,688
November	9,838
December	8,707
Total	134,272

Table A-2
COURT AND MONETARY BREAKDOWN OF CLOSING STATEMENTS
January, 1 1991 through December 31, 1991

Amount of Recovery	Supreme Court		U.S. district Court		Court of Claims*		County Court	
	Settled	Judgement	Settled	Judgement	Settled	Judgement	Settled	Judgement
1–499	82	1	3	...	...	...	...	...
500–999	138	4	4	...	1	...	4	...
1000–1999	513	8	8	...	1	...	2	...
2000–2999	812	3	10	...	1	...	5	...
3000–3999	1,205	8	5	...	...	...	2	...
4000–499	1,058	7	9	1	1	...	...	...
5000–5999	1,941	14	11	2	2	...	...	...
6000–6999	1,324	10	10	...	2	...	1	...
7000–7999	3,046	23	18	...	5	...	1	...
8000–8999	1,671	11	4	...	...	...	1	...
9000–9999	1,320	10	3	...	7	...	2	...
10000–14999	8,002	55	48	...	10	...	4	...
15000–19999	4,541	30	43	...	10	2	2	...
20000–24999	3,091	15	26	1	7	...	1	...
25000–29999	2,452	20	20	1	5	...	2	...
30000–34999	1,388	14	28	...	7	...	...	...
35000–49999	3,222	20	51	1	7	...	1	...
50000–99999	5,014	48	120	3	9	3	...	...
100000–up	3,951	73	188	5	6	5	1	...
Total with Recovery	45,971	374	607	14	81	10	29	
No Recovery	12							

Amount of Recovery	Civil Court		City Court		District Court		Justice Court		No Action**
	Settled	Judgement	Settled	Judgement	Settled	Judgement	Settled	Judgement	
1–499	4	...	...	...	1	...	...	...	4,401
500–999	29	...	...	...	2	...	...	...	194
1000–1999	65	1	3	1	5	1	...	...	642
2000–2999	121	1	7	...	3	1	...	...	980
3000–3999	142	1	2	...	4	...	...	...	1,240
4000–4999	121	2	2	...	3	...	...	...	1,176
5000–5999	137	4	1	...	4	1	...	...	1,750
6000–6999	128	...	1	...	2	...	...	...	1,694
7000–7999	157	2	...	...	1	...	...	...	2,127
8000–8999	96	1	1	...	2	...	...	...	1,339
9000–9999	87	...	1	...	...	...	...	...	1,368
10000–14999	209	3	1	...	2	...	...	...	4,811
15000–19999	63	1	1	...	3	...	...	...	1,504
20000–24999	34	2	...	...	...	...	...	...	910
25000–29999	17	...	...	...	...	...	...	...	597
30000–34999	5	...	...	...	...	...	...	...	322
35000–49999	7	...	...	...	1	...	...	...	570
50000–99999	10	1	...	...	4	...	...	...	719
100000–UP	11	...	...	...	1	...	...	...	357
Total with Recovery	1,443	19	20	1	38	3	...	...	26,901
No Recovery									11,885

Note: Whenever individual closing statements were filed by attorneys acting jointly in a case, each statement received was included in these tabulations. Thus, the number of statements somewhat exceeds the total number of cases closed.

*Includes condemnation as well as tort matters.

**Item 3 of the closing statement requires that the court and date he indicated if an action was commenced. This category includes those statements in which this item is left blank.

Table A-3
APPOINTMENT OF FIDUCIARIES
Application By County
As of 12/31/91

Location	*Individuals*		*Institutions*		*Total**	
	Filed 01/01/91 12/31/91	Filed 04/01/86 12/31/91	Filed 01/01/91 12/31/91	Filed 04/01/86 12/31/91	Filed 01/01/91 12/31/91	Filed 4/01/86 12/31/91
Albany	99	280	...	2	99	282
Allegany	9	85	...	2	9	87
Bronx	350	1445	...	7	350	1452
Broome	21	249	...	3	21	252
Cattaraugus	22	171	...	1	22	172
Cayuga	5	80	...	1	5	81
Chautauqua	29	206	...	1	29 *	207
Chemung	6	53	...	2	6	55
Chenango	9	96	...	3	9	99
Clinton	6	35	...	1	6	36
Columbia	21	90	...	1	21	91
Cortland	9	77	...	2	9	79
Delaware	5	61	...	3	5	64
Duchess	51	310	...	2	51	312
Erie	132	834	...	3	132	837
Essex	8	47	...	1	8	48
Franklin	4	34	...	1	4	35
Fulton	10	41	...	1	10	42
Genesee	33	214	...	1	33	215
Greene	14	64	...	2	14	66
Hamilton	2	16	...	1	2	17
Herkimer	3	66	...	1	3	67
Jefferson	7	27	...	1	7	28
Kings	528	2101	...	7	528	2108
Lewis	3	19	...	1	3	20
Livingston	18	184	...	3	18	187
Madison	10	118	...	2	10	120
Monroe	40	572	...	4	40	576
Montgomery	13	56	...	1	13	57
Nassau	399	1733	...	6	399	1739
New York	669	2573	1	8	670	2581
Niagara	79	476	...	1	79	477
Oneida	8	144	...	2	8	146
Onondaga	12	199	...	1	12	200
Ontario	20	263	...	2	20	265
Orange	47	257	...	1	47	258
Orleans	18	120	...	1	18	121
Oswego	5	67	...	1	5	68
Otsego	5	57	...	2	5	59
Putnam	75	348	...	2	75	350
Queens	502	1997	...	7	502	2004
Renesselaer	62	193	...	1	62	194
Richmond	193	716	...	4	193	720
Rockland	104	483	...	2	104	485
St. Lawrence	2	28	...	1	2	29
Saratoga	52	215	...	1	52	216
Schenectady	50	206	...	1	50	207
Schoharie	7	31	...	2	7	33
Schuyler	2	25	...	1	2	26
Seneca	6	44	...	2	6	46
Steuben	8	101	...	4	8	105
Suffolk	275	1123	...	5	275	1128
Sullivan	15	78	...	2	15	80
Tioga	15	112	...	3	15	115
Tompkins	4	49	...	2	4	51
Ulster	16	186	...	1	16	187
Warren	6	62	...	1	6	63
Washington	6	63	...	1	6	64
Wayne	17	215	...	2	17	217
Westchester	312	1280	...	4	312	1284
Wyoming	18	125	...	1	18	126
Yates	4	46	...	2	4	48
Totals	4480	21246	1	138	4481	21384

*Applicants may list more than one county. the total for January 1, 1991 through December 31, 1991 represents the distribution of 1,311 applications. The total for April 1, 1986 through December 31, 1991 represents 8,366 applications.

Table A-4
APPOINTMENTS OF FIDUCIARIES
Appointments Reported by County
January 1, 1991 through December 31, 1991

Location	*Total*	*Location*	*Total*
Albany	106	Oneida	100
Allegany	9	Onondaga	160
Bronx	378	Ontario	4
Broome	87	Orange	110
Cattaraugus	32	Orleans	3
Cayuga	20	Oswego	21
Chautauqua	46	Otsego	23
Chemung	35	Putnam	28
Chenango	9	Queens	783
Clinton	17	Rensselaer	62
Columbia	14	Richmond	82
Cortland	13	Rockland	79
Delaware	23	St. Lawrence	32
Dutchess	63	Saratoga	22
Erie	534	Schenectady	63
Essex	17	Schoharie	12
Franklin	16	Schuyler	8
Fulton	14	Seneca	18
Genesee	28	Steuben	29
Greene	1	Suffolk	431
Hamilton	7	Sullivan	34
Herkimer	19	Tioga	15
Jefferson	39	Tompkins	14
Kings	765	Ulster	41
Lewis	...	Warren	30
Livingston	3	Washington	19
Madison	16	Wayne	26
Monroe	259	Westchester	384
Montgomery	26	Wyoming	3
Nassau	479	Yates	10
New York	1119		
Niagara	81		
Total New York State			6,918

Table A-5
ATTORNEY REGISTRATION BY LOCATION
County of Business
1991

Location	*Total*	*Location*	*Total*
Albany	3,059	Otsego	82
Allegany	48	Putnam	169
Bronx	1768	Queens	3,563
Broome	540	Rensselaer	301
Cattaraugus	85	Richmond	717
Cayuga	90	Rockland	893
Chautauqua	208	St. Lawrence	94
Chemung	156	Saratoga	263
Chenango	67	Schenectady	380
Clinton	101	Schoharie	34
Columbia	110	Schuyler	20
Cortland	52	Seneca	37
Delaware	76	Steuben	124
Dutchess	604	Suffolk	3527
Erie	3442	Sullivan	181
Essex	85	Tioga	41
Franklin	60	Tompkins	240
Fulton	62	Ulster	318
Genesee	74	Warren	178
Greene	66	Washington	55
Hamilton	6	Wayne	83
Herkimer	78	Westchester	5330
Jefferson	147	Wyoming	36
Kings	4927	Yates	18
Lewis	18	Outside New York	
Livingston	63	State	27,864
Madison	81	Missing County	7122
Monroe	2531		
Montgomery	78	Total	136,108
Nassau	8713		
New York	53,472	First Department	55,240
Niagara	333	Second Department	29,117
Oneida	469	Third Department	6,786
Onondaga	1854	Fourth Department	9,979
Ontario	127	Outside New York	
Orange	674	State	27,864
Orleans	27	Missing County	7,122
Oswego	87		
		Total	136,108

Table A-6
ATTORNEY REGISTRATION
By Date of Birth
1991

Date of Birth	*Total*
After 1967	10
1963-1967	9,585
1958-1962	22,602
1953-1957	23,984
1948-1952	21,131
1943-1947	16,240
1938-1942	9,937
1933-1937	6,978
1928-1932	7,456
1923-1927	5,492
1918-1922	3,759
Before 1918	8,341
Missing Dates	593
Total	136,108

Appendix 2

Family Court Data

Under FCA, Sec. 213 and 385

Table A-7
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	18214	537	408	386	663	5559	3876	2076	532	54	4123
Total New York City	10485	295	225	227	343	3874	2489	1264	323	25	1420
New York	2476	94	51	60	91	1143	546	195	39	1	256
Kings	1266	50	26	9	52	487	230	164	24	7	217
Queens	1618	62	48	41	52	733	353	142	20	8	159
Bronx	5105	89	100	113	148	1508	1352	761	240	9	785
Richmond	20	...	...	4	...	3	8	2	...	...	3
Total Upstate	7729	242	183	159	320	1685	1387	812	209	29	2703
Albany	159	14	3	3	11	58	25	6	2	...	37
Allegany	135	1	3	3	6	15	14	9	4	...	80
Broome	177	1	4	6	3	43	50	44	3	...	23
Cattaraugus	179	1	...	...	...	17	37	32	33	...	59
Cayuga	22	4	...	...	5	...	5	2	...	...	6
Chautauqua	109	5	4	7	3	33	32	10	5	...	10
Chemung	181	2	10	3	4	78	40	14	...	...	30
Chenango	7	1	1	...	...	1	1	1	...	...	2
Clinton	77	...	...	...	...	17	31	15	1	...	13
Columbia	9	...	...	...	1	1	2	...	...	...	5
Cortland	65	...	...	...	...	11	10	22	...	...	22
Delaware	21	...	...	4	2	8	4	2	...	...	1
Dutchess	270	3	5	...	2	54	71	33	22	...	80
Erie	903	89	52	36	78	263	157	48	4	2	174
Essex	26	1	3	...	...	6	1	2	...	...	13
Franklin	26	...	1	...	...	4	17	...	...	...	4
Fulton	48	...	...	2	9	6	16	5	...	...	10
Genesee	29	1	...	2	...	2	11	5	2	...	6
Greene	17	...	...	...	...	3	2	5	...	...	7
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	34	1	...	...	...	8	...	12	...	...	13
Jefferson	233	3	3	...	1	12	46	86	17	...	65
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	...	...	...	...	1
Madison	39	...	...	...	...	12	8	10	...	...	9
Monroe	709	4	5	14	36	184	139	51	5	9	262
Montgomery	63	4	...	2	...	19	1	3	...	...	34
Nassau	224	12	12	11	11	54	25	24	11	...	64
Niagara	173	7	7	21	30	33	22	14	4	1	34
Oneida	315	3	2	2	16	58	79	29	2	...	124
Onondaga	515	9	11	8	26	138	77	58	2	...	186
Ontario	61	7	...	...	5	17	6	10	4	...	12
Orange	430	1	...	...	3	70	70	37	4	...	245
Orleans	27	...	...	...	...	8	5	...	...	...	14
Oswego	144	1	...	1	...	21	44	29	6	...	42
Otsego	83	...	...	1	...	30	41	2	3	...	6
Putnam	6	...	...	...	...	...	1	...	...	...	5
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	155	4	2	12	9	25	31	16	...	...	56
St.Lawrence	70	...	...	...	...	6	42	9	5	...	8
Saratoga	150	5	2	3	3	28	16	12	28	...	53
Schenectady	476	14	7	6	37	108	53	49	8	...	194
Schoharie	57	1	3	3	1	17	8	...	...	...	24
Schuyler	12	...	...	...	...	2	3	...	...	...	7
Seneca	10	...	...	...	...	4	...	...	4	...	2
Steuben	60	1	13	1	5	4	10	5	3	...	18
Suffolk	594	20	21	2	5	90	29	17	3	12	395
Sullivan	61	3	...	1	...	13	8	5	1	...	30
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	82	3	...	2	...	14	28	20	...	...	15
Ulster	202	6	2	...	...	10	12	27	17	5	123
Warren	16	...	...	...	...	5	...	1	3	...	7
Washington	48	...	...	...	...	16	14	8	...	...	10
Wayne	42	...	...	...	...	5	8	15	...	...	14
Westchester	130	8	7	3	8	50	29	5	...	...	20
Wyoming	19	2	...	...	...	1	2	...	3	...	11
Yates	28	...	...	...	...	3	4	3	...	...	18

* Disposed Before Fact-Finding

Table A-8
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	2937	57	28	28	63	523	729	660	208	23	618
Total New York City	1281	20	12	4	6	181	358	346	128	15	211
New York	199	4	1	1	...	27	59	70	12	...	25
Kings	284	9	...	1	4	47	87	67	10	3	56
Queens	182	2	1	...	...	50	51	43	7	3	25
Bronx	615	5	10	2	2	57	160	166	99	9	105
Richmond	1	...	...	...	...	...	1	...	...	...	...
Total Upstate	1656	37	16	24	57	342	371	314	80	8	407
Albany	29	3	1	3	...	8	9	1	1	...	3
Allegany	19	1	...	2	...	3	4	1	2	...	6
Broome	37	...	...	1	...	13	11	10	...	...	2
Cattaraugus	15	...	...	...	...	...	6	2	2	...	5
Cayuga	10	...	...	...	5	...	1	2	...	...	2
Chautauqua	25	4	2	...	1	5	7	2	3	...	1
Chemung	22	1	...	...	...	5	9	3	...	...	4
Chenango	3	...	...	...	...	1	1	1	...	...	...
Clinton	32	...	...	...	...	6	9	15	...	...	2
Columbia	3	...	...	...	1	...	...	...	...	...	2
Cortland	13	...	...	...	...	3	2	6	...	...	2
Delaware	12	...	...	4	2	6	...	...	...	...	...
Dutchess	78	...	...	...	1	3	19	20	22	...	13
Erie	147	3	...	1	13	44	38	25	1	...	22
Essex	3	1	...	...	...	...	...	...	...	...	2
Franklin	7	...	...	...	...	2	4	...	...	...	1
Fulton	7	...	...	...	2	1	4	...	...	...	...
Genesee	10	...	...	...	...	1	1	5	1	...	2
Greene	2	...	...	...	...	1	1	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	19	...	...	...	...	7	...	6	...	...	6
Jefferson	65	1	...	...	...	3	15	28	7	...	11
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	...	...	...	...	1
Madison	6	...	...	...	...	1	1	4	...	...	...
Monroe	190	...	2	3	1	45	53	31	4	1	50
Montgomery	20	3	...	...	...	6	1	3	...	...	7
Nassau	16	3	...	...	1	4	3	1	...	...	4
Niagara	42	4	1	2	5	8	5	8	1	...	8
Oneida	52	...	...	...	4	7	20	6	1	...	14
Onondaga	89	2	...	...	...	34	20	16	2	...	15
Ontario	19	...	...	...	1	3	4	6	4	...	1
Orange	77	...	...	...	...	11	10	13	4	...	39
Orleans	7	...	...	...	...	2	3	...	...	...	2
Oswego	50	...	...	...	...	6	15	10	6	...	13
Otsego	33	...	...	1	...	8	17	2	3	...	2
Putnam	1	...	...	...	...	...	1	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	31	...	...	5	1	...	9	6	...	...	10
St.Lawrence	22	...	...	...	...	1	12	7	1	...	1
Saratoga	25	2	...	...	...	2	3	1	3	...	14
Schenectady	132	...	6	...	14	38	13	36	1	...	24
Schoharie	17	...	...	...	...	12	4	...	...	...	1
Schuyler	8	...	...	...	...	2	3	...	...	...	3
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	27	1	2	...	5	...	5	3	3	...	8
Suffolk	91	3	...	...	...	13	5	2	2	4	62
Sullivan	5	...	...	...	...	1	...	2	...	...	2
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	34	1	...	2	...	8	9	12	...	...	2
Ulster	44	...	2	...	...	...	3	8	3	3	25
Warren	2	...	...	...	...	2	...	...	...	...	...
Washington	12	...	...	...	...	3	3	2	...	...	4
Wayne	11	...	...	...	...	1	3	5	...	...	2
Westchester	19	2	...	...	...	10	3	3	...	...	1
Wyoming	11	2	...	...	...	1	...	...	3	...	5
Yates	4	...	...	...	...	1	2	...	...	...	1

* Disposed Before Fact-Finding

Table A-9
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York City	10485	3629	38	55	137	3452	1300	362	87	5	1420
New York	2476	570	11	25	56	1198	275	71	12	2	256
Kings	1266	371	6	4	5	529	122	6	6	...	217
Queens	1618	478	3	2	22	619	250	79	6	...	159
Bronx	5105	2204	18	24	54	1102	646	206	63	3	785
Richmond	20	6	...	...	...	4	7	...	...	...	3
Total Upstate	7729	3454	84	69	112	671	411	178	42	5	2703
Albany	159	108	...	1	2	3	8	...	...	...	37
Allegany	135	17	...	1	...	7	11	10	9	...	80
Broome	177	111	5	...	1	23	14	...	...	...	23
Cattaraugus	179	95	...	...	1	12	10	1	1	...	59
Cayuga	22	5	...	...	5	2	4	...	...	...	6
Chautauqua	109	71	3	3	6	15	1	...	...	...	10
Chemung	181	69	6	21	18	34	3	...	...	...	30
Chenango	7	3	...	...	...	1	1	...	...	...	2
Clinton	77	57	...	...	...	2	5	...	...	...	13
Columbia	9	4	...	...	...	...	...	...	...	...	5
Cortland	65	29	...	2	4	3	5	...	...	...	22
Delaware	21	12	...	...	...	7	1	...	...	...	1
Dutchess	270	141	6	1	...	4	28	5	5	...	80
Erie	903	677	7	6	10	24	5	...	...	...	174
Essex	26	9	...	...	...	4	...	...	...	...	13
Franklin	26	11	...	...	...	10	1	...	...	...	4
Fulton	48	38	...	...	...	...	...	...	...	...	10
Genesee	29	4	3	...	1	2	2	11	...	...	6
Greene	17	8	...	...	1	...	...	1	...	...	7
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	34	21	...	...	...	...	...	...	...	...	13
Jefferson	233	126	2	16	8	...	5	9	2	...	65
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	...	...	...	...	1
Madison	39	22	...	...	3	1	3	1	...	...	9
Monroe	709	360	22	11	6	23	20	2	3	...	262
Montgomery	63	25	...	...	2	2	...	...	...	...	34
Nassau	224	24	...	...	...	9	82	42	3	...	64
Niagara	173	92	...	...	...	14	20	11	1	1	34
Oneida	315	36	2	...	5	98	35	15	...	...	124
Onondaga	515	198	9	...	...	83	28	11	...	...	186
Ontario	61	33	2	...	...	6	...	8	...	...	12
Orange	430	163	...	...	3	10	7	1	...	1	245
Orleans	27	9	...	...	...	2	...	2	...	...	14
Oswego	144	74	...	...	...	22	5	1	...	...	42
Otsego	83	15	...	...	3	35	24	...	...	...	6
Putnam	6	1	...	...	...	...	...	...	...	...	5
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	155	64	...	...	3	19	9	2	2	...	56
St.Lawrence	70	1	...	...	4	52	4	...	1	...	8
Saratoga	150	38	...	...	...	10	22	18	9	...	53
Schenectady	476	223	7	...	13	26	5	8	...	...	194
Schoharie	57	29	...	...	...	4	...	...	...	...	24
Schuyler	12	3	1	...	...	1	...	...	...	...	7
Seneca	10	5	...	...	...	3	...	...	...	...	2
Steuben	60	41	...	...	...	1	...	...	...	...	18
Suffolk	594	163	1	2	5	16	4	4	3	1	395
Sullivan	61	7	...	...	1	10	11	2	...	...	30
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	82	18	8	1	1	25	14	...	...	...	15
Ulster	202	47	...	...	...	15	8	7	...	2	123
Warren	16	6	...	...	...	3	...	...	...	...	7
Washington	48	36	...	...	...	...	...	2	...	...	10
Wayne	42	16	...	...	2	6	3	1	...	...	14
Westchester	130	71	...	4	4	22	3	3	3	...	20
Wyoming	19	8	...	...	...	...	...	...	...	...	11
Yates	28	10	...	...	...	...	...	...	...	...	18

* Disposed Before Fact-Finding

Table A-10
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	2937	1220	39	32	47	544	298	110	27	2	618
Total New York City	1281	400	3	7	6	372	193	72	17	...	211
New York	199	36	...	1	1	85	31	19	1	...	25
Kings	284	79	...	...	1	107	34	3	4	...	56
Queens	182	23	...	...	2	68	42	18	4	...	25
Bronx	615	262	3	6	2	111	86	32	8	...	105
Richmond	1	...	...	...	...	1	...	...	...	...	...
Total Upstate	1656	820	36	25	41	172	105	38	10	2	407
Albany	29	21	...	1	...	...	4	...	...	...	3
Allegany	19	4	...	1	...	3	2	2	1	...	6
Broome	37	27	3	...	...	5	...	...	...	...	2
Cattaraugus	15	10	...	...	...	...	...	...	...	...	5
Cayuga	10	1	...	...	5	2	...	...	...	...	2
Chautauqua	25	22	...	1	...	1	...	...	...	...	1
Chemung	22	3	...	4	7	2	2	...	...	...	4
Chenango	3	3	...	...	...	...	...	...	...	...	...
Clinton	32	24	...	...	...	2	4	...	...	...	2
Columbia	3	1	...	...	...	...	...	...	...	...	2
Cortland	13	7	...	1	...	1	2	...	...	...	2
Delaware	12	7	...	...	...	4	1	...	...	...	...
Dutchess	78	29	6	1	...	...	22	4	3	...	13
Erie	147	106	...	3	2	11	3	...	...	...	22
Essex	3	...	...	...	...	1	...	...	...	...	2
Franklin	7	6	...	...	...	...	...	...	...	...	1
Fulton	7	7	...	...	...	...	...	...	...	...	...
Genesee	10	1	...	...	1	1	...	5	...	...	2
Greene	2	1	...	...	1	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	19	13	...	...	...	...	...	...	...	...	6
Jefferson	65	44	1	2	6	...	...	...	1	...	11
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	...	...	...	...	1
Madison	6	6	...	...	...	...	...	...	...	...	...
Monroe	190	94	9	8	2	11	11	2	3	...	50
Montgomery	20	10	...	...	2	1	...	...	...	...	7
Nassau	16	3	...	...	...	...	8	1	...	...	4
Niagara	42	13	...	...	...	1	12	7	1	...	8
Oneida	52	11	...	...	...	21	2	4	...	...	14
Onondaga	89	45	1	...	...	18	10	...	...	...	15
Ontario	19	15	...	...	...	...	...	3	...	...	1
Orange	77	31	...	...	1	2	4	...	...	...	39
Orleans	7	4	...	...	...	1	...	...	...	...	2
Oswego	50	29	...	...	...	4	3	1	...	...	13
Otsego	33	8	...	...	...	20	3	...	...	...	2
Putnam	1	1	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	31	13	...	...	1	4	3	...	...	...	10
St.Lawrence	22	1	...	...	1	16	3	...	...	...	1
Saratoga	25	9	...	...	...	1	...	...	1	...	14
Schenectady	132	80	6	...	10	7	1	4	...	...	24
Schoharie	17	16	...	...	...	...	...	...	...	...	1
Schuyler	8	3	1	...	...	1	...	...	...	...	3
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	27	18	...	...	...	1	...	...	...	...	8
Suffolk	91	27	1	...	...	1	...	...	...	...	62
Sullivan	5	1	...	...	...	...	2	...	...	...	2
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	34	4	8	...	...	17	3	...	...	...	2
Ulster	44	8	...	...	...	5	...	4	...	2	25
Warren	2	2	...	...	...	...	...	...	...	...	...
Washington	12	8	...	...	...	...	...	...	...	...	4
Wayne	11	5	...	...	2	2	...	...	...	...	2
Westchester	19	9	...	3	...	5	...	1	...	...	1
Wyoming	11	6	...	...	...	...	...	...	...	...	5
Yates	4	3	...	...	...	...	...	...	...	...	1

* Disposed Before Fact-Finding

Table A-11
FAMILY COURT
Original Dispositions of Child Protective Petitions: Type of Petition
1991

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For		Other Petition
					JO Petition	FO Petition	
Total New York State	18214	3070	15052	4	2	...	86
Total New York City	10485	1385	9095	2	1	...	2
New York	2476	230	2245	...	1	...	...
Kings	1266	299	967	...	...	...	...
Queens	1618	207	1411	...	...	...	...
Bronx	5105	648	4453	2	...	...	2
Richmond	20	1	19	...	...	...	...
Total Upstate	7729	1685	5957	2	1	...	84
Albany	159	29	130	...	...	...	...
Allegany	135	20	115	...	...	...	...
Broome	177	40	136	...	1	...	...
Cattaraugus	179	14	165	...	...	...	...
Cayuga	22	10	12	...	...	...	...
Chautauqua	109	24	85	...	...	...	...
Chemung	181	22	159	...	...	...	...
Chenango	7	4	3	...	...	...	...
Clinton	77	25	52	...	...	...	...
Columbia	9	3	6	...	...	...	...
Cortland	65	13	52	...	...	...	...
Delaware	21	12	9	...	...	...	...
Dutchess	270	79	191	...	...	...	...
Erie	903	155	748	...	...	...	...
Essex	26	1	25	...	...	...	...
Franklin	26	7	19	...	...	...	...
Fulton	48	10	38	...	...	...	...
Genesee	29	10	17	2	...	...	...
Greene	17	2	15	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	34	19	15	...	...	...	...
Jefferson	233	63	170	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...
Madison	39	8	31	...	...	...	...
Monroe	709	208	501	...	...	...	...
Montgomery	63	20	43	...	...	...	...
Nassau	224	23	201	...	...	...	...
Niagara	173	54	119	...	...	...	...
Oneida	315	51	264	...	...	...	...
Onondaga	515	87	423	...	...	...	5
Ontario	61	19	42	...	...	...	...
Orange	430	76	354	...	...	...	...
Orleans	27	7	20	...	...	...	...
Oswego	144	48	96	...	...	...	...
Otsego	83	31	52	...	...	...	...
Putnam	6	1	5	...	...	...	...
Rensselaer	..	...	...	...	...	...	...
Rockland	155	32	123	...	...	...	...
St.Lawrence	70	24	46	...	...	...	...
Saratoga	150	25	125	...	...	...	...
Schenectady	476	133	343	...	...	...	...
Schoharie	57	18	39	...	...	...	...
Schuyler	12	8	4	...	...	...	...
Seneca	10	...	10	...	...	...	...
Steuben	60	27	33	...	...	...	...
Suffolk	594	87	428	...	...	...	79
Sullivan	61	4	57	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	82	34	48	...	...	...	...
Ulster	202	33	169	...	...	...	...
Warren	16	2	14	...	...	...	...
Washington	48	12	36	...	...	...	...
Wayne	42	14	28	...	...	...	...
Westchester	130	20	110	...	...	...	...
Wyoming	19	11	8	...	...	...	...
Yates	28	5	23	...	...	...	...

Table A-12
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Type of Petition
1991

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For		Other Petition
					JO Petition	FO Petition	
Total New York State	2937	2858	71	...	...	...	8
Total New York City	1281	1263	18	...	...	...	...
New York	199	193	6	...	...	...	...
Kings	284	279	5	...	...	...	...
Queens	182	180	2	...	...	...	...
Bronx	615	610	5	...	...	...	...
Richmond	1	1	...	...	...	...	...
Total Upstate	1656	1595	53	...	...	...	8
Albany	29	29	...	...	...	...	...
Allegany	19	19	...	...	...	...	...
Broome	37	36	1	...	...	...	...
Cattaraugus	15	14	1	...	...	...	...
Cayuga	10	10	...	...	...	...	...
Chautauqua	25	23	2	...	...	...	...
Chemung	22	22	...	...	...	...	...
Chenango	3	3	...	...	...	...	...
Clinton	32	25	7	...	...	...	...
Columbia	3	3	...	...	...	...	...
Cortland	13	13	...	...	...	...	...
Delaware	12	12	...	...	...	...	...
Dutchess	78	77	1	...	...	...	...
Erie	147	147	...	...	...	...	...
Essex	3	1	2	...	...	...	...
Franklin	7	7	...	...	...	...	...
Fulton	7	6	1	...	...	...	...
Genesee	10	10	...	...	...	...	...
Greene	2	2	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	19	9	...	...	...	...	...
Jefferson	65	62	3	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...
Madison	6	6	...	...	...	...	...
Monroe	190	189	1	...	...	...	...
Montgomery	20	20	...	...	...	...	...
Nassau	16	16	...	...	...	...	...
Niagara	42	42	...	...	...	...	...
Oneida	52	51	1	...	...	...	...
Onondaga	89	83	3	...	...	...	3
Ontario	19	19	...	...	...	...	...
Orange	77	76	1	...	...	...	...
Orleans	7	7	...	...	...	...	...
Oswego	50	47	3	...	...	...	...
Otsego	33	30	3	...	...	...	...
Putnam	1	1	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	31	29	2	...	...	...	...
St.Lawrence	22	21	1	...	...	...	...
Saratoga	25	25	...	...	...	...	...
Schenectady	132	130	2	...	...	...	...
Schoharie	17	17	...	...	...	...	...
Schuyler	8	8	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	27	27	...	...	...	...	...
Suffolk	91	85	1	...	...	...	5
Sullivan	5	4	1	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	34	34	...	...	...	...	...
Ulster	44	32	12	...	...	...	...
Warren	2	2	...	...	...	...	...
Washington	12	12	...	...	...	...	...
Wayne	11	11	...	...	...	...	...
Westchester	19	15	4	...	...	...	...
Wyoming	11	11	...	...	...	...	...
Yates	4	4	...	...	...	...	...

Table A-13
FAMILY COURT
Original Dispositions Of Child Protective Petitions:
Outcome of Fact-Finding
1991

Location	Total	Abuse/Neglect Established After Fact-Finding	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	18214	5526	8334	234	4120
Total New York City	10485	4689	4288	89	1419
New York	2476	1476	706	38	256
Kings	1266	492	551	6	217
Queens	1618	478	971	11	158
Bronx	5105	2235	2051	34	785
Richmond	20	8	9	...	3
Total Upstate	7729	837	4046	145	2701
Albany	159	1	121	...	37
Allegany	135	...	54	1	80
Broome	177	5	149	...	23
Cattaraugus	179	7	113	...	59
Cayuga	22	1	15	...	6
Chautauqua	109	10	89	...	10
Chemung	181	13	130	8	30
Chenango	7	...	5	...	2
Clinton	77	13	47	4	13
Columbia	9	...	3	1	5
Cortland	65	15	23	5	22
Delaware	21	...	19	1	1
Dutchess	270	50	134	6	80
Erie	903	96	624	10	173
Essex	26	2	11	...	13
Franklin	26	...	22	...	4
Fulton	48	...	38	...	10
Genesee	29	12	11	...	6
Greene	17	...	10	...	7
Hamilton	...	...	...	...	...
Herkimer	34	2	19	...	13
Jefferson	233	22	146	...	65
Lewis	...	...	...	...	...
Livingston	1	...	...	...	1
Madison	39	6	24	...	9
Monroe	709	79	361	7	262
Montgomery	63	5	24	...	34
Nassau	224	31	125	5	63
Niagara	173	42	82	15	34
Oneida	315	25	164	2	124
Onondaga	515	107	214	8	186
Ontario	61	9	29	11	12
Orange	430	30	151	4	245
Orleans	27	1	12	...	14
Oswego	144	2	100	...	42
Otsego	83	42	33	2	6
Putnam	6	...	1	...	5
Rensselaer	...	...	...	...	...
Rockland	155	8	90	1	56
St.Lawrence	70	39	22	1	8
Saratoga	150	...	93	4	53
Schenectady	476	33	241	8	194
Schoharie	57	6	23	4	24
Schuyler	12	1	3	1	7
Seneca	10	3	5	...	2
Steuben	60	4	35	3	18
Suffolk	594	33	145	21	395
Sullivan	61	8	20	3	30
Tioga	...	...	...	...	...
Tompkins	82	25	42	...	15
Ulster	202	20	52	7	123
Warren	16	...	9	...	7
Washington	48	3	35	...	10
Wayne	42	5	23	...	14
Westchester	130	20	90	...	20
Wyoming	19	1	5	2	11
Yates	28	...	10	...	18

* Disposed Before FF: (Withdrawn, Consol., Trans., Dism.)

Table A-14
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Outcome of Fact-Finding
1991

Location	Total	Abuse/Neglect Established After Fact-Finding	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	2937	1073	1174	72	618
Total New York City	1281	751	311	8	211
New York	199	127	42	5	25
Kings	284	86	141	1	56
Queens	182	71	85	1	25
Bronx	615	466	43	1	105
Richmond	1	1	...	...	...
Total Upstate	1656	322	863	64	407
Albany	29	1	25	...	3
Allegany	19	...	13	...	6
Broome	37	1	34	...	2
Cattaraugus	15	...	10	...	5
Cayuga	10	1	7	...	2
Chautauqua	25	4	20	...	1
Chemung	22	4	11	3	4
Chenango	3	...	3	...	...
Clinton	32	9	17	4	2
Columbia	3	...	1	...	2
Cortland	13	6	5	...	2
Delaware	12	...	12	...	...
Dutchess	78	31	31	3	13
Erie	147	30	89	6	22
Essex	3	...	1	...	2
Franklin	7	...	6	...	1
Fulton	7	...	7	...	...
Genesee	10	4	4	...	2
Greene	2	...	2	...	...
Hamilton	...	...	...	...	...
Herkimer	19	2	11	...	6
Jefferson	65	13	41	...	11
Lewis	...	...	...	...	...
Livingston	1	...	...	...	1
Madison	6	...	6	...	...
Monroe	190	43	91	6	50
Montgomery	20	1	12	...	7
Nassau	16	5	7	...	4
Niagara	42	7	18	9	8
Oneida	52	6	31	1	14
Onondaga	89	33	33	8	15
Ontario	19	1	11	6	1
Orange	77	12	23	3	39
Orleans	7	...	5	...	2
Oswego	50	1	36	...	13
Otsego	33	14	17	...	2
Putnam	1	...	1	...	...
Rensselaer	...	...	...	...	...
Rockland	31	3	18	...	10
St.Lawrence	22	12	8	1	1
Saratoga	25	...	10	1	14
Schenectady	132	19	85	4	24
Schoharie	17	1	13	2	1
Schuyler	8	1	3	1	3
Seneca	...	...	...	...	...
Steuben	27	2	14	3	8
Suffolk	91	7	21	1	62
Sullivan	5	2	1	...	2
Tioga	...	...	...	...	...
Tompkins	34	22	10	...	2
Ulster	44	12	7	...	25
Warren	2	...	2	...	...
Washington	12	1	7	...	4
Wayne	11	2	7	...	2
Westchester	19	8	10	...	1
Wyoming	11	1	3	2	5
Yates	4	...	3	...	1

* Disposed Before FF: (Withdrawn, Consol., Trans., Dism.)

Table A-15
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	Dispositions - Allegations Not Established						
		With-Drawn	Consolidated	Transferred to Other County	ACD	Dismissed After FF-Hearing	Other Dismissal	Total Dispos.-Allegation Established
Total New York State	18214	1368	61	39	2183	202	576	13785
Total New York City	10485	465	2	1	751	94	261	8911
New York	2476	97	2	...	88	42	64	2183
Kings	1266	88	...	...	103	7	16	1052
Queens	1618	54	...	1	133	12	28	1390
Bronx	5105	223	...	...	427	33	153	4269
Richmond	20	3	...	...	...	...	...	17
Total Upstate	7729	903	59	38	1432	108	315	4874
Albany	159	...	...	...	23	...	17	119
Allegany	135	33	...	6	24	...	13	59
Broome	177	1	...	1	21	...	3	151
Cattaraugus	179	11	9	...	29	...	9	121
Cayuga	22	3	...	1	1	...	...	17
Chautauqua	109	...	...	...	5	...	3	101
Chemung	181	12	6	2	18	...	2	141
Chenango	7	...	...	...	2	...	...	5
Clinton	77	1	...	...	11	4	1	60
Columbia	9	4	...	...	1	1	...	3
Cortland	65	5	...	2	19	...	1	38
Delaware	21	...	...	...	...	...	2	19
Dutchess	270	29	...	...	60	5	18	158
Erie	903	41	5	1	92	1	50	713
Essex	26	8	...	...	3	...	2	13
Franklin	26	2	...	...	...	...	...	24
Fulton	48	1	...	...	8	...	...	39
Genesee	29	3	...	...	5	...	...	21
Greene	17	2	...	...	4	...	1	10
Hamilton	...	...	...	...	...	...	...	...
Herkimer	34	...	4	...	4	...	5	21
Jefferson	233	25	1	...	35	...	4	168
Lewis	...	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...	...
Madison	39	3	...	...	4	...	3	29
Monroe	709	59	8	4	179	25	3	431
Montgomery	63	2	...	...	28	...	4	29
Nassau	224	20	2	...	27	4	4	167
Niagara	173	8	...	...	30	7	7	121
Oneida	315	60	...	...	64	2	...	189
Onondaga	515	70	...	3	6	13	34	389
Ontario	61	12	...	...	10	1	...	38
Orange	430	38	...	1	204	2	9	176
Orleans	27	14	...	...	...	...	...	13
Oswego	144	2	...	...	32	...	8	102
Otsego	83	...	...	...	2	2	6	73
Putnam	6	4	...	...	1	...	...	1
Rensselaer	...	...	...	...	...	...	...	...
Rockland	155	17	...	...	26	1	7	104
St.Lawrence	70	3	...	...	5	1	...	61
Saratoga	150	29	...	...	56	5	8	52
Schenectady	476	55	24	2	112	8	8	267
Schoharie	57	18	...	...	3	6	...	30
Schuyler	12	3	...	...	2	1	2	4
Seneca	10	...	...	...	2	...	...	8
Steuben	60	7	...	...	15	...	1	37
Suffolk	594	224	...	4	103	15	64	184
Sullivan	61	5	...	4	13	1	9	29
Tioga	...	...	...	...	...	...	...	
Tompkins	82	9	...	1	...	...	1	71
Ulster	202	42	...	...	96	...	2	62
Warren	16	...	...	...	4	...	4	8
Washington	48	8	...	...	4	...	...	36
Wayne	42	2	...	...	11	...	...	29
Westchester	130	6	...	...	7	...	...	117
Wyoming	19	1	...	6	4	2	...	6
Yates	28	...	...	...	17	1	...	10

Table A-16
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	Dispositions - Allegations Not Established						
		With-Drawn	Consolidated	Transferred to Other County	ACD	Dismissed After FF-Hearing	Other Dismissal	Total Dispos.-Allegations Established
Total New York State	2937	247	9	4	251	62	135	2229
Total New York City	1281	72	...	...	86	10	58	1055
New York	199	7	...	...	14	5	7	166
Kings	284	37	...	...	10	3	2	232
Queens	182	10	...	...	17	1	...	154
Bronx	615	18	...	...	45	1	49	502
Richmond	1	...	...	...	...	...	...	1
Total Upstate	1656	175	9	4	165	52	77	1174
Ibany	29	...	...	...	2	...	...	27
Allegany	19	2	...	...	1	...	1	15
Broome	37	1	...	...	...	...	1	35
Cattaraugus	15	2	1	...	2	...	...	10
Cayuga	10	2	...	1	...	...	...	7
Chautauqua	25	...	...	...	...	...	...	25
Chemung	22	...	2	...	3	...	1	16
Chenango	3	...	...	...	...	...	...	3
Clinton	32	1	...	...	2	4	1	24
Columbia	3	1	...	...	1	...	...	1
Cortland	13	...	...	...	2	...	...	11
Delaware	12	...	...	...	...	...	...	12
Dutchess	78	12	...	...	3	3	12	48
Erie	147	7	5	...	9	1	12	113
Essex	3	2	...	...	...	...	...	1
Franklin	7	1	...	...	...	...	...	6
Fulton	7	...	...	...	...	...	...	7
Genesee	10	...	...	...	2	...	...	8
Greene	2	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...
Herkimer	19	...	...	...	1	...	5	13
Jefferson	65	1	1	...	8	...	1	54
Lewis	...	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...	...
Madison	6	...	...	...	...	...	...	6
Monroe	190	13	...	2	26	15	3	131
Montgomery	20	...	...	...	6	...	1	13
Nassau	16	1	...	...	1	2	...	12
Niagara	42	3	...	...	6	4	3	26
Oneida	52	9	...	...	5	1	...	37
Onondaga	89	6	...	1	...	8	1	73
Ontario	19	1	...	...	5	1	...	12
Orange	77	16	...	...	18	2	6	35
Orleans	7	2	...	...	...	...	...	5
Oswego	50	...	...	...	6	...	7	37
Otsego	33	...	...	...	2	...	2	29
Putnam	1	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...
Rockland	31	3	...	...	2	...	2	24
St.Lawrence	22	...	...	...	1	1	...	20
Saratoga	25	9	...	...	3	1	3	9
Schenectady	132	6	...	...	15	4	3	104
Schoharie	17	1	...	...	...	2	...	14
Schuyler	8	3	...	...	...	1	...	4
Seneca	...	...	...	...	...	...	...	...
Steuben	27	6	...	...	5	...	1	15
Suffolk	91	43	...	...	7	...	11	30
Sullivan	5	1	...	...	1	...	...	3
Tioga	...	...	...	...	...	...	...	...
Tompkins	34	2	...	...	...	...	...	32
Ulster	44	12	...	...	14	...	...	18
Warren	2	...	...	...	...	...	...	2
Washington	12	4	...	...	...	...	...	8
Wayne	11	...	...	...	...	...	...	11
Westchester	19	...	...	...	1	...	...	18
Wyoming	11	1	...	...	4	2	...	4
Yates	4	...	...	...	1	...	...	3

Table A-17
FAMILY COURT
Original Dispositions of Child Protective Petitions: Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Suspended Judgement	Released to Parent or Responsible Person	Released to Parent or Resp. Person Under Supervision	Discharged to SS For Adoption	Placement		
						Reliable or Suitable Person	Comm. of Social Services	Other Authorized Agency
Total New York State	13785	84	886	3980	45	620	8163	7
Total New York City	8911	7	470	1932	37	374	6087	4
New York	2183	1	80	364	4	120	1612	2
Kings	1052	2	53	225	1	71	700	...
Queens	1390	...	79	354	...	148	807	2
Bronx	4269	4	258	985	32	35	2955	...
Richmond	17	...	...	4	...	...	13	...
Total Upstate	4874	77	416	2048	8	246	2076	3
Albany	119	6	8	40	...	1	64	...
Allegany	59	...	28	16	1	4	10	...
Broome	151	...	8	35	...	2	106	...
Cattaraugus	121	...	19	40	2	9	51	...
Cayuga	17	...	...	5	...	2	10	...
Chautauqua	101	...	5	28	...	...	68	...
Chemung	141	8	4	75	...	6	48	...
Chenango	5	...	2	2	...	...	1	...
Clinton	60	...	3	15	1	14	27	...
Columbia	3	...	...	...	...	1	2	...
Cortland	38	...	7	18	...	1	12	...
Delaware	19	...	6	4	...	...	9	...
Dutchess	158	...	9	44	...	15	90	...
Erie	713	1	27	256	...	1	427	1
Essex	13	...	...	...	...	...	13	...
Franklin	24	...	7	2	...	1	14	...
Fulton	39	8	4	18	...	...	9	...
Genesee	21	1	2	14	...	2	2	...
Greene	10	...	...	...	...	...	10	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	21	3	2	8	...	2	6	...
Jefferson	168	...	7	89	...	2	70	...
Lewis	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...
Madison	29	3	1	14	...	...	11	...
Monroe	431	...	1	295	...	...	135	...
Montgomery	29	1	3	13	1	...	11	...
Nassau	167	...	14	62	...	31	59	1
Niagara	121	...	10	66	...	13	32	...
Oneida	189	...	30	26	...	7	126	...
Onondaga	389	2	29	186	2	29	141	...
Ontario	38	...	2	18	...	...	18	...
Orange	176	...	24	96	...	...	56	...
Orleans	13	...	...	6	...	...	7	...
Oswego	102	...	...	61	...	4	37	...
Otsego	73	...	16	28	...	1	28	...
Putnam	1	1	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	104	7	19	46	...	1	31	...
St.Lawrence	61	...	3	11	...	10	37	...
Saratoga	52	1	22	12	...	...	17	...
Schenectady	267	...	16	136	...	17	98	...
Schoharie	30	1	...	20	...	3	6	...
Schuyler	4	...	1	1	..	1	...	1
Seneca	8	...	...	8	...	...	...	...
Steuben	37	...	11	20	...	...	6	...
Suffolk	184	...	8	118	...	29	29	...
Sullivan	29	2	3	1	...	5	18	...
Tioga	...	...	...	...	...	...	...	...
Tompkins	71	23	...	11	...	10	27	...
Ulster	62	3	11	14	...	8	26	...
Warren	8	...	4	4	...	...	...	...
Washington	36	...	8	10	...	2	16	...
Wayne	29	...	7	13	...	...	9	...
Westchester	117	5	20	38	1	12	41	...
Wyoming	6	1	2	...	...	...	3	...
Yates	10	...	3	5	...	...	2	...

Table A-18
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Suspended Judgement	Released to Parent or Responsible Person	Released to Parent or Resp. Person Under Supervision	Discharged to SS For Adoption	Placement		
						Reliable Suitable Person	Comm. Social Services	Other Authorized Agency
Total New York State	2229	10	316	907	...	96	899	1
Total New York City	1055	...	156	407	...	50	442	...
New York	166	...	9	53	...	22	82	...
Kings	232	...	21	111	...	11	89	...
Queens	154	...	34	65	...	8	47	...
Bronx	502	...	92	178	...	9	223	...
Richmond	1	...	...	...	...	...	1	...
Total Upstate1	174	10	160	500	...	46	457	1
Albany	27	...	...	5	...	1	21	...
Allegany	15	...	8	3	...	...	4	...
Broome	35	...	2	6	...	1	26	...
Cattaraugus	10	...	3	2	...	2	3	...
Cayuga	7	...	...	...	...	1	6	...
Chautauqua	25	...	3	8	...	...	14	...
Chemung	16	...	1	13	...	1	1	...
Chenango	3	...	2	1	...	...	...	...
Clinton	24	...	...	6	...	...	18	...
Columbia	1	...	...	...	...	1	...	...
Cortland	11	...	5	3	...	...	3	...
Delaware	12	...	5	2	...	...	5	...
Dutchess	48	...	4	6	...	1	37	...
Erie	113	1	14	45	...	...	53	...
Essex	1	...	...	...	...	...	1	...
Franklin	6	...	5	...	...	1	...	...
Fulton	7	...	3	1	...	...	3	...
Genesee	8	1	1	4	...	2	...	...
Greene	2	...	...	...	...	...	2	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	13	...	1	5	...	2	5	...
Jefferson	54	...	1	33	...	2	18	...
Lewis	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...
Madison	6	...	1	1	...	...	4	...
Monroe	131	...	...	92	...	...	39	...
Montgomery	13	...	3	7	...	...	3	...
Nassau	12	...	...	9	...	2	1	...
Niagara	26	...	7	9	...	6	4	...
Oneida	37	...	12	2	...	...	23	...
Onondaga	73	...	12	30	...	1	30	...
Ontario	12	...	...	7	...	...	5	...
Orange	35	...	11	18	...	...	6	...
Orleans	5	...	...	2	...	...	3	...
Oswego	37	...	...	23	...	...	14	...
Otsego	29	...	6	10	...	...	13	...
Putnam	1	1	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	24	1	7	11	...	...	5	...
St.Lawrence	20	...	3	2	...	5	10	...
Saratoga	9	...	4	3	...	...	2	...
Schenectady	104	...	7	54	...	4	39	...
Schoharie	14	1	...	12	...	1	...	...
Schuyler	4	...	1	1	...	1	...	1
Seneca	...	...	...	...	...	...	...	...
Steuben	15	...	4	8	...	...	3	...
Suffolk	30	...	3	24	...	1	2	...
Sullivan	3	...	2	1	...	...	...	...
Tioga	...	...	...	...	...	...	...	...
Tompkins	32	4	...	9	...	6	13	...
Ulster	18	...	4	5	...	3	6	...
Warren	2	...	1	1	...	...	...	...
Washington	8	...	7	1	...	...	...	...
Wayne	11	...	4	4	...	...	3	...
Westchester	18	...	...	9	...	1	8	...
Wyoming	4	1	2	...	...	...	1	...
Yates	3	...	1	2	...	...	...	...

Table A-19
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Order of Protection
1991

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	18214	4851	13363
Total New York City	10485	1217	9268
New York	2476	133	2343
Kings	1266	149	1117
Queens	1618	568	1050
Bronx	5105	367	4738
Richmond	20	...	20
Total Upstate	7729	3634	4095
Albany	159	67	92
Allegany	135	35	100
Broome	177	40	137
Cattaraugus	179	29	150
Cayuga	22	1	21
Chautauqua	109	25	84
Chemung	181	44	137
Chenango	7	3	4
Clinton	77	35	42
Columbia	9	1	8
Cortland	65	26	39
Delaware	21	16	5
Dutchess	270	247	23
Erie	903	236	667
Essex	26	1	25
Franklin	26	6	20
Fulton	48	13	35
Genesee	29	23	6
Greene	17	2	15
Hamilton	...	...	...
Herkimer	34	26	8
Jefferson	233	107	126
Lewis	...	...	...
Livingston	1	...	1
Madison	39	12	27
Monroe	709	600	109
Montgomery	63	28	35
Nassau	224	64	160
Niagara	173	58	115
Oneida	315	91	224
Onondaga	515	299	216
Ontario	61	42	19
Orange	430	173	257
Orleans	27	10	17
Oswego	144	124	20
Otsego	83	39	44
Putnam	6	3	3
Rensselaer	...	...	...
Rockland	155	108	47
St.Lawrence	70	64	6
Saratoga	150	80	70
Schenectady	476	338	138
Schoharie	57	6	51
Schuyler	12	4	8
Seneca	10	5	5
Steuben	60	36	24
Suffolk	594	157	437
Sullivan	61	12	49
Tioga	...	...	...
Tompkins	82	35	47
Ulster	202	151	51
Warren	16	8	8
Washington	48	14	34
Wayne	42	37	5
Westchester	130	27	103
Wyoming	19	...	19
Yates	28	26	2

Table A-20
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Order of Protection
1991

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	2937	1651	1286
Total New York City	1281	482	799
New York	199	67	132
Kings	284	105	179
Queens	182	99	83
Bronx	615	211	404
Richmond	1	...	1
Total Upstate	1656	1169	487
Albany	29	21	8
Allegany	19	10	9
Broome	37	20	17
Cattaraugus	15	9	6
Cayuga	10	1	9
Chautauqua	25	17	8
Chemung	22	18	4
Chenango	3	2	1
Clinton	32	11	21
Columbia	3	1	2
Cortland	13	8	5
Delaware	12	12	...
Dutchess	78	75	3
Erie	147	104	43
Essex	3	1	2
Franklin	7	6	1
Fulton	7	4	3
Genesee	10	9	1
Greene	2	...	2
Hamilton	...	...	...
Herkimer	19	12	7
Jefferson	65	43	22
Lewis	...	...	...
Livingston	1	...	1
Madison	6	2	4
Monroe	190	157	33
Montgomery	20	12	8
Nassau	16	8	8
Niagara	42	21	21
Oneida	52	27	25
Onondaga	89	64	25
Ontario	19	16	3
Orange	77	50	27
Orleans	7	4	3
Oswego	50	46	4
Otsego	33	23	10
Putnam	1	1	...
Rensselaer	...	...	...
Rockland	31	25	6
St.Lawrence	22	21	1
Saratoga	25	16	9
Schenectady	132	103	29
Schoharie	17	3	14
Schuyler	8	4	4
Seneca	...	...	...
Steuben	27	16	11
Suffolk	91	63	28
Sullivan	5	3	2
Tioga	...	...	...
Tompkins	34	23	11
Ulster	44	39	5
Warren	2	2	...
Washington	12	10	2
Wayne	11	11	...
Westchester	19	11	8
Wyoming	11	...	11
Yates	4	4	...

Table A-21
FAMILY COURT
Original Dispositions Of Child Protective Petitions:
Allegations In Petitions
1991

Location	Total	Abuse-Inflict Physical Injury	Abuse- Risk Physical Injury	Abuse- Sex Offense Against Child	Neglect
Total New York State	19331	960	679	1761	15931
Total New York City	10852	479	245	684	9444
New York	2625	109	51	94	2371
Kings	1344	91	80	129	1044
Queens	1696	76	36	100	1484
Bronx	5167	202	78	361	4526
Richmond	20	1	...	...	19
Total Upstate	8479	481	434	1077	6487
Albany	159	2	15	12	130
Allegany	138	5	3	14	116
Broome	213	5	7	25	176
Cattaraugus	179	...	1	14	164
Cayuga	30	4	4	2	20
Chautauqua	115	5	6	20	84
Chemung	184	2	...	20	162
Chenango	7	1	...	2	4
Clinton	154	27	25	26	76
Columbia	9	2	...	1	6
Cortland	65	...	3	10	52
Delaware	30	2	2	10	16
Dutchess	332	36	20	65	211
Erie	933	46	30	101	756
Essex	28	2	1	1	24
Franklin	26	...	...	7	19
Fulton	50	...	...	7	43
Genesee	29	4	1	5	19
Greene	18	...	1	1	16
Hamilton	...	...	...	...	...
Herkimer	50	12	9	12	17
Jefferson	233	12	13	40	168
Lewis	...	...	...	...	...
Livingston	1	...	...	1	...
Madison	44	...	4	3	37
Monroe	715	33	76	87	519
Montgomery	82	3	...	17	62
Nassau	236	6	1	9	220
Niagara	179	16	17	13	133
Oneida	321	20	10	27	264
Onondaga	571	14	9	70	478
Ontario	61	6	1	12	42
Orange	499	48	42	50	359
Orleans	27	...	1	6	20
Oswego	144	6	2	39	97
Otsego	97	1	3	29	64
Putnam	6	1	...	...	5
Rensselaer	...	...	...	...	...
Rockland	166	7	10	23	126
St.Lawrence	78	2	4	16	56
Saratoga	150	2	...	23	125
Schenectady	668	76	70	49	473
Schoharie	57	12	...	5	40
Schuyler	13	1	2	5	5
Seneca	10	...	...	...	10
Steuben	62	2	...	25	35
Suffolk	595	16	16	60	503
Sullivan	61	...	...	4	57
Tioga	...	...	...	...	...
Tompkins	129	18	18	27	66
Ulster	214	9	1	34	170
Warren	18	...	...	2	16
Washington	48	3	...	9	36
Wayne	42	...	...	11	31
Westchester	155	7	6	16	126
Wyoming	19	3	...	8	8
Yates	29	2	...	2	25

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-22
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse:
Allegations In Petitions
1991

Location	Total	Abuse-Inflict Physical Injury	Abuse- Risk Physical Injury	Abuse- Sex Offense Against Child	Neglect
Total New York State	4054	960	679	1761	654
Total New York City	1648	479	245	684	240
New York	348	109	51	94	94
Kings	362	91	80	129	62
Queens	260	76	36	100	48
Bronx	677	202	78	361	36
Richmond	1	1	...	...	...
Total Upstate	2406	481	434	1077	414
Albany	29	2	15	12	...
Allegany	22	5	3	14	...
Broome	73	5	7	25	36
Cattaraugus	15	...	1	14	...
Cayuga	18	4	4	2	8
Chautauqua	31	5	6	20	...
Chemung	25	2	...	20	3
Chenango	3	1	...	2	...
Clinton	109	27	25	26	31
Columbia	3	2	...	1	...
Cortland	13	...	3	10	...
Delaware	21	2	2	10	7
Dutchess	140	36	20	65	19
Erie	177	46	30	101	...
Essex	5	2	1	1	1
Franklin	7	...	...	7	...
Fulton	9	...	...	7	2
Genesee	10	4	1	5	...
Greene	3	...	1	1	1
Hamilton	...	...	...	...	...
Herkimer	35	12	9	12	2
Jefferson	65	12	13	40	...
Lewis	...	...	...	...	...
Livingston	1	...	...	1	...
Madison	11	...	4	3	4
Monroe	196	33	76	87	...
Montgomery	39	3	...	17	19
Nassau	28	6	1	9	12
Niagara	48	16	17	13	2
Oneida	58	20	10	27	1
Onondaga	145	14	9	70	52
Ontario	19	6	1	12	...
Orange	146	48	42	50	6
Orleans	7	...	1	6	...
Oswego	50	6	2	39	3
Otsego	47	1	3	29	14
Putnam	1	1	...	...	...
Rensselaer	...	...	...	...	...
Rockland	42	7	10	23	2
St.Lawrence	30	2	4	16	8
Saratoga	25	2	...	23	...
Schenectady	324	76	70	49	129
Schoharie	17	12	...	5	...
Schuyler	9	1	2	5	1
Seneca	...	...	...	...	...
Steuben	29	2	...	25	2
Suffolk	92	16	16	60	...
Sullivan	5	...	...	4	1
Tioga	...	...	...	...	...
Tompkins	81	18	18	27	18
Ulster	56	9	1	34	12
Warren	4	...	...	2	2
Washington	12	3	...	9	...
Wayne	11	...	...	11	...
Westchester	44	7	6	16	15
Wyoming	11	3	...	8	...
Yates	5	2	...	2	1

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-23
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations Established
1991

Location	Total	Abuse	Neglect	Abuse And Neglect	Not Applicable*
Total New York State	18214	1197	12795	554	3668
Total New York City	10485	602	8405	244	1234
New York	2476	69	2099	71	237
Kings	1266	133	907	40	186
Queens	1618	74	1358	34	152
Bronx	5105	325	4025	99	656
Richmond	20	1	16	...	3
Total Upstate	7729	595	4390	310	2434
Albany	159	13	109	1	36
Allegany	135	6	51	2	76
Broome	177	...	126	31	20
Cattaraugus	179	4	116	1	58
Cayuga	22	1	10	7	4
Chautauqua	109	20	80	5	4
Chemung	181	13	137	3	28
Chenango	7	3	2	...	2
Clinton	77	3	48	20	6
Columbia	9	1	2	...	6
Cortland	65	8	30	...	27
Delaware	21	2	11	6	2
Dutchess	270	21	149	30	70
Erie	903	71	668	6	158
Essex	26	1	14	...	11
Franklin	26	6	18	...	2
Fulton	48	5	33	1	9
Genesee	29	7	16	...	6
Greene	17	1	8	1	7
Hamilton	...	...	...	...	...
Herkimer	34	2	17	2	13
Jefferson	233	41	129	...	63
Lewis	...	...	...	...	...
Livingston	1	...	...	...	1
Madison	39	1	26	4	8
Monroe	709	68	372	6	263
Montgomery	63	5	20	6	32
Nassau	224	...	164	6	54
Niagara	173	17	106	5	45
Oneida	315	25	164	2	124
Onondaga	515	28	343	38	106
Ontario	61	11	27	...	23
Orange	430	14	235	6	175
Orleans	27	1	12	...	14
Oswego	144	17	79	6	42
Otsego	83	10	54	11	8
Putnam	6	...	1	...	5
Rensselaer	...	...	...	...	...
Rockland	155	12	99	4	40
St.Lawrence	70	16	41	4	9
Saratoga	150	10	85	1	54
Schenectady	476	40	201	36	199
Schoharie	57	3	27	...	27
Schuyler	12	1	2	1	8
Seneca	10	...	9	...	1
Steuben	60	14	25	4	17
Suffolk	594	29	196	2	367
Sullivan	61	2	30	1	28
Tioga	...	...	...	...	...
Tompkins	82	6	42	23	11
Ulster	202	11	80	10	101
Warren	16	...	7	2	7
Washington	48	6	32	...	10
Wayne	42	8	22	2	10
Westchester	130	2	105	14	9
Wyoming	19	7	2	...	10
Yates	28	2	8	...	18

* No finding

Table A-24
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations Established
1991

Location	Total	Abuse	Neglect	Abuse And Neglect	Not Applicable*
Total New York State	2937	1197	569	554	617
Total New York City	1281	602	237	244	198
New York	199	69	30	71	29
Kings	284	133	64	40	47
Queens	182	74	50	34	24
Bronx	615	325	93	99	98
Richmond	1	1	...	...	...
Total Upstate	1656	595	332	310	419
Albany	29	13	13	1	2
Allegany	19	6	7	2	4
Broome	37	...	4	31	2
Cattaraugus	15	4	5	1	5
Cayuga	10	1	...	7	2
Chautauqua	25	20	...	5	...
Chemung	22	13	...	3	6
Chenango	3	3	...	...	...
Clinton	32	3	3	20	6
Columbia	3	1	...	...	2
Cortland	13	8	3	...	2
Delaware	12	2	4	6	...
Dutchess	78	21	11	30	16
Erie	147	71	47	6	23
Essex	3	1	...	...	2
Franklin	7	6	...	...	1
Fulton	7	5	1	1	...
Genesee	10	7	1	...	2
Greene	2	1	...	1	...
Hamilton	...	...	...	...	...
Herkimer	19	2	9	2	6
Jefferson	65	41	13	...	11
Lewis	...	...	...	...	...
Livingston	1	...	...	...	1
Madison	6	1	1	4	...
Monroe	190	68	62	6	54
Montgomery	20	5	2	6	7
Nassau	16	...	6	6	4
Niagara	42	17	7	5	13
Oneida	52	25	10	2	15
Onondaga	89	28	10	38	13
Ontario	19	11	1	...	7
Orange	77	14	20	6	37
Orleans	7	1	4	...	2
Oswego	50	17	14	6	13
Otsego	33	10	10	11	2
Putnam	1	...	1	...	...
Rensselaer	...	...	...	...	...
Rockland	31	12	8	4	7
St.Lawrence	22	16	...	4	2
Saratoga	25	10	1	1	13
Schenectady	132	40	28	36	28
Schoharie	17	3	11	...	3
Schuyler	8	1	2	1	4
Seneca	...	...	...	...	...
Steuben	27	14	1	4	8
Suffolk	91	29	3	2	57
Sullivan	5	2	...	1	2
Tioga	...	...	...	...	...
Tompkins	34	6	3	23	2
Ulster	44	11	...	10	23
Warren	2	...	...	2	...
Washington	12	6	2	...	4
Wayne	11	8	1	2	...
Westchester	19	2	2	14	1
Wyoming	11	7	...	...	4
Yates	4	2	1	...	1

* No finding

Table A-25
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal of Children From Home Before Petition Filed
1991

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	18214	3094	15120
Total New York City	10485	2053	8432
New York	2476	421	2055
Kings	1266	366	900
Queens	1618	169	1449
Bronx	5105	1089	4016
Richmond	20	8	12
Total Upstate	7729	1041	6688
Albany	159	51	108
Allegany	135	10	125
Broome	177	92	85
Cattaraugus	179	43	136
Cayuga	22	1	21
Chautauqua	109	39	70
Chemung	181	16	165
Chenango	7	3	4
Clinton	77	6	71
Columbia	9	4	5
Cortland	65	2	63
Delaware	21	...	21
Dutchess	270	10	260
Erie	903	18	885
Essex	26	8	18
Franklin	26	1	25
Fulton	48	7	41
Genesee	29	3	26
Greene	17	...	17
Hamilton	...	...	...
Herkimer	34	14	20
Jefferson	233	7	226
Lewis	...	...	...
Livingston	1	1	...
Madison	39	...	39
Monroe	709	136	573
Montgomery	63	7	56
Nassau	224	39	185
Niagara	173	16	157
Oneida	315	60	255
Onondaga	515	116	399
Ontario	61	1	60
Orange	430	11	419
Orleans	27	...	27
Oswego	144	2	142
Otsego	83	17	66
Putnam	6	3	3
Rensselaer	...	...	...
Rockland	155	12	143
St.Lawrence	70	13	57
Saratoga	150	7	143
Schenectady	476	94	382
Schoharie	57	11	46
Schuyler	12	...	12
Seneca	10	...	10
Steuben	60	8	52
Suffolk	594	17	577
Sullivan	61	9	52
Tioga	...	...	...
Tompkins	82	17	65
Ulster	202	27	175
Warren	16	1	15
Washington	48	16	32
Wayne	42	2	40
Westchester	130	59	71
Wyoming	19	2	17
Yates	28	2	26

Table A-26
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Temporary Removal of Children From Home Before Petition Filed
1991

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	2937	636	2301
Total New York City	1281	391	890
New York	199	35	164
Kings	284	95	189
Queens	182	4	178
Bronx	615	256	359
Richmond	1	1	...
Total Upstate	1656	245	1411
Albany	29	22	7
Allegany	19	5	14
Broome	37	20	17
Cattaraugus	15	3	12
Cayuga	10	...	10
Chautauqua	25	10	15
Chemung	22	...	22
Chenango	3	1	2
Clinton	32	1	31
Columbia	3	1	2
Cortland	13	...	13
Delaware	12	...	12
Dutchess	78	2	76
Erie	147	3	144
Essex	3	3	...
Franklin	7	...	7
Fulton	7	3	4
Genesee	10	...	10
Greene	2	...	2
Hamilton	...	...	...
Herkimer	19	14	5
Jefferson	65	3	62
Lewis	...	...	...
Livingston	1	1	...
Madison	6	...	6
Monroe	190	19	171
Montgomery	20	2	18
Nassau	16	2	14
Niagara	42	6	36
Oneida	52	8	44
Onondaga	89	22	67
Ontario	19	...	19
Orange	77	5	72
Orleans	7	...	7
Oswego	50	1	49
Otsego	33	1	32
Putnam	1	1	...
Rensselaer	...	...	...
Rockland	31	1	30
St.Lawrence	22	1	21
Saratoga	25	2	23
Schenectady	132	46	86
Schoharie	17	1	16
Schuyler	8	...	8
Seneca	...	...	...
Steuben	27	2	25
Suffolk	91	4	87
Sullivan	5	1	4
Tioga	...	...	...
Tompkins	34	6	28
Ulster	44	9	35
Warren	2	...	2
Washington	12	1	11
Wayne	11	...	11
Westchester	19	10	9
Wyoming	11	2	9
Yates	4	...	4

Table A-27
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Temporary Removal of Children From Home After Petition Filed
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	18100	395	306	245	370	2710	2966	2125	8983
Total New York City	10375	273	191	176	230	2058	2409	1727	3311
New York	2420	77	37	46	48	590	729	333	560
Kings	1260	31	33	14	14	224	231	154	559
Queens	1594	51	40	21	48	368	296	212	558
Bronx	5082	114	81	95	119	875	1146	1025	1627
Richmond	19	...	...	...	1	1	7	3	7
Total Upstate	7725	122	115	69	140	652	557	398	5672
Albany	159	10	2	...	8	14	7	5	113
Allegany	135	...	...	...	1	1	14	19	100
Broome	177	1	6	4	5	26	32	46	57
Cattaraugus	179	...	...	...	...	4	16	20	139
Cayuga	22	...	...	...	4	...	...	...	18
Chautauqua	109	2	...	...	2	19	12	9	65
Chemung	181	...	2	4	...	8	10	4	153
Chenango	7	...	...	...	1	2	...	...	4
Clinton	77	...	...	6	...	12	6	...	53
Columbia	9	...	1	...	...	3	...	...	5
Cortland	65	1	...	...	...	1	3	5	55
Delaware	21	...	...	2	2	...	2	...	15
Dutchess	270	5	8	2	6	36	36	35	142
Erie	903	27	52	25	47	225	136	38	353
Essex	26	...	...	...	...	2	7	3	14
Franklin	26	...	...	...	...	...	...	...	26
Fulton	48	...	...	...	1	...	5	...	42
Genesee	29	...	...	...	...	8	3	4	14
Greene	17	...	1	...	...	5	...	7	4
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	33	...	...	...	2	9	...	2	20
Jefferson	233	1	3	...	...	3	8	25	193
Lewis	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	1	...	...
Madison	39	...	...	...	...	7	8	4	20
Monroe	709	12	6	5	26	85	59	28	488
Montgomery	63	...	1	...	...	...	...	...	62
Nassau	224	4	4	1	...	4	9	12	190
Niagara	173	1	...	...	...	9	9	11	143
Oneida	315	2	...	...	...	9	16	9	279
Onondaga	513	9	4	8	5	35	22	25	405
Ontario	61	...	...	...	1	4	4	1	51
Orange	430	6	...	...	1	11	10	3	399
Orleans	27	...	...	...	...	4	1	...	22
Oswego	144	1	...	...	...	2	22	7	112
Otsego	83	1	...	...	...	6	7	20	49
Putnam	6	...	...	1	...	1	1	...	3
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	154	...	4	...	6	19	20	7	98
St.Lawrence	70	8	...	...	1	...	12	5	44
Saratoga	150	...	...	...	...	...	...	...	150
Schenectady	476	3	...	...	13	21	20	26	393
Schoharie	57	1	10	...	...	...	...	...	46
Schuyler	12	...	...	...	1	...	2	...	9
Seneca	10	...	...	...	...	...	...	...	10
Steuben	60	...	6	...	1	4	1	...	48
Suffolk	594	12	2	2	1	12	5	1	559
Sullivan	61	...	...	...	...	8	5	4	44
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	82	2	...	...	3	11	12	5	49
Ulster	202	1	1	2	...	...	1	...	197
Warren	16	...	...	...	...	1	...	4	11
Washington	48	...	...	...	1	3	8	1	35
Wayne	42	...	...	...	...	3	1	...	38
Westchester	130	12	2	6	1	13	3	1	92
Wyoming	19	...	...	...	...	2	...	...	17
Yates	28	...	...	1	...	1	2	24	

Table A-28
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Temporary Removal of Children From Home After Petition Filed
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	2920	67	23	18	39	190	239	447	1897
Total New York City	1266	45	16	7	6	65	134	307	686
New York	186	13	3	2	1	17	38	57	55
Kings	284	7	7	3	...	20	39	58	150
Queens	181	9	5	...	3	10	16	44	94
Bronx	614	16	1	2	2	18	41	147	387
Richmond	1	...	...	...	...	...	...	1	...
Total Upstate	1654	22	7	11	33	125	105	140	1211
Albany	29	5	...	...	...	3	3	1	17
Allegany	19	...	...	...	...	...	1	5	13
Broome	37	...	...	...	...	7	11	9	10
Cattaraugus	15	...	...	...	...	1	...	1	13
Cayuga	10	...	...	...	4	...	...	...	6
Chautauqua	25	2	...	...	1	2	1	2	17
Chemung	22	...	...	...	...	...	...	1	21
Chenango	3	...	...	...	...	1	...	...	2
Clinton	32	...	...	6	...	4	4	...	18
Columbia	3	...	1	...	...	...	...	...	2
Cortland	13	...	...	...	...	1	...	2	10
Delaware	12	...	...	2	...	...	1	...	9
Dutchess	78	1	...	...	4	7	7	26	33
Erie	147	...	2	1	6	33	24	12	69
Essex	3	...	...	...	...	2	...	1	...
Franklin	7	...	...	...	...	...	...	...	7
Fulton	7	...	...	...	...	...	3	...	4
Genesee	10	...	...	...	...	...	...	3	7
Greene	2	...	...	...	...	1	...	1	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	19	...	...	...	2	5	...	2	10
Jefferson	65	...	2	...	...	2	2	5	54
Lewis	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	...	...	1	...	...
Madison	6	...	...	...	...	...	...	4	2
Monroe	190	4	...	...	3	14	9	20	140
Montgomery	20	...	...	...	...	...	...	...	20
Nassau	16	2	...	...	...	1	...	...	13
Niagara	42	...	...	...	...	4	3	5	30
Oneida	52	...	...	...	...	2	5	2	43
Onondaga	87	3	...	...	...	4	3	4	73
Ontario	19	...	...	...	...	...	4	...	15
Orange	77	...	...	...	...	3	3	...	71
Orleans	7	...	...	...	...	...	1	...	6
Oswego	50	...	...	...	...	...	2	5	43
Otsego	33	1	...	...	...	1	2	2	27
Putnam	1	...	...	...	...	...	1	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	31	...	...	...	...	7	3	2	19
St.Lawrence	22	...	...	...	...	...	1	4	17
Saratoga	25	...	...	...	...	...	...	...	25
Schenectady	132	...	...	...	12	3	7	17	93
Schoharie	17	1	...	...	...	...	...	...	16
Schuyler	8	...	...	...	1	...	...	...	7
Seneca	...	...	...	...	...	...	...	...	...
Steuben	27	...	2	...	...	...	...	...	25
Suffolk	91	2	...	1	...	2	1	...	85
Sullivan	5	...	...	...	...	...	1	...	4
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	34	...	...	...	...	9	1	3	21
Ulster	44	...	...	...	...	...	...	...	44
Warren	2	...	...	...	...	...	...	...	2
Washington	12	...	...	...	...	...	...	1	11
Wayne	11	...	...	...	...	1	...	...	10
Westchester	19	1	...	...	...	3	...	...	15
Wyoming	11	...	...	...	...	2	...	...	9
Yates	4	...	...	1	...	...	...	3	

Table A-29
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age of Boys When Petition Filed
1991

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1073	367	230	191	162	87	36
Total New York City	509	196	100	89	69	42	13
New York	79	33	16	14	7	8	1
Kings	113	48	21	15	19	8	2
Queens	72	33	12	15	3	6	3
Bronx	244	81	51	45	40	20	7
Richmond	1	1	...	...	...	...	...
Total Upstate	564	171	130	102	93	45	23
Albany	12	4	3	3	...	2	...
Allegany	6	5	...	...	1	...	...
Broome	11	7	1	...	1	2	...
Cattaraugus	9	3	4	...	1	1	...
Cayuga	3	...	1	1	1	...	...
Chautauqua	3	...	...	...	3	...	...
Chemung	6	...	2	...	1	1	2
Chenango	1	1	...	...	...	...	...
Clinton	17	1	7	3	2	3	1
Columbia	3	...	...	2	1	...	...
Cortland	5	1	3	...	...	1	...
Delaware	2	1	...	...	...	1	...
Dutchess	34	9	11	8	5	1	...
Erie	56	23	12	11	7	2	1
Essex	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...
Fulton	3	1	1	...	1	...	...
Genesee	5	3	...	1	1	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	10	1	3	2	1	3	...
Jefferson	21	6	5	7	1	...	2
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	2	...	1	1	...	...	...
Monroe	74	25	7	20	11	5	6
Montgomery	3	2	...	1	...	...	...
Nassau	2	2	...	...	...	...	...
Niagara	18	7	4	3	1	2	1
Oneida	19	6	6	2	4	1	...
Onondaga	27	6	8	5	5	2	1
Ontario	5	1	2	...	2	...	...
Orange	25	10	1	1	6	4	3
Orleans	2	...	...	...	1	1	...
Oswego	12	6	3	2	...	...	1
Otsego	10	1	2	5	1	1	...
Putnam	1	1	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	5	1	2	1	...	...	1
St.Lawrence	5	2	1	...	2	...	...
Saratoga	4	1	1	1	1	...	...
Schenectady	63	14	15	13	17	2	2
Schoharie	7	2	2	2	...	1	...
Schuyler	3	2	1	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	5	1	1	...	2	...	1
Suffolk	20	3	4	1	9	3	...
Sullivan	1	...	1	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	19	5	6	2	4	2	...
Ulster	13	4	3	3	...	3	...
Warren	...	...	...	...	...	...	...
Washington	1	1	...	...	...	...	...
Wayne	3	1	2	...	...	...	...
Westchester	5	...	3	1	...	1	...
Wyoming	1	...	...	...	...	...	1
Yates		21	1	...	...	...	...

Table A-30
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age of Girls When Petition Filed
1991

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1709	392	306	294	322	260	135
Total New York City	723	186	133	127	124	103	50
New York	115	33	21	17	20	18	6
Kings	158	34	26	27	29	27	15
Queens	98	29	18	13	15	15	8
Bronx	352	90	68	70	60	43	21
Richmond	...	...	...	...	...	...	...
Total Upstate	986	206	173	167	198	157	85
Albany	16	5	4	3	1	3	...
Allegany	11	3	1	4	1	1	1
Broome	24	7	2	6	1	4	4
Cattaraugus	5	...	1	1	3	...	...
Cayuga	6	1	...	4	...	...	1
Chautauqua	20	1	1	2	5	10	1
Chemung	14	3	1	2	2	4	2
Chenango	2	1	...	...	1	...	...
Clinton	13	1	4	2	3	1	2
Columbia	...	...	...	...	...	...	...
Cortland	6	2	...	1	1	1	1
Delaware	10	3	2	4	1	...	...
Dutchess	41	12	5	8	11	3	2
Erie	84	24	13	13	20	9	5
Essex	3	1	...	...	...	2	...
Franklin	7	...	...	1	1	2	3
Fulton	4	1	1	...	1	1	...
Genesee	4	2	...	...	1	1	...
Greene	2	1	...	...	...	1	...
Hamilton	...	...	...	...	...	...	...
Herkimer	8	2	1	2	2	...	1
Jefferson	39	11	10	5	5	6	2
Lewis	...	...	...	...	...	...	...
Livingston	1	...	...	1	...	...	...
Madison	3	1	...	...	1	1	...
Monroe	108	32	22	18	16	15	5
Montgomery	13	5	1	1	2	2	2
Nassau	12	3	2	2	2	3	...
Niagara	19	5	3	...	4	4	3
Oneida	29	8	5	7	4	1	4
Onondaga	57	11	13	10	13	5	5
Ontario	12	...	5	2	4	1	...
Orange	49	7	7	6	13	13	3
Orleans	4	...	...	1	1	2	...
Oswego	37	5	7	4	7	12	2
Otsego	20	1	1	5	4	5	4
Putnam	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	24	3	5	2	7	4	3
St.Lawrence	16	1	4	...	6	3	2
Saratoga	18	3	2	4	1	7	1
Schenectady	65	11	17	15	12	10	...
Schoharie	6	...	2	...	3	1	...
Schuyler	5	1	1	1	2	...	...
Seneca	...	...	...	...	...	...	...
Steuben	15	3	1	2	4	1	4
Suffolk	62	6	17	12	12	9	6
Sullivan	4	...	...	2	...	...	2
Tioga	...	...	...	...	...	...	...
Tompkins	14	3	1	3	5	2	...
Ulster	31	9	7	2	5	2	6
Warren	2	...	...	1	...	1	...
Washington	10	3	3	2	1	...	1
Wayne	7	1	...	1	3	1	1
Westchester	13	2	...	2	3	2	4
Wyoming	9	...	1	3	2	1	2
Yates	2	1	...	...	1	...	...

Table A-31
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Type of Petitioner
1991

Location	Total	Child Protective Agency	Person on Court's Direction
Total New York State	2937	2915	22
Total New York City	1281	1272	9
New York	199	198	1
Kings	284	282	2
Queens	182	182	...
Bronx	615	609	6
Richmond	1	1	...
Total Upstate	1656	1643	13
Albany	29	29	...
Allegany	19	19	...
Broome	37	37	...
Cattaraugus	15	15	...
Cayuga	10	10	...
Chautauqua	25	25	...
Chemung	22	22	...
Chenango	3	3	...
Clinton	32	32	...
Columbia	3	3	...
Cortland	13	13	...
Delaware	12	12	...
Dutchess	78	78	...
Erie	147	145	2
Essex	3	3	...
Franklin	7	7	...
Fulton	7	7	...
Genesee	10	9	1
Greene	2	2	...
Hamilton	...	...	...
Herkimer	19	19	...
Jefferson	65	65	...
Lewis	...	...	...
Livingston	1	1	...
Madison	6	6	...
Monroe	190	189	1
Montgomery	20	15	5
Nassau	16	16	...
Niagara	42	42	...
Oneida	52	52	...
Onondaga	89	89	...
Ontario	19	19	...
Orange	77	75	2
Orleans	7	7	...
Oswego	50	49	1
Otsego	33	33	...
Putnam	1	1	...
Rensselaer	...	...	...
Rockland	31	31	...
St.Lawrence	22	22	...
Saratoga	25	25	...
Schenectady	132	131	1
Schoharie	17	17	...
Schuyler	8	8	...
Seneca	...	...	...
Steuben	27	27	...
Suffolk	91	91	...
Sullivan	5	5	...
Tioga	...	...	...
Tompkins	34	34	...
Ulster	44	44	...
Warren	2	2	...
Washington	12	12	...
Wayne	11	11	...
Westchester	19	19	...
Wyoming	11	11	...
Yates	4	4	...

Table A-32
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2937	218	182	318	344	274	259	840	502
Total New York City	1281	17	30	131	144	147	126	487	199
New York	199	...	4	23	17	24	15	98	18
Kings	284	5	11	29	36	31	38	80	54
Queens	182	...	8	27	29	22	16	55	25
Bronx	615	12	7	52	62	69	57	254	102
Richmond	1	...	...	...	...	1	...	...	...
Total Upstate	1656	201	152	187	200	127	133	353	303
Albany	29	2	3	6	4	3	9	2	...
Allegany	19	1	9	1	3	1	...	...	4
Broome	37	21	5	5	3	...	2	...	1
Cattaraugus	15	...	1	3	6	...	...	...	5
Cayuga	10	3	4	1	2	...	...	...	...
Chautauqua	25	3	6	5	5	5	...	...	1
Chemung	22	1	1	4	...	11	3	1	1
Chenango	3	...	3	...	...	...	...	...	...
Clinton	32	8	7	4	3	10	...	...	...
Columbia	3	1	...	...	...	...	...	...	2
Cortland	13	...	3	...	2	3	...	3	2
Delaware	12	...	6	4	2	...	...	...	...
Dutchess	78	...	...	1	1	2	6	55	13
Erie	147	2	7	14	21	25	20	36	22
Essex	3	2	...	...	...	...	...	...	1
Franklin	7	...	6	...	...	...	...	...	1
Fulton	7	1	4	1	1	...	...	...	...
Genesee	10	...	...	...	3	1	...	4	2
Greene	2	...	1	...	...	1	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	19	5	...	6	7	...	...	...	1
Jefferson	65	...	...	...	2	2	...	50	11
Lewis	...	...	...	...	...	...	...	...	...
Livingston	1	...	1	...	...	...	...	...	...
Madison	6	...	2	...	4	...	...	...	...
Monroe	190	52	...	6	11	26	26	66	3
Montgomery	20	...	3	...	2	4	3	1	7
Nassau	16	1	3	1	4	1	1	1	4
Niagara	42	17	6	6	...	2	...	...	11
Oneida	52	...	2	22	9	3	2	...	14
Onondaga	89	2	15	19	10	1	9	23	10
Ontario	19	1	...	2	5	...	5	6	...
Orange	77	...	10	1	8	1	3	15	39
Orleans	7	1	1	1	2	...	...	...	2
Oswego	50	1	...	6	9	3	8	11	12
Otsego	33	33	...	...	...	...	...	...	...
Putnam	1	...	..	1	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	31	...	6	6	2	2	4	1	10
St.Lawrence	22	...	1	3	5	8	...	4	1
Saratoga	25	1	1	1	6	1	2	1	12
Schenectady	132	6	...	16	32	4	4	46	24
Schoharie	17	...	3	10	2	...	2	...	...
Schuyler	8	1	1	...	...	...	1	2	3
Seneca	...	...	...	...	...	...	...	...	...
Steuben	27	13	3	6	3	...	...	...	2
Suffolk	91	5	7	6	5	3	4	15	46
Sullivan	5	1	...	...	...	...	2	...	2
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	34	1	11	...	4	...	12	4	2
Ulster	44	8	6	4	2	3	...	1	20
Warren	2	...	1	1	...	...	...	...	...
Washington	12	...	...	5	2	...	...	1	4
Wayne	11	...	...	...	2	1	2	4	2
Westchester	19	6	...	8	4	...	...	...	1
Wyoming	11	...	3	...	...	...	3	...	5
Yates	4	1	...	1 2	...	...	...	...	

* Disposed before fact-finding

Table A-33
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse:
Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2937	1255	548	259	130	93	37	122	493
Total New York City	1281	346	335	161	85	60	24	68	202
New York	199	26	70	33	24	4	5	12	25
Kings	284	61	78	29	15	21	3	25	52
Queens	182	20	76	29	8	4	6	14	25
Bronx	615	238	111	70	38	31	10	17	100
Richmond	1	1	...	...	...	...	...	...	...
Total Upstate	1656	909	213	98	45	33	13	54	291
Albany	29	20	3	3	...	2	...	1	...
Allegany	19	6	5	1	1	...	2	...	4
Broome	37	31	2	...	...	...	3	...	1
Cattaraugus	15	9	...	...	...	...	1	...	5
Cayuga	10	3	7	...	...	...	...	...	...
Chautauqua	25	20	4	1	...	...	...	...	...
Chemung	22	11	6	2	2	...	...	...	1
Chenango	3	2	1	...	...	...	...	...	...
Clinton	32	16	6	2	2	6	...	...	...
Columbia	3	1	...	...	...	...	...	...	2
Cortland	13	8	3	...	...	...	...	...	2
Delaware	12	7	...	4	1	...	...	...	...
Dutchess	78	29	7	5	...	...	...	24	13
Erie	147	107	13	3	...	...	...	2	22
Essex	3	...	2	...	...	...	...	...	1
Franklin	7	6	...	...	...	...	...	...	1
Fulton	7	4	3	...	...	...	...	...	...
Genesee	10	1	5	1	1	...	...	...	2
Greene	2	2	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	19	18	...	...	...	...	...	...	1
Jefferson	65	44	5	5	...	...	...	...	11
Lewis	...	...	...	...	...	...	...	...	...
Livingston	1	...	...	...	1	...	...	...	...
Madison	6	6	...	...	...	...	...	...	...
Monroe	190	144	21	12	5	1	...	7	...
Montgomery	20	10	2	1	...	...	...	...	7
Nassau	16	3	1	2	3	2	...	4	1
Niagara	42	24	7	...	4	2	...	...	5
Oneida	52	11	17	7	...	2	...	...	15
Onondaga	89	43	18	8	6	3	...	...	11
Ontario	19	19	...	...	...	...	...	...	...
Orange	77	30	5	2	1	...	...	...	39
Orleans	7	4	...	1	...	...	...	...	2
Oswego	50	1	...	6	5	8	6	12	12
Otsego	33	33	...	...	...	...	...	...	...
Putnam	1	1	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	31	12	5	4	3	...	...	...	7
St.Lawrence	22	...	20	...	...	...	...	...	2
Saratoga	25	9	2	...	...	...	...	...	14
Schenectady	132	81	16	5	6	...	...	...	24
Schoharie	17	16	...	...	1	...	...	...	...
Schuyler	8	3	1	1	...	...	...	...	3
Seneca	...	...	...	...	...	...	...	...	...
Steuben	27	26	...	...	...	...	...	...	1
Suffolk	91	29	9	...	1	1	...	4	47
Sullivan	5	...	1	2	...	...	...	...	2
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	34	7	11	12	...	2	...	...	2
Ulster	44	15	2	5	1	1	1	...	19
Warren	2	2	...	...	...	...	...	...	...
Washington	12	8	...	...	...	...	...	...	4
Wayne	11	5	2	2	...	...	...	...	2
Westchester	19	12	1	1	1	3	...	...	1
Wyoming	11	6	...	...	...	...	...	...	5
Yates	4	4	...	.....	...	...	...	...	

* Disposed before fact-finding

Table A-34
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Dispositions In Child Abuse Parts
1991

Location	Total	Disposed In Child Abuse Part	Disposed In Other Part
Total New York State	2937	1840	1097
Total New York City	1281	737	544
New York	99	81	118
Kings	284	43	241
Queens	182	39	143
Bronx	615	574	41
Richmond	1	...	1
Total Upstate	1656	1103	553
Albany	29	13	16
Allegany	19	19	...
Broome	37	37	...
Cattaraugus	15	6	9
Cayuga	10	4	6
Chautauqua	25	25	...
Chemung	22	22	...
Chenango	3	3	...
Clinton	32	24	8
Columbia	3	...	3
Cortland	13	13	...
Delaware	12	...	12
Dutchess	78	78	...
Erie	147	147	...
Essex	3	2	1
Franklin	7	1	6
Fulton	7	...	7
Genesee	10	3	7
Greene	2	1	1
Hamilton	...	...	...
Herkimer	19	3	16
Jefferson	65	...	65
Lewis	...	...	...
Livingston	1	1	...
Madison	6	6	...
Monroe	190	190	...
Montgomery	20	20	...
Nassau	16	3	13
Niagara	42	41	1
Oneida	52	...	52
Onondaga	89	48	41
Ontario	19	13	6
Orange	77	77	...
Orleans	7	...	7
Oswego	50	36	14
Otsego	33	...	33
Putnam	1	1	...
Rensselaer	...	...	...
Rockland	31	1	30
St.Lawrence	22	21	1
Saratoga	25	3	22
Schenectady	132	60	72
Schoharie	17	...	17
Schuyler	8	5	3
Seneca	...	...	...
Steuben	27	15	12
Suffolk	91	88	3
Sullivan	5	5	...
Tioga	...	...	...
Tompkins	34	...	34
Ulster	44	36	8
Warren	2	...	2
Washington	12	2	10
Wayne	11	1	10
Westchester	19	16	3
Wyoming	11	11	...
Yates	4	2	2

Table A-35
FAMILY COURT
Child Protective Petitions:
Orders Extending Placement
1991

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Rel., Suitable Person	342	199	68	52	23
Comm. Social Service	21488	10776	6063	2612	2037
Total	21858	10986	6139	2669	2064
New York City					
Rel., Suitable Person	238	133	38	46	21
Comm. Social Service	17250	8854	4904	2063	1429
Other Auth. Agency	19	10	6	2	1
Total	17507	8997	4948	2111	1451
Outside New York City					
Rel., Suitable Person	104	66	30	6	2
Comm. Social Service	4238	1922	1159	549	608
Other Auth. Agency	9	1	2	3	3
Total	4351	1989	1191	558	613

This table only includes those 110 forms where petition type (Section E) is code 4 -child protective.

Table A-36
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	11318	987	708	378	422	2460	545	117	36	5	5660
Total New York City	3573	437	137	75	69	1260	260	72	29	...	1234
New York	1090	155	54	25	23	379	68	17	18	...	351
Kings	621	55	16	10	14	196	54	21	3	...	252
Queens	1077	145	48	30	17	408	78	20	5	...	326
Bronx	771	79	18	9	15	273	57	12	3	...	305
Richmond	14	3	1	1	...	4	3	2	...	...	...
Total Upstate	7745	550	571	303	353	1200	285	45	7	5	4426
Albany	390	41	16	16	29	155	21	3	1	...	108
Allegany	19	1	...	5	3	3	1	...	...	...	6
Broome	104	16	4	10	8	22	4	1	...	...	39
Cattaraugus	94	2	...	5	6	16	18	2	1	...	44
Cayuga	81	33	13	3	3	2	1	...	...	...	26
Chautauqua	73	3	4	3	4	21	6	...	...	...	32
Chemung	154	18	35	22	11	34	4	2	...	...	28
Chenango	23	1	12	4	2	3	1	...	...	...	...
Clinton	11	2	2	1	...	1	1	2	...	...	2
Columbia	24	1	...	2	4	9	1	...	...	...	7
Cortland	25	1	1	...	1	2	3	...	...	...	17
Delaware	7	2	1	...	...	1	...	...	...	...	3
Dutchess	286	7	1	11	10	46	6	4	1	3	197
Erie	617	23	42	11	18	85	10	1	...	...	427
Essex	18	2	...	...	...	3	...	...	...	...	13
Franklin	21	...	2	3	2	5	2	...	...	...	7
Fulton	17	...	2	5	1	1	...	2	...	...	6
Genesee	81	1	4	8	7	14	4	2	...	...	41
Greene	27	5	4	...	2	3	3	...	...	...	10
Hamilton	4	...	...	...	...	...	...	...	...	...	4
Herkimer	45	3	7	2	2	12	9	8	...	...	2
Jefferson	75	6	4	3	7	16	2	...	...	...	37
Lewis	3	1	1	...	...	...	...	...	...	...	1
Livingston	25	...	...	1	...	4	...	...	...	...	20
Madison	40	2	...	3	2	3	4	...	...	...	26
Monroe	928	87	86	43	41	120	11	4	...	...	536
Montgomery	28	3	2	6	4	9	1	...	...	...	3
Nassau	640	110	65	13	30	81	22	1	3	1	314
Niagara	143	9	16	19	19	27	4	...	...	...	49
Oneida	107	8	19	6	11	25	12	...	...	...	26
Onondaga	1088	15	37	10	10	75	14	1	...	...	926
Ontario	29	11	4	5	2	2	...	...	...	...	5
Orange	180	6	5	3	1	35	9	1	...	...	120
Orleans	23	1	...	...	2	9	1	1	...	...	9
Oswego	24	1	...	1	...	11	4	1	...	...	6
Otsego	16	...	2	4	...	9	1	...	...	...	...
Putnam	19	...	1	...	...	...	...	...	...	...	18
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	139	6	6	8	4	34	11	1	...	...	69
St.Lawrence	19	...	...	1	...	10	...	...	...	...	8
Saratoga	119	13	19	7	6	22	5	...	1	...	46
Schenectady	162	11	23	18	17	23	6	...	...	...	64
Schoharie	9	2	5	...	...	...	...	...	...	...	2
Schuyler	9	3	...	...	1	3	...	...	...	...	2
Seneca	12	...	...	...	...	5	1	1	...	...	5
Steuben	76	14	15	3	2	8	2	1	...	...	31
Suffolk	920	22	24	10	34	83	22	2	...	...	723
Sullivan	60	3	7	1	3	11	1	...	...	...	34
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	14	...	...	...	1	1	2	...	...	1	9
Ulster	190	9	4	3	9	18	19	...	...	...	128
Warren	14	1	2	...	1	1	...	...	...	...	9
Washington	36	7	6	...	1	4	1	...	...	...	17
Wayne	133	6	6	18	11	26	8	...	...	...	58
Westchester	319	31	60	5	18	82	22	2	...	...	99
Wyoming	13	...	...	1	3	2	1	...	...	...	6
Yates	12	...	2	...	...	3	4	2	...	...	1

* Disposed before fact-finding

Table A-37
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions
Excluding Removals From Criminal Courts And Designated Felonies:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	11318	1640	153	194	288	2677	574	92	29	11	5660
Total New York City	3573	579	78	116	108	1075	293	61	21	8	1234
New York	1090	152	40	66	55	325	67	18	11	5	351
Kings	621	144	6	14	6	136	48	10	3	2	252
Queens	1077	118	20	23	29	406	126	24	5	...	326
Bronx	771	162	12	12	17	203	49	8	2	1	305
Richmond	14	3	...	1	1	5	3	1	...	...	...
Total Upstate	7745	1061	75	78	180	1602	281	31	8	3	4426
Albany	390	95	6	9	52	104	14	2	...	...	108
Allegany	19	1	...	...	...	12	...	...	...	...	6
Broome	104	35	4	3	5	14	4	...	...	...	39
Cattaraugus	94	37	1	...	...	6	6	...	...	...	44
Cayuga	81	22	5	2	2	22	2	...	...	...	26
Chautauqua	73	17	...	...	3	18	2	1	...	...	32
Chemung	154	23	2	...	2	69	26	4	...	...	28
Chenango	23	17	...	...	1	4	...	1	...	...	...
Clinton	11	3	...	...	...	5	...	1	...	...	2
Columbia	24	5	1	...	...	9	2	...	...	...	7
Cortland	25	5	...	...	...	3	...	...	...	...	17
Delaware	7	...	1	...	...	3	...	...	...	...	3
Dutchess	286	34	1	1	1	39	11	...	...	2	197
Erie	617	100	2	8	12	61	6	...	...	1	427
Essex	18	...	2	...	...	3	...	...	...	...	13
Franklin	21	...	...	...	...	14	...	...	...	...	7
Fulton	17	8	...	2	...	1	...	...	...	...	6
Genesee	81	5	1	...	1	31	2	...	...	...	41
Greene	27	4	2	...	...	9	2	...	...	...	10
Hamilton	4	...	...	...	...	...	...	...	...	...	4
Herkimer	45	16	...	...	1	16	9	1	...	...	2
Jefferson	75	34	...	...	...	4	...	...	...	...	37
Lewis	3	...	...	...	...	2	...	...	...	...	1
Livingston	25	3	...	...	...	2	...	...	...	...	20
Madison	40	6	...	...	...	3	4	1	...	...	26
Monroe	928	35	13	7	31	270	28	5	3	...	536
Montgomery	28	3	...	2	1	16	3	...	...	...	3
Nassau	640	132	5	9	8	139	28	3	2	...	314
Niagara	143	17	1	2	13	48	10	3	...	...	49
Oneida	107	12	3	5	6	52	3	...	...	...	26
Onondaga	1088	76	1	1	1	69	13	1	...	...	926
Ontario	29	5	1	1	3	8	5	1	...	...	5
Orange	180	9	...	1	1	43	6	...	...	...	120
Orleans	23	5	...	...	...	9	...	...	...	...	9
Oswego	24	9	...	...	...	9	...	...	...	...	6
Otsego	16	...	...	...	1	13	2	...	...	...	...
Putnam	19	...	...	...	1	...	...	...	...	...	18
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	139	22	...	1	...	29	16	2	...	...	69
St.Lawrence	19	...	...	...	...	11	...	...	...	...	8
Saratoga	119	35	1	4	...	24	9	...	...	...	46
Schenectady	162	25	4	5	11	46	7	...	...	...	64
Schoharie	9	...	1	2	...	4	...	...	...	...	2
Schuyler	9	1	...	1	...	5	...	...	...	...	2
Seneca	12	7	...	...	...	...	...	...	...	...	5
Steuben	76	17	1	2	2	15	6	2	...	...	31
Suffolk	920	56	5	4	7	101	21	...	3	...	723
Sullivan	60	5	...	1	...	19	1	...	...	...	34
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	14	1	1	...	...	3	...	...	...	...	9
Ulster	190	23	5	2	3	25	4	...	...	...	128
Warren	14	2	...	...	...	2	1	...	...	...	9
Washington	36	15	2	1	...	...	1	...	...	...	17
Wayne	133	19	...	...	3	44	9	...	...	...	58
Westchester	319	52	3	2	6	140	14	3	...	...	99
Wyoming	13	1	...	...	...	4	2	...	...	...	6
Yates	12	7	...	...	2	...	2	...	...	...	1

* Disposed before fact-finding

Table A-38
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Outcome of Fact-Finding
1991

Location	Total	Allegat. Establ. In Whole or In Part After FF Hearing	Allegat. Establ. In Whole or In Part By Admission	Allegation Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	11318	572	4875	204	5667	...
Total New York City	3573	414	1818	103	1238	...
New York	1090	261	443	32	354	...
Kings	621	47	307	15	252	...
Queens	1077	51	683	17	326	...
Bronx	771	55	371	39	306	...
Richmond	14	...	14	...	...	...
Total Upstate	7745	158	3057	101	4429	...
Albany	390	1	281	...	108	...
Allegany	19	...	13	...	6	...
Broome	104	1	64	...	39	...
Cattaraugus	94	...	50	...	44	...
Cayuga	81	3	52	...	26	...
Chautauqua	73	2	39	...	32	...
Chemung	154	7	117	2	28	...
Chenango	23	...	22	1	...	...
Clinton	11	3	6	...	2	...
Columbia	24	...	17	...	7	...
Cortland	25	2	6	...	17	...
Delaware	7	...	4	...	3	...
Dutchess	286	8	81	...	197	...
Erie	617	12	140	38	427	...
Essex	18	...	5	...	13	...
Franklin	21	1	13	...	7	...
Fulton	17	1	10	...	6	...
Genesee	81	1	37	2	41	...
Greene	27	2	15	...	10	...
Hamilton	4	...	...	...	4	...
Herkimer	45	2	41	...	2	...
Jefferson	75	1	37	...	37	...
Lewis	3	...	2	...	1	...
Livingston	25	...	5	...	20	...
Madison	40	3	11	...	26	...
Monroe	928	37	343	12	536	...
Montgomery	28	...	25	...	3	...
Nassau	640	8	316	2	314	...
Niagara	143	1	78	15	49	...
Oneida	107	8	67	6	26	...
Onondaga	1088	2	156	3	927	...
Ontario	29	...	24	...	5	...
Orange	180	3	56	1	120	...
Orleans	23	1	13	...	9	...
Oswego	24	1	17	...	6	...
Otsego	16	1	15	...	...	...
Putnam	19	...	1	...	18	...
Rensselaer	...	...	...	...	...	...
Rockland	139	4	65	1	69	...
St.Lawrence	19	2	9	...	8	...
Saratoga	119	4	65	4	46	...
Schenectady	162	3	95	...	64	...
Schoharie	9	1	6	...	2	...
Schuyler	9	...	7	...	2	...
Seneca	12	...	7	...	5	...
Steuben	76	2	43	...	31	...
Suffolk	920	8	185	4	723	...
Sullivan	60	2	23	1	34	...
Tioga	...	...	...	...	...	...
Tompkins	14	...	4	...	10	...
Ulster	190	8	53	1	128	...
Warren	14	...	5	...	9	...
Washington	36	...	19	...	17	...
Wayne	133	1	71	3	58	...
Westchester	319	11	203	5	100	...
Wyoming	13	...	7	...	6	...
Yates	12	...	11	...	1	...

* Disposed Before Fact-Finding

Table A-39
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Duration of Probation
1991

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	11318	8930	1480	224	684
Total New York City	3573	2685	623	189	76
New York	1090	803	191	83	13
Kings	621	499	92	15	15
Queens	1077	768	225	66	18
Bronx	771	607	109	25	30
Richmond	14	8	6	...	...
Total Upstate	7745	6245	857	35	608
Albany	390	278	112	...	...
Allegany	19	10	9	...	...
Broome	104	77	22	...	5
Cattaraugus	94	55	17	...	22
Cayuga	81	60	...	...	21
Chautauqua	73	61	11	...	1
Chemung	154	110	6	...	38
Chenango	23	20	...	...	3
Clinton	11	5	...	3	3
Columbia	24	16	6	2	...
Cortland	25	24	...	...	1
Delaware	7	3	1	...	3
Dutchess	286	246	35	3	2
Erie	617	529	77	1	10
Essex	18	15	2	...	1
Franklin	21	15	6	...	...
Fulton	17	10	7	...	...
Genesee	81	55	26	...	...
Greene	27	21	6	...	...
Hamilton	4	4	...	...	...
Herkimer	45	26	19	...	...
Jefferson	75	53	21	...	1
Lewis	3	3	...	...	...
Livingston	25	22	3	...	...
Madison	40	35	5	...	...
Monroe	928	758	49	10	111
Montgomery	28	15	12	...	1
Nassau	640	509	10	...	121
Niagara	143	112	28	1	2
Oneida	107	75	29	2	1
Onondaga	1088	1026	62	...	...
Ontario	29	16	2	...	11
Orange	180	147	2	...	31
Orleans	23	17	4	1	1
Oswego	24	19	1	...	4
Otsego	16	6	...	...	10
Putnam	19	18	...	...	1
Rensselaer	...	...	...	...	...
Rockland	139	99	18	1	21
St.Lawrence	19	13	6	...	...
Saratoga	119	98	21	...	...
Schenectady	162	119	43	...	...
Schoharie	9	6	...	...	3
Schuyler	9	8	...	...	1
Seneca	12	6	2	...	4
Steuben	76	62	5	...	9
Suffolk	920	764	41	1	114
Sullivan	60	42	14	3	1
Tioga	...	...	...	...	...
Tompkins	14	14	...	...	...
Ulster	190	158	32	...	...
Warren	14	9	4	...	1
Washington	36	24	10	...	2
Wayne	133	90	14	1	28
Westchester	319	250	49	5	15
Wyoming	13	8	5	...	...
Yates	12	4	3	1	4

Table A-40
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	Dispositions —Allegations Not Established								Total Disps.- Allegs. Est.
		With-drawn	Consoli-dated	Change of Venue	Found Incap.	Dismissed Furth. of Justice	Dismissed After FF Hearing	ACD	Other Dismissal	
Total New York State	11318	1876	123	259	3	265	175	2642	1547	4428
Total New York City	3573	678	2	...	...	135	107	535	311	1805
New York	1090	193	...	...	...	51	34	124	102	586
Kings	621	147	...	...	...	15	16	141	37	265
Queens	1077	199	1	...	...	22	20	152	77	606
Bronx	771	139	1	...	...	47	37	116	94	337
Richmond	14	...	...	...	...	...	...	2	1	11
Total Upstate	7745	1198	121	259	3	130	68	2107	1236	2623
Albany	390	...	1	38	...	1	...	90	49	211
Allegany	19	3	...	...	...	...	...	3	...	13
Broome	104	...	2	5	...	4	1	27	7	58
Cattaraugus	94	17	...	1	...	...	...	19	9	48
Cayuga	81	10	4	...	...	1	...	13	6	47
Chautauqua	73	3	...	...	...	...	...	30	13	27
Chemung	154	1	...	7	...	3	1	34	14	94
Chenango	23	...	...	1	...	...	...	15	...	7
Clinton	11	...	...	...	...	...	...	2	...	9
Columbia	24	4	...	1	...	1	...	...	2	16
Cortland	25	1	...	2	...	...	...	15	2	5
Delaware	7	...	...	...	...	1	...	2	...	4
Dutchess	286	27	54	...	...	...	...	125	18	62
Erie	617	36	...	3	...	4	8	316	133	117
Essex	18	...	...	...	...	3	...	7	3	5
Franklin	21	...	...	...	...	...	...	6	2	13
Fulton	17	1	...	...	...	...	...	5	...	11
Genesee	81	7	...	1	...	...	2	16	19	36
Greene	27	5	...	2	...	...	...	5	2	13
Hamilton	4	1	...	...	...	...	...	2	1	...
Herkimer	45	...	...	...	...	...	...	3	...	42
Jefferson	75	1	16	3	...	...	...	18	2	35
Lewis	3	1	...	...	...	...	...	...	...	2
Livingston	25	5	1	...	...	...	...	9	7	3
Madison	40	3	...	...	...	1	...	20	3	13
Monroe	928	114	...	7	...	2	14	271	159	361
Montgomery	28	1	...	3	...	...	...	4	1	19
Nassau	640	4	...	114	...	1	2	125	175	219
Niagara	143	2	...	...	...	9	3	51	4	74
Oneida	107	4	...	1	...	7	6	13	2	74
Onondaga	1088	322	...	7	...	8	3	358	256	134
Ontario	29	...	...	6	...	...	...	1	2	20
Orange	180	26	6	3	...	...	...	52	37	56
Orleans	23	...	...	...	...	...	...	7	...	16
Oswego	24	...	...	...	...	...	1	6	4	13
Otsego	16	...	...	...	...	...	...	...	...	16
Putnam	19	2	...	...	...	...	...	15	1	1
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	139	18	...	...	...	26	1	20	16	58
St.Lawrence	19	4	...	...	...	...	...	3	1	11
Saratoga	119	11	...	7	...	13	3	33	20	32
Schenectady	162	12	27	10	1	...	...	22	10	80
Schoharie	9	1	...	...	...	...	...	1	...	7
Schuyler	9	...	...	...	...	...	...	1	1	7
Seneca	12	...	...	...	...	...	...	5	...	7
Steuben	76	9	3	2	...	...	1	36	2	23
Suffolk	920	381	...	6	1	10	15	89	222	196
Sullivan	60	8	3	1	...	7	1	11	5	24
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	14	6	...	1	...	1	...	...	3	3
Ulster	190	50	4	14	...	...	...	58	5	59
Warren	14	1	...	...	...	...	...	7	1	5
Washington	36	8	...	...	...	...	...	9	1	18
Wayne	133	26	...	6	...	22	2	16	...	61
Westchester	319	62	...	5	1	4	4	105	16	122
Wyoming	13	...	...	1	...	...	...	6	...	6
Yates	12	...	...	1	...	1	...	...	...	10

Table A-41
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Placement										
		Cond. Disch.	Prob.	Home Rel., Pvt. Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to MH	DFY Trans. to MH	Other Place-ment
Total New York State	4428	429	2388	19	365	456	637	6	17	8	2	101
Total New York City	1805	178	888	1	9	342	273	5	14	...	...	95
New York	586	38	287	...	6	127	121	1	...	...	...	6
Kings	265	32	122	...	1	38	42	2	8	...	...	20
Queens	606	57	309	1	...	132	36	1	6	...	...	64
Bronx	337	50	164	...	2	44	71	1	...	...	...	5
Richmond	11	1	6	...	...	1	3	...	...	...	...	...
Total Upstate2	623	251	1500	18	356	114	364	1	3	8	2	6
Albany	211	22	112	...	38	1	38	...	...	...	...	...
Allegany	13	...	9	...	2	1	1	...	...	...	...	...
Broome	58	10	27	...	5	3	6	...	...	7	...	...
Cattaraugus	48	...	39	...	3	...	5	...	...	...	...	1
Cayuga	47	8	21	...	5	...	13	...	...	...	...	...
Chautauqua	27	...	12	...	10	...	5	...	...	...	...	...
Chemung	94	23	44	2	18	...	7	...	...	...	...	...
Chenango	7	...	3	...	4	...	...	...	...	...	...	...
Clinton	9	...	6	...	1	...	2	...	...	...	...	...
Columbia	16	4	8	...	3	...	1	...	...	...	...	...
Cortland	5	...	1	...	4	...	...	...	...	...	...	...
Delaware	4	...	4	...	...	...	...	...	...	...	...	...
Dutchess	62	...	40	...	10	9	3	...	...	...	...	...
Erie	117	2	88	...	16	2	9	...	...	...	...	...
Essex	5	...	3	...	1	...	1	...	...	...	...	...
Franklin	13	1	6	...	6	...	...	...	...	...	...	...
Fulton	11	...	7	1	2	...	1	...	...	...	...	...
Genesee	36	...	26	1	8	1	...	...	...	...	...	...
Greene	13	1	6	...	1	...	5	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	42	3	19	...	13	6	1	...	...	...	...	...
Jefferson	35	...	22	...	8	1	4	...	...	...	...	...
Lewis	2	...	...	2	...	...	...	...	...	...	...	...
Livingston	3	...	3	...	...	...	...	...	...	...	...	...
Madison	13	1	5	...	2	1	4	...	...	...	...	...
Monroe	361	43	170	...	21	...	127	...	...	...	...	...
Montgomery	19	...	13	...	3	...	3	...	...	...	...	...
Nassau	219	34	131	1	...	14	37	...	...	...	2	...
Niagara	74	11	31	...	6	17	9	...	...	...	...	...
Oneida	74	2	32	...	15	22	3	...	...	...	...	...
Onondaga	134	17	62	1	31	7	15	...	...	1	...	...
Ontario	20	1	13	...	5	1	...	...	...	...	...	...
Orange	56	9	33	...	9	2	3	...	...	...	...	...
Orleans	16	...	6	...	9	1	...	...	...	...	...	...
Oswego	13	7	5	...	...	...	1	...	...	...	...	...
Otsego	16	1	10	...	5	...	...	...	...	...	...	...
Putnam	1	...	1	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	58	4	40	...	11	1	2	...	...	...	...	...
St.Lawrence	11	...	6	...	4	...	1	...	...	...	...	...
Saratoga	32	...	21	...	5	...	5	...	...	...	...	1
Schenectady	80	2	43	2	19	2	11	1	...	...	...	...
Schoharie	7	...	3	...	2	...	2	...	...	...	...	...
Schuyler	7	...	1	1	...	5	...	...	...	...	...	...
Seneca	7	...	6	...	1	...	...	...	...	...	...	...
Steuben	23	...	14	...	2	3	4	...	...	...	...	...
Suffolk	196	23	156	...	6	2	9	...	...	...	...	...
Sullivan	24	1	18	...	4	1	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	3	2	...	...	1	...	...	...	...	...	...	...
Ulster	59	1	32	...	16	9	...	...	...	...	...	1
Warren	5	...	5	...	...	...	...	...	...	...	...	...
Washington	18	...	12	...	6	...	...	...	...	...	...	...
Wayne	61	10	43	...	...	2	6	...	...	...	...	...
Westchester	122	8	69	7	15	...	17	...	3	...	...	3
Wyoming	6	...	5	...	...	...	1	...	...	...	...	...
Yates	10	...	8	...	...	...	2	...	...	...	...	...

Table A-42
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Alleged In Petitions:
1991

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	746	487	259
Homicide	26	17	9
Criminal Trespass/Burglary	1055	132	923
Criminal Mischief/Tamp.	745	396	349
Grand Larceny	1405	936	469
Robbery	857	655	202
Crim.Poss. Stolen Property	1122	693	429
Controlled Substance Offense	660	515	145
Marijuana Possession/Sale	4	3	1
Weapon Offenses	231	187	44
Other Felonies	738	314	424
MISDEMEANORS			
Assault or Related Offenses	1753	733	1020
Crim.Trespass/Burg. or Rel.Offenses	679	244	435
Crim.Mischief/Tamp./Reck.End.Prop.	1167	333	834
Petit Larceny	2399	389	2010
Theft & Related Offenses	1655	481	1174
Controlled Substance Offenses	527	410	117
Marijuana Possession/Sale	25	14	11
Riot/Harass./Loitering	209	58	151
Unlawful Possession Weapon	247	137	110
Weapon Offenses	373	280	93
Other Misdemeanors	835	300	535

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-43
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removal From Criminal CourtsAnd Designated Felonies: Crimes Found to Have Been Committed
1991

Total	Total New York State	Total New York City	Upstate
FELONIES			
Assault or Related Offenses	149	89	60
Homicide	7	6	1
Criminal Trespass/Burglary	314	27	287
Criminal Mischief/Tamp.	133	43	90
Grand Larceny	322	205	117
Robbery	220	175	45
Crim.Poss. Stolen Property	258	169	89
Controlled Substance Offense	308	254	54
Marijuana Possession/Sale	1	1	...
Weapon Offenses	79	69	10
Other Felonies	241	99	142
MISDEMEANORS			
Assault or Related Offenses	706	261	445
Crim.Trespass/Burg. or Rel.Offenses	331	85	246
Crim.Mischief/Tamp./Reck.End.Prop.	510	96	414
Petit Larceny	1080	148	932
Theft & Related Offenses	1110	514	596
Controlled Substance Offenses	249	176	73
Marijuana Possession/Sale	12	6	6
Riot/Harass./Loitering	73	13	60
Unlawful Possession Weapon	120	55	65
Weapon Offenses	136	103	33
Other Misdemeanors	455	193	262
Allegation Not Established . .	5300	1206	4094

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-44
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Co-Respondent In Each Petition
1991

Location	Total	None	1	2	3	4 or More
Total New York State	11318	6899	2501	1128	433	357
Total New York City	3573	2160	801	313	143	156
New York	1090	715	177	74	51	73
Kings	621	321	176	69	28	27
Queens	1077	664	273	86	34	20
Bronx	771	449	172	84	30	36
Richmond	14	11	...	...	...	...
Total Upstate	7745	4739	1700	815	290	201
Albany	390	212	82	61	27	8
Allegany	19	9	5	4	...	1
Broome	104	57	32	11	4	...
Cattaraugus	94	55	20	11	3	5
Cayuga	81	71	6	3	1	...
Chautauqua	73	48	14	10	...	1
Chemung	154	69	42	20	11	12
Chenango	23	14	3	3	...	3
Clinton	11	3	5	3	...	...
Columbia	24	19	4	1	...	...
Cortland	25	9	6	6	4	...
Delaware	7	7	...	...	...	...
Dutchess	286	222	42	10	3	9
Erie	617	382	144	66	12	13
Essex	18	8	4	5	1	...
Franklin	21	10	2	7	2	...
Fulton	17	11	...	1	5	...
Genesee	81	55	12	10	4	...
Greene	27	10	10	5	2	...
Hamilton	4	2	2	...	...	...
Herkimer	45	31	11	2	...	1
Jefferson	75	49	16	7	1	2
Lewis	3	2	...	1	...	...
Livingston	25	3	6	9	...	7
Madison	40	16	6	7	2	9
Monroe	928	667	160	58	28	15
Montgomery	28	13	6	5	4	...
Nassau	640	382	168	55	24	11
Niagara	143	87	42	11	3	...
Oneida	107	81	18	2	3	3
Onondaga	1088	679	237	113	31	28
Ontario	29	14	7	5	1	2
Orange	180	83	49	15	10	23
Orleans	23	18	1	3	1	...
Oswego	24	16	6	2	...	...
Otsego	16	9	...	3	4	...
Putnam	19	5	9	1	...	4
Rensselaer	...	...	...	...	...	...
Rockland	139	58	43	14	20	4
St.Lawrence	19	14	4	1	...	...
Saratoga	119	59	37	15	7	1
Schenectady	162	102	34	22	2	2
Schoharie	9	6	3	...	...	...
Schuyler	9	3	5	...	1	...
Seneca	12	2	7	3	...	...
Steuben	76	37	19	14	1	5
Suffolk	920	572	206	103	28	11
Sullivan	60	53	4	2	1	...
Tioga	...	...	...	...	...	...
Tompkins	14	14	...	...	...	...
Ulster	190	112	45	13	15	5
Warren	14	6	2	2	4	...
Washington	36	13	12	8	3	...
Wayne	133	57	27	35	6	8
Westchester	319	191	68	41	11	8
Wyoming	13	8	1	4	...	...
Yates	12	4	6	2	...	...

Table A-45
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals FromCriminal Courts And Designated Felonies: Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
FELONIES									
Assault or Related Offenses	3730	22	99	22	8	1	138	486	2954
Homicide	80	...	2	...	1	...	5	8	64
Criminal Trespass/Burglary	5215	2	16	68	36	5	696	246	4146
Criminal Mischief/Tamp.	3010	...	2	14	11	3	386	198	2396
Grand Larceny	4655	5	25	26	13	9	374	487	3716
Robbery	1590	14	37	5	2	2	132	130	1268
Crim.Poss. Stolen Property	3270	...	8	36	24	7	397	187	2611
Controlled Substance Offense	3250	1	1	...	...	...	569	79	2600
Marijuana Possession/Sale	15	...	...	...	...	...	2	1	12
Weapon Offenses	845	...	2	3	1	...	118	45	676
Other Felonies	2735	177	48	9	7	2	194	147	2151
MISDEMEANORS									
Assault or Related Offenses	5785	53	281	60	27	2	237	516	4609
Crim.Trespass/Burg. or Rel.Offenses	1930	1	8	5	8	...	332	33	1543
Crim.Mischief/Tamp./Reck.End.Prop.	3275	...	7	20	21	1	488	135	2603
Petit Larceny	8055	3	22	30	16	1	1406	145	6432
Theft & Related Offenses	4360	5	13	73	42	14	540	190	3483
Controlled Substance Offenses	660	...	1	...	...	...	124	7	528
Marijuana Possession/Sale	95	...	...	...	...	...	16	3	76
Riot/Harass./Loitering	715	...	11	9	1	...	90	38	566
Unlawful Possession Weapon	475	...	5	1	1	...	73	16	379
Weapon Offenses	395	1	12	4	2	...	51	9	316
Other Misdemeanors	2450	63	59	10	2	...	254	109	1953
Total	56590	347	659	395	223	47	6622	3215	45082
Total New York City									
FELONIES									
Assault or Related Offenses	2435	5	17	2	1	1	100	373	1936
Homicide	50	...	1	...	...	...	2	7	40
Criminal Trespass/Burglary	615	...	...	...	..	...	56	67	492
Criminal Mischief/Tamp.	1615	...	...	...	...	...	172	151	1292
Grand Larceny	2875	1	7	1	1	...	168	400	2297
Robbery	710	2	1	...	...	...	56	84	567
Controlled Substance Offense	2535	1	1	...	...	...	432	73	2028
Marijuana Possession/Sale	10	...	...	...	...	...	1	1	8
Weapon Offenses	700	...	1	...	...	...	96	43	560
Other Felonies	865	7	4	...	...	...	74	89	691
MISDEMEANORS									
Assault or Related Offenses	1115	2	4	...	...	...	84	134	891
Crim.Trespass/Burg. or Rel.Offenses	315	...	...	...	...	...	54	9	252
Crim.Mischief/Tamp./Reck.End.Prop.	430	...	...	...	...	...	60	26	344
Petit Larceny	465	...	...	...	...	...	66	27	372
Theft & Related Offenses	560	...	...	...	...	...	83	32	445
Controlled Substance Offenses	290	...	1	...	...	...	52	5	232
Marijuana Possession/Sale	45	...	...	...	...	...	6	3	36
Riot/Harass./Loitering	25	...	...	...	...	...	4	1	20
Unlawful Possession Weapon	145	...	...	...	...	...	18	11	116
Weapon Offenses	140	...	...	...	...	...	21	7	112
Other Misdemeanors	400	1	1	...	...	...	52	26	320
Total	17865	19	38	3	3	1	1854	1676	14271

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-46
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
FELONIES									
Assault or Related Offenses	1295	17	82	20	7	...	38	113	1018
Homicide	30	...	1	...	1	...	3	1	24
Criminal Trespass/Burglary	4600	2	16	68	36	5	640	179	3654
Criminal Mischief/Tamp.	1395	...	2	14	11	3	214	47	1104
Grand Larceny	1780	4	18	25	12	9	206	87	1419
Robbery	880	12	36	5	2	2	76	46	701
Crim.Poss. Stolen Property	1745	...	8	36	23	7	200	80	1391
Controlled Substance Offense	715	...	...	...	...	...	137	6	572
Marijuana Possession/Sale	5	...	...	...	...	...	1	...	4
Weapon Offenses	145	...	1	3	1	...	22	2	116
Other Felonies	1870	170	44	9	7	2	120	58	1460
MISDEMEANORS									
Assault or Related Offenses	4670	51	277	60	27	2	153	382	3718
Crim.Trespass/Burg. or Rel.Offenses	1615	1	8	5	8	...	278	24	1291
Crim.Mischief/Tamp./Reck.End.Prop.	2845	...	7	20	21	1	428	109	2259
Petit Larceny	7590	3	22	30	16	1	1340	118	6060
Theft & Related Offenses	3800	5	13	73	42	14	457	158	3038
Controlled Substance Offenses	370	...	...	...	...	...	72	2	296
Marijuana Possession/Sale	50	...	...	...	...	...	10	...	40
Riot/Harass./Loitering	690	...	11	9	1	...	86	37	546
Unlawful Possession Weapon	330	...	5	1	1	...	55	5	263
Weapon Offenses	255	1	12	4	2	...	30	2	204
Other Misdemeanors	2050	62	58	10	2	...	202	83	1633
Total	38725	328	621	392	220	46	4768	1539	30811

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-47
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	11318	2112	1924	1238	702	366	190	283	4503
Total New York City	3573	162	672	630	380	223	125	206	1175
New York	1090	46	183	161	131	83	49	90	347
Kings	621	17	78	105	81	45	35	22	238
Queens	1077	69	270	244	90	43	22	32	307
Bronx	771	30	137	116	77	51	18	59	283
Richmond	14	...	4	4	1	1	1	3	...
Total Upstate	7745	1950	1252	608	322	143	65	77	3328
Albany	390	123	156	62	27	14	6	1	1
Allegany	19	10	3	1	...	...	...	...	5
Broome	104	57	3	6	...	...	...	...	38
Cattaraugus	94	17	27	4	2	1	...	...	43
Cayuga	81	68	11	...	1	...	...	...	1
Chautauqua	73	18	11	8	1	3	...	...	32
Chemung	154	78	43	12	5	3	1	3	9
Chenango	23	19	4	...	...	...	...	...	...
Clinton	11	3	3	2	...	...	...	2	1
Columbia	24	11	5	1	1	...	...	...	6
Cortland	25	1	7	3	...	...	...	...	14
Delaware	7	3	1	...	...	...	...	...	3
Dutchess	286	18	30	25	14	5	3	5	186
Erie	617	43	54	30	35	12	11	14	418
Essex	18	7	...	...	...	...	...	...	11
Franklin	21	9	5	...	...	...	...	...	7
Fulton	17	10	3	...	1	1	...	...	2
Genesee	81	5	20	6	6	...	2	4	38
Greene	27	15	1	2	1	3	...	...	5
Hamilton	4	1	2	...	...	...	...	...	1
Herkimer	45	10	25	7	2	...	...	...	1
Jefferson	75	18	15	6	...	2	1	1	32
Lewis	3	2	1	...	...	...	...	...	...
Livingston	25	5	2	1	...	...	...	...	17
Madison	40	3	5	3	2	...	...	...	27
Monroe	928	586	122	98	70	22	14	15	1
Montgomery	28	2	11	5	4	...	2	...	4
Nassau	640	40	145	89	37	20	8	9	292
Niagara	143	61	35	7	...	1	...	...	39
Oneida	107	28	24	15	8	5	1	1	25
Onondaga	1088	23	70	45	20	8	4	4	914
Ontario	29	15	8	2	2	...	1	1	...
Orange	180	22	35	10	9	2	...	...	102
Orleans	23	7	3	1	1	1	1	1	8
Oswego	24	8	13	...	...	...	...	...	3
Otsego	16	16	...	...	...	...	...	...	...
Putnam	19	1	...	...	...	...	...	...	18
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	139	15	32	18	6	1	...	1	66
St.Lawrence	19	2	7	3	2	...	...	...	5
Saratoga	119	42	23	4	6	2	...	1	41
Schenectady	162	57	30	6	2	3	1	...	63
Schoharie	9	2	6	...	...	...	...	...	1
Schuyler	9	2	3	1	...	1	...	...	2
Seneca	12	1	6	2	...	1	...	...	2
Steuben	76	56	8	4	1	...	...	...	7
Suffolk	920	73	83	65	36	22	6	10	625
Sullivan	60	34	13	2	...	...	...	...	11
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	14	2	...	3	...	...	...	1	8
Ulster	190	91	13	3	1	...	...	...	82
Warren	14	2	2	1	...	...	...	...	9
Washington	36	15	4	1	...	1	...	...	15
Wayne	133	12	36	20	10	6	...	...	49
Westchester	319	177	72	20	9	3	3	3	32
Wyoming	13	3	4	...	...	...	...	...	6
Yates	12	1	7	4...	...	...	...	...	

* Disposed before fact-finding

Table A-48\
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Completion of Fact-Finding HearingTo Completion of Dispositional Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	11318	2773	2106	893	434	272	141	209	4490
Total New York City	3573	609	758	458	231	146	86	130	1155
New York	1090	180	218	149	86	41	31	63	322
Kings	621	152	105	54	27	26	9	8	240
Queens	1077	112	290	185	76	44	29	23	318
Bronx	771	163	139	65	42	35	17	35	275
Richmond	14	2	6	5	...	...	...	1	...
Total Upstate	7745	2164	1348	435	203	126	55	79	3335
Albany	390	99	148	69	35	16	11	11	1
Allegany	19	1	12	...	...	...	...	...	6
Broome	104	63	3	...	...	1	...	...	37
Cattaraugus	94	33	19	...	...	...	...	...	42
Cayuga	81	43	29	9	...	...	...	...	...
Chautauqua	73	17	15	8	1	...	...	...	32
Chemung	154	98	36	6	1	2	1	2	8
Chenango	23	16	7	...	...	...	...	...	...
Clinton	11	3	3	2	1	...	1	...	1
Columbia	24	6	10	2	...	...	...	...	6
Cortland	25	5	3	...	...	...	...	...	17
Delaware	7	...	3	1	...	...	...	...	3
Dutchess	286	38	29	12	8	7	...	1	191
Erie	617	93	55	27	11	7	...	4	420
Essex	18	2	6	...	...	...	...	...	10
Franklin	21	7	6	1	...	...	...	...	7
Fulton	17	11	2	1	...	1	...	...	2
Genesee	81	7	25	4	6	2	...	...	37
Greene	27	14	8	...	1	...	...	...	4
Hamilton	4	2	...	...	...	...	...	...	2
Herkimer	45	15	23	4	2	...	...	...	1
Jefferson	75	37	2	...	1	2	...	...	33
Lewis	3	1	1	1	...	...	...	...	...
Livingston	25	7	1	...	...	...	...	...	17
Madison	40	6	6	2	...	...	...	...	26
Monroe	928	567	137	74	48	48	19	31	4
Montgomery	28	3	17	3	1	...	1	...	3
Nassau	640	132	142	45	13	9	9	12	278
Niagara	143	52	47	6	1	...	...	...	37
Oneida	107	13	44	17	5	1	...	...	27
Onondaga	1088	71	45	25	11	6	1	8	921
Ontario	29	11	9	6	1	1	1	...	...
Orange	180	28	35	10	1	...	...	1	105
Orleans	23	6	7	3	...	...	...	...	7
Oswego	24	12	9	...	...	...	...	...	3
Otsego	16	15	1	...	...	...	...	...	...
Putnam	19	...	1	...	...	...	...	...	18
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	139	25	30	10	11	2	2	...	59
St.Lawrence	19	1	11	...	...	...	...	...	7
Saratoga	119	38	28	10	1	1	...	...	41
Schenectady	162	14	48	13	8	4	2	3	70
Schoharie	9	...	6	2	...	...	...	...	1
Schuyler	9	1	1	3	2	...	...	...	2
Seneca	12	4	6	...	1	...	...	...	1
Steuben	76	50	14	2	...	...	...	1	9
Suffolk	920	159	91	25	7	7	4	1	626
Sullivan	60	31	16	1	...	1	...	...	11
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	14	2	2	...	...	1	...	...	9
Ulster	190	85	16	3	1	1	...	...	84
Warren	14	6	3	...	...	...	...	...	5
Washington	36	17	4	...	...	...	...	...	15
Wayne	133	25	41	8	6	...	...	2	51
Westchester	319	164	76	20	16	6	3	2	32
Wyoming	13	1	4	...	2	...	...	...	6
Yates	12	7	5	.....	...	...	...	...	

* Disposed before fact-finding

Table A-49
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age of Boys When Act Committed
1991

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	9791	112	1086	8296	297
Total New York City	3221	7	184	2902	128
New York	946	...	51	841	54
Kings	549	3	41	499	6
Queens	986	2	45	890	49
Bronx	727	1	47	660	19
Richmond	13	1	...	12	...
Total Upstate	6570	105	902	5394	169
Albany	328	7	66	246	9
Allegany	17	...	...	17	...
Broome	94	1	13	80	...
Cattaraugus	85	1	11	73	...
Cayuga	73	5	9	57	2
Chautauqua	67	4	15	47	1
Chemung	107	...	32	74	1
Chenango	18	1	5	12	...
Clinton	11	...	...	11	...
Columbia	23	...	6	17	...
Cortland	19	...	2	17	...
Delaware	8	...	1	7	...
Dutchess	223	3	37	167	16
Erie	529	2	42	475	10
Essex	17	2	2	13	...
Franklin	17	1	5	9	2
Fulton	17	1	1	15	...
Genesee	73	3	19	51	...
Greene	25	...	1	24	...
Hamilton	3	2	...	1	...
Herkimer	45	2	7	36	...
Jefferson	63	1	3	58	1
Lewis	3	...	...	3	...
Livingston	23	1	...	22	...
Madison	38	4	13	21	...
Monroe	802	5	88	701	8
Montgomery	26	...	6	20	...
Nassau	510	1	67	420	22
Niagara	129	1	22	106	...
Oneida	89	3	16	69	1
Onondaga	913	32	136	721	24
Ontario	26	1	6	19	...
Orange	158	4	15	134	5
Orleans	20	...	8	12	...
Oswego	22	1	2	19	...
Otsego	15	...	2	13	...
Putnam	17	...	1	16	...
Rensselaer	...	...	...	...	...
Rockland	114	3	6	103	2
St.Lawrence	19	1	4	13	1
Saratoga	97	1	14	82	...
Schenectady	133	...	30	103	...
Schoharie	8	...	...	8	...
Schuyler	8	...	1	7	...
Seneca	10	...	2	8	...
Steuben	61	1	15	45	...
Suffolk	786	4	59	676	47
Sullivan	54	...	7	46	1
Tioga	...	...	...	...	...
Tompkins	10	1	5	4	...
Ulster	160	4	18	135	3
Warren	11	...	2	9	...
Washington	36	...	8	28	...
Wayne	118	...	38	79	1
Westchester	270	...	30	228	12
Wyoming	10	1	1	8	...
Yates	12	...	3	9	...

Table A-50
FAMILY COURT
Original Dispositions OfJuvenile Delinquency (Excluding Designated Felony) Petitions: Age of Girls When Act Committed
1991

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	1618	6	162	1401	49
Total New York City	421	...	23	375	23
New York	146	...	4	127	15
Kings	87	...	9	75	3
Queens	126	...	6	115	5
Bronx	61	...	4	57	...
Richmond	1	...	...	1	...
Total Upstate	1197	6	139	1026	26
Albany	62	1	15	46	...
Allegany	2	...	...	2	...
Broome	10	...	...	10	...
Cattaraugus	9	1	...	8	...
Cayuga	8	...	3	3	2
Chautauqua	6	...	1	5	...
Chemung	47	...	4	42	1
Chenango	5	...	2	3	...
Clinton	...	...	...	...	...
Columbia	1	...	...	1	...
Cortland	6	...	...	6	...
Delaware	1	...	...	1	...
Dutchess	63	1	7	50	5
Erie	96	...	8	87	1
Essex	1	...	...	1	...
Franklin	4	1	1	2	...
Fulton	...	...	...	...	...
Genesee	8	...	2	6	...
Greene	2	...	...	2	...
Hamilton	1	...	1	...	...
Herkimer	...	...	...	...	...
Jefferson	12	...	1	11	...
Lewis	...	...	...	...	...
Livingston	2	...	...	2	...
Madison	2	...	1	1	...
Monroe	129	...	23	106	...
Montgomery	2	...	...	2	...
Nassau	131	...	7	117	7
Niagara	14	...	2	12	...
Oneida	18	...	3	15	...
Onondaga	179	1	24	150	4
Ontario	3	...	...	3	...
Orange	22	...	3	18	1
Orleans	3	...	...	3	...
Oswego	2	...	...	2	...
Otsego	1	...	1	...	...
Putnam	2	...	...	2	...
Rensselaer	...	...	...	...	...
Rockland	25	...	4	21	...
St.Lawrence	...	...	...	...	...
Saratoga	22	...	...	22	...
Schenectady	29	...	8	21	...
Schoharie	1	...	...	1	...
Schuyler	1	...	...	1	...
Seneca	2	...	...	2	...
Steuben	15	...	4	11	...
Suffolk	136	...	3	130	3
Sullivan	6	1	...	5	...
Tioga	...	...	...	...	...
Tompkins	5	...	3	2	...
Ulster	31	...	4	27	...
Warren	3	...	...	3	...
Washington	...	...	...	...	...
Wayne	15	...	3	12	...
Westchester	49	...	1	46	2
Wyoming	3	...	...	3	...
Yates	...	...	...	...	...

Table A-51
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Type of Petition
1991

Location	Total	Original JD Petition	JD Petition Substituted For DF Petition
Total New York State	11409	11278	131
Total New York City	3642	3549	93
New York	1092	1083	9
Kings	636	625	11
Queens	1112	1052	60
Bronx	788	775	13
Richmond	14	14	...
Total Upstate	7767	7729	38
Albany	390	390	...
Allegany	19	19	...
Broome	104	100	4
Cattaraugus	94	94	...
Cayuga	81	81	...
Chautauqua	73	72	1
Chemung	154	154	...
Chenango	23	23	...
Clinton	11	11	...
Columbia	24	24	...
Cortland	25	25	...
Delaware	9	9	...
Dutchess	286	285	1
Erie	625	621	4
Essex	18	18	...
Franklin	21	21	...
Fulton	17	17	...
Genesee	81	81	...
Greene	27	27	...
Hamilton	4	4	...
Herkimer	45	45	...
Jefferson	75	75	...
Lewis	3	3	...
Livingston	25	25	...
Madison	40	40	...
Monroe	931	931	...
Montgomery	28	28	...
Nassau	641	637	4
Niagara	143	142	1
Oneida	107	107	...
Onondaga	1092	1091	1
Ontario	29	29	...
Orange	180	180	...
Orleans	23	23	...
Oswego	24	24	...
Otsego	16	15	1
Putnam	19	19	...
Rensselaer	...	...	...
Rockland	139	139	...
St.Lawrence	19	19	...
Saratoga	119	118	1
Schenectady	162	161	1
Schoharie	9	9	...
Schuyler	9	9	...
Seneca	12	12	...
Steuben	76	75	1
Suffolk	922	909	13
Sullivan	60	60	...
Tioga	...	...	...
Tompkins	15	15	...
Ulster	191	191	...
Warren	14	13	1
Washington	36	36	...
Wayne	133	133	...
Westchester	319	315	4
Wyoming	13	13	...
Yates	12	12	...

Table A-52
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Origin of Case
1991

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal by Supreme or County Court bef. Adjudication	Removal by Supreme or County Court bef. Sentence
Total New York State	11409	11129	189	84	4	2	1
Total New York City	3642	3470	103	64	4	...	1
New York	1092	1081	9	...	1	...	1
Kings	636	608	13	14	1	...	...
Queens	1112	1010	67	34	1	...	...
Bronx	788	757	14	16	1	...	...
Richmond	14	14	...	...	...	...	...
Total Upstate	7767	7659	86	20	...	2	...
Albany	390	389	1	...	...	...	...
Allegany	19	19	...	...	...	...	...
Broome	104	102	2	...	...	...	...
Cattaraugus	94	94	...	...	...	...	...
Cayuga	81	81	...	...	...	...	...
Chautauqua	73	73	...	...	...	...	...
Chemung	154	154	...	...	...	...	...
Chenango	23	22	1	...	...	...	...
Clinton	11	8	3	...	...	...	...
Columbia	24	23	1	...	...	...	...
Cortland	25	25	...	...	...	...	...
Delaware	9	7	...	2	...	...	...
Dutchess	286	279	7	...	...	...	...
Erie	625	617	...	8	...	...	...
Essex	18	18	...	...	...	...	...
Franklin	21	21	...	...	...	...	...
Fulton	17	16	1	...	...	...	...
Genesee	81	81	...	...	...	...	...
Greene	27	27	...	...	...	...	...
Hamilton	4	4	...	...	...	...	...
Herkimer	45	44	1	...	...	...	...
Jefferson	75	72	3	...	...	...	...
Lewis	3	2	1	...	...	...	...
Livingston	25	25	...	...	...	...	...
Madison	40	39	1	...	...	...	...
Monroe	931	922	6	3	...	...	...
Montgomery	28	27	1	...	...	...	...
Nassau	641	639	1	1	...	...	...
Niagara	143	141	2	...	...	...	...
Oneida	107	105	2	...	...	...	...
Onondaga	1092	1082	6	2	...	2	...
Ontario	29	29	...	...	...	...	...
Orange	180	175	5	...	...	...	...
Orleans	23	23	...	...	...	...	...
Oswego	24	24	...	...	...	...	...
Otsego	16	16	...	...	...	...	...
Putnam	19	19	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	139	135	4	...	...	...	...
St.Lawrence	19	19	...	...	...	...	...
Saratoga	119	114	5	...	...	...	...
Schenectady	162	159	3	...	...	...	...
Schoharie	9	9	...	...	...	...	...
Schuyler	9	9	...	...	...	...	...
Seneca	12	12	...	...	...	...	...
Steuben	76	69	7	...	...	...	...
Suffolk	922	903	17	2	...	...	...
Sullivan	60	60	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	15	14	...	1	...	...	...
Ulster	191	190	...	1	...	...	...
Warren	14	14	...	...	...	...	...
Washington	36	35	1	...	...	...	...
Wayne	133	133	...	...	...	...	...
Westchester	319	315	4	...	...	...	...
Wyoming	13	13	...	...	...	...	...
Yates	12	12	...	...	...	...	...

Table A-53
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Presentment Agency
1991

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	11409	7739	3492	115	63
Total New York City	3642	36	3488	107	11
New York	1092	8	1077	5	2
Kings	636	9	610	17	...
Queens	1112	10	1037	65	...
Bronx	788	9	750	20	9
Richmond	14	...	14	...	...
Total Upstate	7767	7703	4	8	52
Albany	390	390	...	...	...
Allegany	19	18	...	1	...
Broome	104	104	...	...	...
Cattaraugus	94	94	...	...	...
Cayuga	81	81	...	...	...
Chautauqua	73	73	...	...	...
Chemung	154	154	...	...	...
henango	23	23	...	...	...
Clinton	11	11	...	...	...
Columbia	24	24	...	...	...
Cortland	25	25	...	...	...
Delaware	9	9	...	...	...
Dutchess	286	286	...	...	...
Erie	625	615	1	2	7
Essex	18	18	...	...	...
Franklin	21	21	...	...	...
Fulton	17	17	...	...	...
Genesee	81	81	...	...	...
Greene	27	27	...	...	...
Hamilton	4	4	...	...	...
Herkimer	45	44	1	...	...
Jefferson	75	75	...	...	...
Lewis	3	3	...	...	...
Livingston	25	25	...	...	...
Madison	40	39	...	1	...
Monroe	931	931	...	...	...
Montgomery	28	28	...	...	...
Nassau	641	639	...	1	1
Niagara	143	143	...	...	...
Oneida	107	107	...	...	...
Onondaga	1092	1091	1	...	...
Ontario	29	29	...	...	...
Orange	180	180	...	...	...
Orleans	23	23	...	...	...
Oswego	24	24	...	...	...
Otsego	16	16	...	...	...
Putnam	19	19	...	...	...
Rensselaer	...	...	...	...	...
Rockland	139	138	1	...	...
St.Lawrence	19	19	...	...	...
Saratoga	119	114	...	...	5
Schenectady	162	162	...	...	...
Schoharie	9	9	...	...	...
Schuyler	9	9	...	...	...
Seneca	12	12	...	...	...
Steuben	76	76	...	...	...
Suffolk	922	880	...	3	39
Sullivan	60	60	...	...	...
Tioga	...	...	...	...	...
Tompkins	15	15	...	...	...
Ulster	191	191	...	...	...
Warren	14	14	...	...	...
Washington	36	36	...	...	...
Wayne	133	133	...	...	...
Westchester	319	319	...	...	...
Wyoming	13	13	...	...	...
Yates	12	12	...	...	...

Table A-54
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Legal Representation
1991

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	11409	8104	2457	507	341
Total New York City	3642	1593	1789	157	103
New York	1092	526	486	26	54
Kings	636	304	300	31	1
Queens	1112	396	599	75	42
Bronx	788	364	397	21	6
Richmond	14	3	7	4	...
Total Upstate	7767	6511	668	350	238
Albany	390	370	...	20	...
Allegany	19	19	...	...	...
Broome	104	102	...	2	...
Cattaraugus	94	94	...	...	...
Cayuga	81	80	...	...	1
Chautauqua	73	73	...	...	...
Chemung	154	153	...	1	...
Chenango	23	23	...	...	...
Clinton	11	11	...	...	...
Columbia	24	24	...	...	...
Cortland	25	24	...	1	...
Delaware	9	9	...	...	...
Dutchess	286	282	1	2	1
Erie	625	589	1	30	5
Essex	18	17	...	1	...
Franklin	21	21	...	...	...
Fulton	17	17	...	...	...
Genesee	81	81	...	...	...
Greene	27	26	...	1	...
Hamilton	4	4	...	...	...
Herkimer	45	43	1	1	...
Jefferson	75	75	...	...	...
Lewis	3	3	...	...	...
Livingston	25	25	...	...	...
Madison	40	40	...	...	...
Monroe	931	311	502	30	88
Montgomery	28	28	...	...	...
Nassau	641	485	1	73	82
Niagara	143	141	...	2	...
Oneida	107	106	1	...	...
Onondaga	1092	1090	1	...	1
Ontario	29	29	...	...	...
Orange	180	102	71	6	1
Orleans	23	23	...	...	...
Oswego	24	23	...	1	...
Otsego	16	13	1	1	1
Putnam	19	17	...	2	...
Rensselaer	...	...	...	...	...
Rockland	139	43	84	12	...
St.Lawrence	19	19	...	...	...
Saratoga	119	116	1	2	...
Schenectady	162	162	...	...	...
Schoharie	9	9	...	...	...
Schuyler	9	9	...	...	...
Seneca	12	12	...	...	...
Steuben	76	76	...	...	...
Suffolk	922	713	2	151	56
Sullivan	60	59	...	1	...
Tioga	...	...	...	...	...
Tompkins	15	15	...	...	...
Ulster	191	191	...	...	...
Warren	14	14	...	...	...
Washington	36	33	...	2	1
Wayne	133	130	...	3	...
Westchester	319	312	1	5	1
Wyoming	13	13	...	...	...
Yates	12	12	...	...	...

Table A-55
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Restitution or Public Service Recommended or Ordered
1991

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	11409	1378	10031
Total New York City	3642	133	3509
New York	1092	19	1073
Kings	636	24	612
Queens	1112	62	1050
Bronx	788	27	761
Richmond	14	1	13
Total Upstate	7767	1245	6522
Albany	390	43	347
Allegany	19	9	10
Broome	104	35	69
Cattaraugus	94	30	64
Cayuga	81	7	74
Chautauqua	73	10	63
Chemung	154	63	91
Chenango	23	5	18
Clinton	11	5	6
Columbia	24	11	13
Cortland	25	7	18
Delaware	9	...	9
Dutchess	286	29	257
Erie	625	87	538
Essex	18	8	10
Franklin	21	9	12
Fulton	17	7	10
Genesee	81	14	67
Greene	27	7	20
Hamilton	4	2	2
Herkimer	45	17	28
Jefferson	75	11	64
Lewis	3	2	1
Livingston	25	8	17
Madison	40	21	19
Monroe	931	103	828
Montgomery	28	6	22
Nassau	641	45	596
Niagara	143	16	127
Oneida	107	12	95
Onondaga	1092	106	986
Ontario	29	10	19
Orange	180	22	158
Orleans	23	4	19
Oswego	24	9	15
Otsego	16	9	7
Putnam	19	1	18
Rensselaer	...	...	...
Rockland	139	55	84
St.Lawrence	19	9	10
Saratoga	119	26	93
Schenectady	162	29	133
Schoharie	9	4	5
Schuyler	9	6	3
Seneca	12	7	5
Steuben	76	19	57
Suffolk	922	113	809
Sullivan	60	9	51
Tioga	...	...	...
Tompkins	15	1	14
Ulster	191	25	166
Warren	14	8	6
Washington	36	12	24
Wayne	133	33	100
Westchester	319	88	231
Wyoming	13	6	7
Yates	12	5	7

Table A-56
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained Before Petition Filed
1991

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applic-able*
Total New York State	11402	512	199	10691
Total New York City	3638	288	123	3227
New York	1092	97	50	945
Kings	632	25	28	579
Queens	1112	89	10	1013
Bronx	788	76	35	677
Richmond	14	1	...	13
Total Upstate	7764	224	76	7464
Albany	390	...	...	390
Allegany	19	...	...	19
Broome	104	1	...	103
Cattaraugus	94	...	...	94
Cayuga	81	1	...	80
Chautauqua	73	...	...	73
Chemung	154	...	...	154
Chenango	23	1	...	22
Clinton	11	...	...	11
Columbia	24	1	...	23
Cortland	25	...	...	25
Delaware	9	2	...	7
Dutchess	286	2	2	282
Erie	625	21	31	573
Essex	18	1	...	17
Franklin	21	...	...	21
Fulton	17	...	...	17
Genesee	81	1	...	80
Greene	27	1	...	26
Hamilton	4	...	...	4
Herkimer	45	...	...	45
Jefferson	75	4	1	70
Lewis	3	1	...	2
Livingston	25	...	...	25
Madison	40	1	...	39
Monroe	931	...	...	931
Montgomery	28	3	...	25
Nassau	640	55	13	572
Niagara	143	3	2	138
Oneida	107	1	...	106
Onondaga	1090	32	3	1055
Ontario	29	7	...	22
Orange	180	4	...	176
Orleans	23	...	...	23
Oswego	24	...	...	24
Otsego	16	1	...	15
Putnam	19	...	...	19
Rensselaer	...	...	...	...
Rockland	139	2	...	137
St.Lawrence	19	...	...	19
Saratoga	119	...	...	119
Schenectady	162	5	...	157
Schoharie	9	1	...	8
Schuyler	9	2	...	7
Seneca	12	2	10	...
Steuben	76	1	...	75
Suffolk	922	10	2	910
Sullivan	60	...	...	60
Tioga	...	...	...	...
Tompkins	15	1	...	14
Ulster	191	5	...	186
Warren	14	...	...	14
Washington	36	...	...	36
Wayne	133	4	6	123
Westchester	319	47	6	266
Wyoming	13	...	...	13
Yates	12	...	...	12

* Respondent Not Detained

Table A-57
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained After Petition Filed
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	11409	592	320	232	331	660	74	9	9191
Total New York City	3642	337	149	115	150	252	38	5	2596
New York	1092	117	60	41	62	92	12	3	705
Kings	636	61	16	18	13	15	2	...	511
Queens	1112	51	39	29	49	92	15	1	836
Bronx	788	107	33	26	26	53	9	1	533
Richmond	14	1	1	1	...	...	...	...	11
Total Upstate	7767	255	171	117	181	408	36	4	6595
Albany	390	3	7	13	41	35	2	...	289
Allegany	19	...	1	...	...	1	...	...	17
Broome	104	6	4	1	2	10	...	...	81
Cattaraugus	94	2	...	...	...	3	...	...	89
Cayuga	81	1	...	...	...	...	...	...	80
Chautauqua	73	...	1	...	3	2	...	...	67
Chemung	154	...	2	...	2	7	3	...	140
Chenango	23	...	...	...	1	...	...	...	22
Clinton	11	...	...	...	...	...	...	...	11
Columbia	24	...	1	...	...	1	...	...	22
Cortland	25	...	1	...	...	...	...	...	24
Delaware	9	...	...	...	2	...	...	...	7
Dutchess	286	3	2	6	7	16	...	...	252
Erie	625	71	27	18	14	28	1	...	466
Essex	18	...	2	...	...	...	...	...	16
Franklin	21	...	...	...	...	...	...	...	21
Fulton	17	...	...	...	...	...	...	...	17
Genesee	81	...	...	...	...	1	...	...	80
Greene	27	1	...	...	...	...	...	...	26
Hamilton	4	...	...	...	...	...	...	...	4
Herkimer	45	...	2	...	...	1	...	...	42
Jefferson	75	5	...	...	...	4	...	...	66
Lewis	3	...	...	...	...	...	...	...	3
Livingston	25	...	...	...	...	...	...	...	25
Madison	40	...	1	1	2	1	1	...	34
Monroe	931	47	51	35	47	156	8	...	587
Montgomery	28	...	...	1	1	...	...	...	26
Nassau	641	33	17	5	9	10	...	...	567
Niagara	143	2	1	1	2	10	...	...	127
Oneida	107	5	4	2	6	7	2	...	81
Onondaga	1092	20	13	5	12	45	12	1	984
Ontario	29	2	2	1	2		...	...	21
Orange	180	1	2	...	...	1	...	...	176
Orleans	23	...	...	...	...	...	...	...	23
Oswego	24	...	...	...	...	1	...	...	23
Otsego	16	...	...	...	...	...	...	1	15
Putnam	19	...	...	...	...	...	...	...	19
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	139	...	4	2	1	11	5	...	116
St.Lawrence	19	...	...	...	...	...	...	...	19
Saratoga	119	4	1	3	...	...	...	...	111
Schenectady	162	6	6	10	6	15	...	...	119
Schoharie	9	...	1	...	2	...	...	...	6
Schuyler	9	...	2	...	...	2	...	...	5
Seneca	12	...	...	2	...	...	...	...	10
Steuben	76	3	1	...	...	7	...	...	65
Suffolk	922	23	11	4	8	4	...	...	872
Sullivan	60	...	...	...	...	...	...	...	60
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	15	2	...	1	1	1	...	...	10
Ulster	191	5	...	1	...	4	...	...	181
Warren	14	1	...	...	...	...	...	...	13
Washington	36	1	2	3	...	...	...	...	30
Wayne	133	2	...	...	2	3	1	...	125
Westchester	319	6	1	2	7	18	1	2	282
Wyoming	13	...	1	...	1	...	...	...	11
Yates	12	...	...	.....	2	...	...	10	

Table A-58
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	91	3	3	4	8	28	8	1	...	...	36
Total New York City	69	2	3	4	6	24	8	...	...	...	22
New York	2	...	...	...	1	...	...	...	...	...	1
Kings	15	...	1	1	2	4	1	...	...	...	6
Queens	35	1	2	1	3	17	4	...	...	...	7
Bronx	17	1	...	2	...	3	3	...	...	...	8
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	22	1	...	...	2	4	...	1	...	...	14
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	2	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	8	...	...	...	...	...	...	...	...	...	8
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	3	1	...	...	...	...	...	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	4	...	...	...	...	1	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	...	...	...	2	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	...	...	1	...	...	...
Ulster	1	...	...	...	...	1	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-59
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	91	20	1	2	1	18	8	4	...	1	36
Total New York City	69	18	1	1	1	13	8	4	...	1	22
New York	2	...	...	1	...	...	...	...	...	...	1
Kings	15	4	...	...	...	3	...	1	...	1	6
Queens	35	9	...	...	1	8	8	2	...	...	7
Bronx	17	5	1	...	...	2	...	1	...	...	8
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	22	2	...	1	...	5	...	...	...	...	14
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	2	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	8	...	...	...	...	...	...	...	...	...	8
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	3	...	...	1	...	...	...	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	4	...	...	...	...	1	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	...	...	...	2	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...	...	...	...	...	...
Ulster	1	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-60
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Outcome of Fact-Finding
1991

Location	Total	Allegat. Established In Whole or In Part After FF Hearing	Allegat. Established In Whole or In Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	91	4	49	1	37	...
Total New York City	69	3	42	1	23	...
New York	2	...	1	...	1	...
Kings	15	1	8	...	6	...
Queens	35	1	26	...	8	...
Bronx	17	1	7	1	8	...
Richmond	...	...	...	...	...	...
Total Upstate	22	1	7	...	14	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	2	...	2	...	...	...
Dutchess	...	...	...	...	...	...
Erie	8	...	...	...	8	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	3	...	1	...	2	...
Montgomery	...	...	...	...	...	...
Nassau	1	...	...	...	1	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	4	...	1	...	3	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	2	...	2	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...
Ulster	1	...	1	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-61
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Duration of Probation
1991

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	91	65	12	8	6
Total New York City	69	48	8	8	5
New York	2	2	...	...	...
Kings	15	12	1	1	1
Queens	35	23	4	6	2
Bronx	17	11	3	1	2
Richmond	...	...	...	...	...
Total Upstate	22	17	4	...	1
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	2	2	...	...	...
Dutchess	...	...	...	...	...
Erie	8	8	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	3	3	...	...	...
Montgomery	...	...	...	...	...
Nassau	1	1	...	...	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	4	3	1	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	2	...	1	...	1
Sullivan	...	...	...	...	...
Tioga	..	...	...	...	...
Tompkins	1	...	1	...	...
Ulster	1	...	1	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	..	...

Table A-62
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	Dispositions —Allegations Not Established								Total Disps.-Allegs. Est.
		With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dismissed in Further-ance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	91	18	...	1	...	2	1	7	11	51
Total New York City	69	18	...	...	...	2	1	4	1	43
New York	2	...	...	...	...	...	...	...	...	2
Kings	15	6	...	...	...	...	...	1	...	8
Queens	35	7	...	...	...	...	...	3	...	25
Bronx	17	5	...	...	...	2	1	...	1	8
Richmond	...	...	...	...	...	...	...	...	...	...
Total Upstate	22	...	...	1	...	...	...	3	10	8
Albany	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	...	2
Dutchess	...	...	...	...	...	...	...	...	...	...
Erie	8	...	...	...	...	...	...	1	7	...
Essex	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...
Monroe	3	...	...	...	...	...	...	...	2	1
Montgomery	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	1	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...
Onondaga	4	...	...	...	...	...	...	2	1	1
Ontario	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	...	...	...	...	...	...	...	2
Sullivan	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	...	...	...	...	1
Ulster	1	...	...	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...

Table A-63
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Placement										
		Cond-itional Disch.	Proba-tion	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment
Total New York State	51	7	26	...	2	...	9	...	1	...	...	6
Total New York City	43	7	21	...	...	...	8	...	1	...	...	6
New York	2	...	...	...	...	...	2	...	...	...	...	...
Kings	8	3	3	...	...	...	1	...	...	...	...	1
Queens	25	3	12	...	...	...	4	...	1	...	...	5
Bronx	8	1	6	...	...	...	1	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	8	...	5	...	2	...	1	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	2	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	...	1	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	1	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	2	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	1	...	...	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...

Table A-64
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Alleged In Petitions:
1991

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	29	26	3
Homicide	...	...	...
Criminal Trespass/Burglary	9	3	6
Criminal Mischief/Tamp.	2	2	...
Grand Larceny	20	19	1
Robbery	55	51	4
Crim.Poss. Stolen Property	5	4	1
Controlled Substance Offense	3	3	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	8	8	...
Other Felonies	11	8	3
MISDEMEANORS			
Assault or Related Offenses	19	15	4
Crim.Trespass/Burg. or Rel.Offenses	2	2	...
Crim.Mischief/Tamp./Reck.End.Prop.	3	1	2
Petit Larceny	21	1	
Theft & Related Offenses	18	17	1
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	1	1	...
Weapon Offenses	8	7	1
Other Misdemeanor	...	...	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-65
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Found to Have Been Committed
1991

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	8	7	1
Homicide	...	...	...
Criminal Trespass/Burglary	5	2	3
Criminal Mischief/Tamp.	2	2	...
Grand Larceny	11	11	...
Robbery	13	11	2
Crim.Poss. Stolen Property	2	2	...
Controlled Substance Offense	...	...	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	1	1	...
Other Felonies	4	4	...
MISDEMEANORS			
Assault or Related Offenses	11	9	2
Crim.Trespass/Burg. or Rel.Offenses	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	2	1	1
Petit Larceny	4	4	...
Theft & Related Offenses	4	4	...
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	1	1	...
Weapon Offenses	3	3	...
Other Misdemeanors	1	1	...
Allegation Not Established.	32	18	14

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-66 (Partial)
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
FELONIES									
Assault or Related Offenses	145	...	2	...	...	...	7	22	114
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	35	...	...	...	1	...	2	4	28
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	60	...	2	...	...	...	4	6	48
Robbery	120	...	1	1	...	...	5	17	96
Crim.Poss. Stolen Property	10	...	...	...	...	...	2	...	8
Controlled Substance Offense	10	...	...	...	...	...	1	1	8
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Felonies	30	...	1	...	...	...	2	4	23
MISDEMEANORS									
Assault or Related Offenses	20	...	...	...	...	...	2	2	16
Crim.Trespass/Burg. or Rel.Offenses		...	...	...	...	...	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	10	...	...	...	...	...	...	5	5
Petit Larceny	5	...	...	...	...	...	1	...	4
Theft & Related Offenses	5	...	...	...	...	...	1	...	4
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	...	...	...	...	...	...	...	...	...
Total	455	...	6	1	1	...	28	61	358

Total New York City									
FELONIES									
Assault or Related Offenses	130	...	...	...	...	...	7	21	102
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	15	...	...	...	...	...	2	1	12
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	60	...	2	...	...	...	4	6	48
Robbery	100	...	...	...	...	...	3	17	80
Crim.Poss. Stolen Property	5	...	...	...	...	...	1	...	4
Controlled Substance Offense	10	...	...	...	...	...	1	1	8
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Felonies	20	...	...	...	...	...	2	3	15
MISDEMEANORS									
Assault or Related Offenses	...	...	...	...	...	...	...	...	...
Crim.Trespass/Burg. or Rel.Offenses	...	...	...	...	...	...	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	...	...	...	...	...	...	...	...	...
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	...	...	...	...	...	...	...	...	...
Total	345	...	2	...	...	...	21	49	273

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-66 (Concl.)
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
FELONIES									
Assault or Related Offenses	15	...	2	...	...	...	...	1	12
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	20	...	...	...	1	...	...	3	16
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	...	...	...	...	...	...	...	...	...
Robbery	20	...	1	1	...	...	2	...	16
Crim.Poss. Stolen Property	5	...	...	...	...	...	1	...	4
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Felonies	10	...	1	...	...	...	...	1	8
MISDEMEANORS									
Assault or Related Offenses	20	...	...	...	...	...	2	2	16
Crim.Trespass/Burg. or Rel.Offenses	...	...	...	...	...	...	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	10	...	...	...	...	...	...	5	5
Petit Larceny	5	...	...	...	...	...	1	...	4
Theft & Related Offenses	5	...	...	...	...	...	1	...	4
Controlled Substance Offenses	...	...	...	...	...	...	...	...	
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	...	...	...	...	...	...	...	...	...
Total	110	...	4	1	1	...	7	12	85

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-67
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Co-Respondent In Each Petition
1991

Location	Total	None	1	2	3	4 or More
Total New York State	91	56	16	8	10	1
Total New York City	69	41	12	6	9	1
New York	2	1	1	...	...	...
Kings	15	11	1	...	2	1
Queens	35	20	5	5	5	...
Bronx	17	9	5	1	2	...
Richmond	...	...	...	...	...	...
Total Upstate	22	15	4	2	1	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	2	2	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	8	4	2	2	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	3	2	...	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	1	1	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	4	4	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	2	...	2	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...
Ulster	1	1	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-68
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	91	7	10	16	13	4	4	5	32
Total New York City	69	5	7	12	12	4	4	5	20
New York	2	...	...	...	...	...	...	1	1
Kings	15	1	1	5	1	1	1	...	5
Queens	35	2	5	7	10	1	1	1	8
Bronx	17	2	1	...	1	2	2	3	6
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	22	2	3	4	1	...	...	...	12
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	2	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	8	...	...	...	...	...	...	...	8
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	3	2	...	1	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	4	...	...	1	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	2	...	...	2	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	1	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	

* Disposed before fact-finding

Table A-69
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	91	22	17	7	6	2	...	4	33
Total New York City	69	19	13	5	5	2	...	4	21
New York	2	...	...	...	1	...	...	...	1
Kings	15	4	2	1	...	...	...	2	6
Queens	35	9	7	4	4	2	...	1	8
Bronx	17	6	4	...	...	...	...	1	6
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	22	3	4	2	1	...	...	...	12
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	1	1	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	8	...	...	...	...	...	...	...	8
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	3	2	...	1	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	4	...	...	...	1	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	2	...	2	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-70
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Orders Extending Placement
1991

	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Home, Rel., Pvt. Person	14	9	4	1	...
Comm. Social Service	291	167	87	17	20
DFY Title II	277	175	67	27	8
DFY Title III	417	287	90	28	12
DFY 6 Month Resid	24	15	7	2	...
Soc. Serv. Trans. to MH	12	8	1	2	1
DFY Trans. to MH	6	4	2	...	...
Other Placement	16	13	2	1	...
**Total	1057	678	260	78	41
New York City					
Home, Rel., Pvt. Person	5	3	1	1	...
Comm. Social Service	58	20	36	...	2
DFY Title II	151	99	37	13	2
DFY Title III	110	71	27	7	5
DFY 6 Month Resid	5	3	2	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. to MH	1	1	...	...	...
Other Placement	10	9	1	...	...
**Total.	340	206	104	21	9
Outside New York City					
Home, Rel., Pvt. Person	9	6	3	...	...
Comm. Social Service	233	147	51	17	18
DFY Title II	126	76	30	14	6
DFY Title III	307	216	63	21	7
DFY 6 Month Resid	19	12	5	2	...
Soc. Serv. Trans. to MH	12	8	1	2	1
DFY Trans. to MH	5	3	2	...	...
Other Placement	6	4	1	1	...
**Total	717	472	156	57	32

This table only includes those 110 forms where petition type (Section E) is code 1 -JD.

Table A-71
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	230	22	17	10	5	39	11	3	1	...	122
Total New York City	91	8	7	5	2	15	6	3	...	...	45
New York	21	3	4	3	...	8	1	...	...	...	2
Kings	8	1	...	...	...	2	1	...	...	...	4
Queens	33	1	2	1	...	1	2	2	...	...	24
Bronx	29	3	1	1	2	4	2	1	...	...	15
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	139	14	10	5	3	24	5	...	1	...	77
Albany	2	...	...	...	...	1	1	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	12	5	1	...	...	1	...	...	...	...	5
Chautauqua	6	1	...	...	...	1	...	...	...	...	4
Chemung	1	...	...	...	...	...	...	...	...	...	1
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	5	...	...	...	...	...	...	...	...	...	5
Erie	17	...	2	...	...	3	...	...	...	...	12
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	1	1	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...	...	...	...	...
Jefferson	2	...	1	...	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	1	...	...	...	...	1	...	...	...	...	...
Monroe	14	1	2	1	2	4	...	...	...	...	4
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	5	1	...	1	...	...	...	...	...	...	3
Niagara	2	...	...	...	...	...	2	...	...	...	...
Oneida	4	...	...	...	...	2	...	...	...	...	2
Onondaga	26	...	...	...	...	...	...	...	...	...	26
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	2	...	...	...	...	2
Orleans	1	...	...	...	...	...	...	...	...	...	1
Oswego	1	...	...	...	...	...	1	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	1	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	1	1	...	...	...	...	...	...	...	...	...
Schenectady	6	...	...	...	...	1	...	...	1	...	4
Schoharie	1	...	...	...	...	1	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	5	...	2	1	...	...	...	...	...	...	2
Suffolk	5	1	...	...	1	...	1	...	...	...	2
Sullivan	1	...	1	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	...	1	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	1	...	...	...	...	...	...	...	...	...	1
Westchester	9	2	1	1	...	4	...	...	...	...	1
Wyoming	1	...	...	...	...	1	...	...	...	...	...
Yates	1	...	...	...	...	1	...	...	...	...	...

* Disposed before fact-finding

Table A-72
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	230	21	8	5	8	53	11	2	...	...	122
Total New York City	91	7	3	4	7	22	2	1	...	...	45
New York	21	2	1	4	4	8	...	...	...	...	2
Kings	8	2	...	...	1	...	...	1	...	...	4
Queens	33	3	1	...	1	4	...	...	...	...	24
Bronx	29	...	1	...	1	10	2	...	...	...	15
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	139	14	5	1	1	31	9	1	...	...	77
Albany	2	...	...	...	...	...	2	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	12	3	2	...	...	2	...	...	...	...	5
Chautauqua	6	...	...	...	...	2	...	...	...	...	4
Chemung	1	...	...	...	...	...	...	...	...	...	1
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	5	...	...	...	...	...	...	...	...	...	5
Erie	17	2	...	...	...	2	1	...	...	...	12
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	1	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	1	...	...	...	...	...
Jefferson	2	1	...	...	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	1	...	...	...	...	1	...	...	...	...	...
Monroe	14	...	...	1	...	8	1	...	...	...	4
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	5	1	...	...	1	...	...	...	...	...	3
Niagara	2	2	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	...	...	2	...	...	...	...	2
Onondaga	26	...	...	...	...	...	...	...	...	...	26
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	2	...	...	...	...	2
Orleans	1	...	...	...	...	...	...	...	...	...	1
Oswego	1	1	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	1	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	1	...	...	...	...	...	1	...	...	...	...
Schenectady	6	...	1	...	...	1	...	...	...	...	4
Schoharie	1	1	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	5	1	...	...	...	2	...	...	...	...	2
Suffolk	5	...	...	...	...	2	...	1	...	...	2
Sullivan	1	...	1	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	1	...	...	...	...	...	...	...	...	...	1
Westchester	9	1	1	...	...	4	2	...	...	...	1
Wyoming	1	...	...	...	...	1	...	...	...	...	...
Yates	1	...	...	...	...	...	1	...	...	...	...

* Disposed before fact-finding

Table A-73
FAMILY COURT
Original Dispositions of Designated Felony PetitionsExcluding Removals From Criminal Courts: Outcome of Fact-Finding
1991

Location	Total	Allegat. Established In Whole or In Part After FF Hearing	Allegat. Established In Whole or In Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	230	22	80	6	122	...
Total New York City	91	16	25	5	45	...
New York	21	8	9	2	2	...
Kings	8	...	4	...	4	...
Queens	33	4	3	2	24	...
Bronx	29	4	9	1	15	...
Richmond	...	...	...	...	...	...
Total Upstate	139	6	55	1	77	...
Albany	2	...	2	...	...	...
Allegany	...	...	...	...	...	...
Broome	1	...	...	...	1	...
Cattaraugus	...	...	...	...	...	...
Cayuga	12	2	5	...	5	...
Chautauqua	6	...	2	...	4	...
hemung	1	...	...	...	1	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	5	...	...	...	5	...
Erie	17	...	4	1	12	...
Essex	...	...	...	...	...	...
Franklin	1	...	1	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...
Jefferson	2	...	1	...	1	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	1	...	1	...	...	...
Monroe	14	...	10	...	4	...
Montgomery	...	...	...	...	...	...
Nassau	5	...	2	...	3	...
Niagara	2	...	2	...	...	...
Oneida	4	1	1	...	2	...
Onondaga	26	...	...	...	26	...
Ontario	...	...	...	...	...	...
Orange	4	...	2	...	2	...
Orleans	1	...	...	...	1	...
Oswego	1	1	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	...	1	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	1	...	1	...	...	...
Schenectady	6	...	2	...	4	...
Schoharie	1	...	1	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	5	...	3	...	2	...
Suffolk	5	...	3	...	2	...
Sullivan	1	...	1	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	1	...	1	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	1	...	...	...	1	...
Westchester	9	2	6	...	1	...
Wyoming	1	...	1	...	...	...
Yates	1	...	1	...	...	...

* Disposed before fact-finding

Table A-74
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Duration of Probation
1991

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	230	190	20	4	16
Total New York City	91	80	8	...	3
New York	21	16	5	...	...
Kings	8	7	1	...	...
Queens	33	33	...	...	...
Bronx	29	24	2	...	3
Richmond	...	...	...	...	...
Total Upstate	139	110	12	4	13
Albany	2	2	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	12	10	...	...	2
Chautauqua	6	4	2	...	...
Chemung	1	1	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	5	...	...	...
Erie	17	15	1	1	...
Essex	...	...	...	...	...
Franklin	1	1	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	1	1	...	...	...
Monroe	14	8	2	1	3
Montgomery	...	...	...	...	...
Nassau	5	5	...	...	...
Niagara	2	...	2	...	...
Oneida	4	3	1	...	...
Onondaga	26	26	...	...	...
Ontario	...	...	...	...	...
Orange	4	2	...	...	2
Orleans	1	1	...	...	...
Oswego	1	1	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	1	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	1	1	...	...	...
Schenectady	6	5	1	...	...
Schoharie	1	...	...	...	1
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	5	3	2	...	...
Suffolk	5	3	...	1	1
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	1	1	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	1	1	...	...	...
Westchester	9	4	1	...	4
Wyoming	1	1	...	...	...
Yates	1	...	...	1	...

Table A-75
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown of Dispositions (Allegations Not Established)
1991

Location	Dispositions -Allegations Not Established								
	Total	With-Drawn	Consolidated	Change of Venue	Found Incap.	Dismissed Furth. of Justice	Dismissed After FF Hearing	Other Dismissal	Total Disps. Allegs. Est.
Total New York State	230	63	5	2	...	8	6	45	101
Total New York City	91	25	1	...	...	5	5	14	41
New York	21	1	...	...	...	...	2	1	17
Kings	8	2	...	...	...	1	...	1	4
Queens	33	16	...	...	...	4	2	4	7
Bronx	29	6	1	...	...	...	1	8	13
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	139	38	4	2	...	3	1	31	60
Albany	2	...	...	...	...	...	...	...	2
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	1	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	12	4	1	...	...	...	...	...	7
Chautauqua	6	...	...	...	...	...	...	4	2
Chemung	1	...	...	...	...	...	...	1	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	5	1	1	...	...	...	...	3	...
Erie	17	5	...	...	...	...	...	7	5
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	...	...	...	1
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	2	...	1	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	1	...	...	...	...	...	...	...	1
Monroe	14	...	1	...	...	...	...	4	9
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	5	...	...	...	...	...	...	3	2
Niagara	2	...	...	...	...	...	...	...	2
Oneida	4	1	...	...	...	1	...	...	2
Onondaga	26	20	...	...	...	2	...	3	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	1	...	...	...	...	...	1	2
Orleans	1	1	...	...	...	...	...	...	...
Oswego	1	...	...	...	...	...	1	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	1
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	1	...	...	...	...	...	...	...	1
Schenectady	6	3	...	...	...	...	...	1	2
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	5	...	...	...	...	...	...	2	3
Suffolk	5	...	...	...	...	...	...	2	3
Sullivan	1	...	...	...	...	...	...	...	1
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	1	1	...	...	...	...	...	...	...
Westchester	9	1	...	1	...	...	...	...	7
Wyoming	1	...	...	...	...	...	...	...	1
Yates	1	...	...	.....	...	...	...	1	

Table A-76
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown of Dispositions (Allegations Established)
1991

		Nonrestrictive Placement											Placement Restrictive		
Location	Total	Cond. Disch.	Prob.	Home, Rel., Pvt. Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to MH	DFY Trans. to MH	Other Place-Ment	DFY 5-Yrs	DFY 3-Yrs	DFY Trans. to MH
Total New York State	101	9	40	...	3	6	36	...	2	...	...	5	...	...	...
Total New York City	41	2	11	...	...	3	19	...	2	...	...	4	...	...	...
New York	17	...	5	...	...	2	10	...	...	...	...	...	...	...	...
Kings	4	1	1	...	...	...	1	...	...	...	...	1	...	...	...
Queens	7	...	...	...	...	...	2	...	2	...	...	3	...	...	...
Bronx	13	1	5	...	...	1	6	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	60	7	29	...	3	3	17	...	...	...	...	1	...	...	...
Albany	2	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	7	...	2	...	...	...	5	...	...	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	5	3	2	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Jefferson	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Monroe	9	...	6	...	...	...	3	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	2	...	...	...	...	1	...	...	...	...	...	1	...	...	...
Niagara	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	2	...	1	...	...	1	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Schenectady	2	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Schoharie	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	3	...	2	...	1	...	...	...	...	...	...	...	...	...	...
Suffolk	3	1	2	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	7	1	5	...	...	...	1	...	...	...	...	...	...	...	...
Wyoming	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Yates	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...

Table A-77
FAMILY COURT
Original Dispositions of Designated Felony Petitions
Excluding Removals From Criminal Courts:
Crimes Alleged In Petitions:
1991

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	8	7	1
Manslaughter 1	...	...	...
Rape 1	32	3	29
Sodomy 1	56	3	53
Aggravated Sexual Abuse	6	1	5
Att.Kidnapping 1	...	...	...
Kidnapping 2	1	...	1
Arson 2	5	2	3
Robbery 1	60	51	9
Burglary 1	3	1	2
Robbery 2	70	55	15
Assault 1	18	11	7
Burglary 2	17	5	12
Assault 2	30	19	11
Other Felonies	73	42	31
Misdemeanors, Violations	37	23	14

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-78
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Found to Have Been Committed
1991

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	1	...	1
Kidnapping 1	..	...	...
Arson 1	...	...	...
Att. Murder 2	1	...	1
Manslaughter 1	..	...	...
Rape 1	7	...	7
Sodomy 1	15	1	14
Aggravated Sexual Abuse	4	...	4
Att.Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	2	1	1
Robbery 1	16	13	3
Burglary 1	...	...	...
Robbery 2	19	14	5
Assault 1	4	3	1
Burglary 2	2	1	1
Assault 2	10	4	6
Other Felonies	26	10	16
Misdemeanors, Violations	22	5	17
Allegations Not Established	116	48	68

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-79
FAMILY COURT
Original Dispositions of Designated Felony PetitionsExcluding Removals From Criminal Courts: Co-Respondent In Each Petition
1991

Location	Total	None	1	2	3	4 or More
Total New York State	230	149	42	20	9	10
Total New York City	91	48	18	12	6	7
New York	21	9	4	4	2	2
Kings	8	4	...	1	...	3
Queens	33	20	5	4	3	1
Bronx	29	15	9	3	1	1
Richmond	...	...	...	...	...	...
Total Upstate	139	101	24	8	3	3
Albany	2	2	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	1	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...
Cayuga	12	3	4	3	2	...
Chautauqua	6	5	...	1	...	...
Chemung	1	1	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	5	2	1	...	1	1
Erie	17	11	4	2	...	...
Essex	...	...	...	...	...	...
Franklin	1	1	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...
Jefferson	2	2	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	1	1	...	...	...	...
Monroe	14	9	4	1	...	...
Montgomery	...	...	...	...	...	...
Nassau	5	5	...	...	...	...
Niagara	2	2	...	...	...	...
Oneida	4	4	...	...	...	...
Onondaga	26	20	5	1	...	...
Ontario	...	...	...	...	...	...
Orange	4	3	1	...	...	...
Orleans	1	1	...	...	...	...
Oswego	1	1	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	1	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	1	1	...	...	...	...
Schenectady	6	5	1	...	...	...
Schoharie	1	1	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	5	4	1	...	...	...
Suffolk	5	3	2	...	...	...
Sullivan	1	1	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	1	1	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	1	1	...	...	...	...
Westchester	9	7	1	...	...	1
Wyoming	1	1	...	...	...	...
Yates	1	1	...	...	...	...

Table A-80
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	40	...	1	...	...	...	1	6	32
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	160	18	10	...	...	...	3	4	125
Sodomy 1	245	41	4	...	...	...	5	3	192
Aggravated Sexual Abuse	20	2	1	...	...	...	...	1	16
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	...	...	1	...	...	...	...	4
Arson 2	25	...	...	...	...	...	3	3	19
Robbery 1	285	...	4	2	...	...	4	49	226
Burglary 1	10	...	...	2	...	...	...	...	8
Robbery 2	120	...	5	2	...	...	6	12	95
Assault 1	70	...	5	...	...	...	2	7	56
Burglary 2	50	...	...	2	...	...	6	2	40
Assault 2	45	4	1	3	...	...	...	1	36
Other Felonies	75	3	...	...	...	...	8	5	59
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total.	1150	68	31	12	...	...	38	93	908
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	35	...	...	...	...	...	1	6	28
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	15	...	...	...	...	...	...	3	12
Sodomy 1	15	2	...	...	...	...	...	1	12
Aggravated Sexual Abuse	5	...	...	...	...	...	...	1	4
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	10	...	...	...	...	...	1	1	8
Robbery 1	240	...	...	1	...	...	2	47	190
Burglary 1	...	...	...	...	...	...	...	...	...
Robbery 2	55	...	...	...	...	...	2	10	43
Assault 1	35	...	1	...	...	...	1	5	28
Burglary 2	5	...	...	...	...	...	...	1	4
Assault 2	5	...	...	...	...	...	...	1	4
Other Felonies	35	...	...	...	...	...	3	4	28
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	455	2	1	1	...	...	10	80	361

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-81
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1991

	11 or Total	Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	.	...	...	...	...	...	...	...	...
Murder 2	.	...	...	...	...	...	...	...	...
Kidnapping 1	..	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	5	...	1	...	...	...	...	...	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	145	18	10	...	...	...	3	1	113
Sodomy 1	230	39	4	...	...	...	5	2	180
Aggravated Sexual Abuse	15	2	1	...	...	...	...	...	12
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	...	...	1	...	...	...	...	4
Arson 2	15	...	...	...	...	...	2	2	11
Robbery 1	45	...	4	1	...	...	2	2	36
Burglary 1	10	...	...	2	...	...	...	...	8
Robbery 2	65	...	5	2	...	...	4	2	52
Assault 1	35	...	4	...	...	...	1	2	28
Burglary 2	45	...	...	2	...	...	6	1	36
Assault 2	40	4	1	3	...	..	...	...	32
Other Felonies	40	3	...	...	...	...	5	1	31
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	695	66	30	11	...	...	28	13	547

* No victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-82
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	230	23	34	15	15	11	9	11	112
Total New York City	91	...	8	5	9	7	9	8	45
New York	21	...	2	3	4	4	4	2	2
Kings	8	...	1	...	...	...	2	1	4
Queens	33	...	2	1	1	...	2	3	24
Bronx	29	...	3	1	4	3	1	2	15
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	139	23	26	10	6	4	...	3	67
Albany	2	...	...	1	...	1	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	12	5	4	1	...	...	...	...	2
Chautauqua	6	...	1	1	...	...	...	...	4
Chemung	1	...	...	...	...	...	...	...	1
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	5	...	...	...	...	...	...	...	5
Erie	17	2	1	...	1	...	...	1	12
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	1	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	2	...	...	...	1	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	1	...	1	...	...	...	...	...	...
Monroe	14	4	3	3	2	1	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	5	...	2	...	...	...	...	...	3
Niagara	2	...	2	...	...	...	...	...	...
Oneida	4	...	...	...	1	1	...	...	2
Onondaga	26	...	...	...	...	...	...	...	26
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	...	2	...	...	...	...	...	2
Orleans	1	1	...	...	...	...	...	...	...
Oswego	1	...	1	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	1	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	1	1	...	...	...	...	...	...	...
Schenectady	6	...	2	...	...	...	...	...	4
Schoharie	1	...	1	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	5	5	...	...	...	...	...	...	...
Suffolk	5	1	...	1	...	...	...	1	2
Sullivan	1	1	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	1	...	...	...	...	...	...	...	1
Westchester	9	2	3	1	1	1	...	...	1
Wyoming	1	1	...	...	...	...	...	...	...
Yates	1	...	...	1	...	...	...	...	

* Disposed before fact-finding

Table A-83
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	230	33	39	18	15	6	4	3	112
Total New York City	91	9	11	13	8	2	2	2	44
New York	21	2	5	6	4	1	...	1	2
Kings	8	2	...	1	...	...	...	1	4
Queens	33	3	1	2	2	1	...	...	24
Bronx	29	2	5	4	2	...	2	...	14
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	139	24	28	5	7	4	2	1	68
Albany	2	...	...	...	1	1	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	12	3	6	...	...	...	...	...	3
Chautauqua	6	...	2	...	...	...	...	...	4
Chemung	1	...	...	...	...	...	...	...	1
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	..	...	...	...	...
Dutchess	5	...	...	...	...	...	...	...	5
Erie	17	2	1	1	1	...	...	...	12
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	1	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	2	1	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	1	...	...	...	1	...	...	...	...
Monroe	14	4	4	1	2	1	1	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	5	...	1	1	...	...	...	...	3
Niagara	2	2	...	...	...	...	...	...	...
Oneida	4	...	1	...	...	...	1	...	2
Onondaga	26	...	...	...	...	...	...	...	26
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	1	1	...	...	...	...	...	2
Orleans	1	1	...	...	...	...	...	...	...
Oswego	1	1	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	1	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	1	...	...	...	1	...	...	...	...
Schenectady	6	...	2	...	...	...	...	...	4
Schoharie	1	...	1	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	5	5	...	...	...	...	...	...	...
Suffolk	5	1	1	...	1	...	...	...	2
Sullivan	1	...	1	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	1	1	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	1	...	...	...	...	...	...	...	1
Westchester	9	2	3	2	...	1	...	...	1
Wyoming	1	...	1	...	...	...	...	...	...
Yates	1	...	1	.....	...	...	...	...	

* Disposed before fact-finding

Table A-84
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Dispositions In Designated Felony Parts
1991

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	230	175	55
Total New York City	91	85	6
New York	21	20	1
Kings	8	6	2
Queens	33	33	...
Bronx	29	26	3
Richmond	...	...	...
Total Upstate	139	90	49
Albany	2	2	...
Allegany	...	...	...
Broome	1	1	...
Cattaraugus	...	...	...
Cayuga	12	6	6
Chautauqua	6	6	...
Chemung	1	1	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	5	5	...
Erie	17	17	...
Essex	...	...	...
Franklin	1	...	1
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	...	1
Jefferson	2	...	2
Lewis	...	...	...
Livingston	...	...	...
Madison	1	1	...
Monroe	14	14	...
Montgomery	...	...	...
Nassau	5	4	1
Niagara	2	2	...
Oneida	4	...	4
Onondaga	26	11	15
Ontario	...	...	...
Orange	4	3	1
Orleans	1	...	1
Oswego	1	...	1
Otsego	...	...	...
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	1	...	1
St.Lawrence	...	...	...
Saratoga	1	...	1
Schenectady	6	...	6
Schoharie	1	...	1
Schuyler	...	...	...
Seneca	...	...	...
Steuben	5	3	2
Suffolk	5	5	...
Sullivan	1	1	...
Tioga	...	...	...
Tompkins	...	...	...
Ulster	1	...	1
Warren	...	...	...
Washington	...	...	...
Wayne	1	...	1
Westchester	9	7	2
Wyoming	1	1	...
Yates	1	...	1

Table A-85
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	162	6	9	5	1	42	18	1	1	...	79
Total New York City	129	5	4	3	...	32	17	1	1	...	66
New York	2	...	1	...	...	...	...	...	...	...	1
Kings	27	...	...	...	...	13	7	1	1	...	5
Queens	23	...	...	...	...	1	4	...	...	...	18
Bronx	77	5	3	3	...	18	6	...	...	...	42
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	33	1	5	2	1	10	1	...	...	...	13
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	22	...	3	1	1	9	1	...	...	...	7
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	1	...	...	1	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	7	...	2	...	...	...	...	...	...	...	5
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-86
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	162	22	4	2	4	40	7	3	1	...	79
Total New York City	129	21	3	2	4	25	4	3	1	...	66
New York	2	...	...	...	1	...	...	...	...	...	1
Kings	27	12	...	1	...	4	2	2	1	...	5
Queens	23	3	...	...	1	1	...	...	...	...	18
Bronx	77	6	3	1	2	20	2	1	...	...	42
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	33	1	1	...	...	15	3	...	...	...	13
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	22	1	1	...	...	12	1	...	...	...	7
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	1	...	...	...	...	...	1	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	...	1	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	7	...	...	...	...	2	...	...	...	...	5
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-87
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Outcome of Fact-Finding
1991

Location	Total	Allegat. Established in Whole or in Part After FF Hearing	Allegations Established in Whole or Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp.Only
Total New York State	162	18	59	6	79	...
Total New York City	129	16	42	5	66	...
New York	2	...	1	...	1	...
Kings	27	1	21	...	5	...
Queens	23	2	...	3	18	...
Bronx	77	13	20	2	42	...
Richmond	...	...	...	...	...	...
Total Upstate	33	2	17	1	13	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	...	...	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	22	2	12	1	7	...
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	1	...	1	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	1	...	1	...	...	...
Putnam	1	...	...	...	1	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	7	...	2	...	5	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	...	1	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-88
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Duration of Probation
1991

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	162	134	9	5	14
Total New York City	129	110	9	4	6
New York	2	2	...	...	...
Kings	27	25	2	...	...
Queens	23	22	...	1	...
Bronx	77	61	7	3	6
Richmond	...	...	...	...	...
Total Upstate	33	24	...	1	8
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	...	...	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	22	15	...	1	6
Montgomery	...	...	...	...	...
Nassau	...	...	...	...	...
Niagara	1	1	...	...	...
Oneida	...	...	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	1	1	...	...	...
Putnam	1	1	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	7	5	...	...	2
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	1	1	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-89
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Breakdown of Dispositions (Allegations Not Established)
1991

Location	Dispositions —Allegations Not Established								
	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dismissed in Further-ance of Justice	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Disposit. Allegs. Estab.
Total New York State	162	35	...	...	...	7	6	43	71
Total New York City	129	33	...	...	...	4	5	35	52
New York	2	...	...	...	...	...	...	1	1
Kings	27	5	...	...	...	...	...	4	18
Queens	23	11	...	...	...	2	3	5	2
Bronx	77	17	...	...	...	2	2	25	31
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	33	2	...	...	...	3	1	8	19
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	22	1	...	...	...	3	1	3	14
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	1	...	...	...	...	...	...	...	1
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	...	...	...	1
Putnam	1	1	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	7	...	...	...	...	...	...	5	2
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	...	...	...	1
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	.....	...	...	...	...	

Table A-90
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Breakdown of Dispositions (Allegations Established)
1991

	Nonrestrictive Placement												Placement Restrictive		
Location	Total	Cond. Disch.	Prob.	Home, Relative, Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6 Mth. Resid.	Social Services Trans. to MH	DFY Trans. to MH	Other Place-ment	DFY 5-Yrs	DFY 3-Yrs	DFY Trans. to MH
Total New York State	71	10	28	...	3	2	19	1	2	...	...	6	...	...	...
Total New York City	52	10	19	...	1	1	12	1	2	...	...	6	...	...	...
New York	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Kings	18	6	2	...	...	...	2	1	2	...	...	5	...	...	...
Queens	2	...	1	...	...	...	...	...	...	...	...	1	...	...	...
Bronx	31	4	16	...	...	1	10	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	19	...	9	...	2	1	7	...	...	...	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	14	...	7	...	1	...	6	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-91
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Crimes Alleged In Petitions:
1991

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	1	1	...
Murder 2	1	1	...
Kidnapping 1	...	...	...
Arson 1		...	...
Att. Murder 2	1	1	...
Manslaughter 1	..	...	...
Rape 1	9	6	3
Sodomy 1	2	1	1
Aggravated Sexual Abuse	3	2	1
Att.Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	1	1	...
Robbery 1	70	59	11
Burglary 1	4	2	2
Robbery 2	100	90	10
Assault 1	14	11	3
Burglary 2	3	3	...
Assault 2	55	45	10
Other Felonies	56	49	7
Misdemeanors, Violations	57	57	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

* Disposed Befo

Table A-92
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Crimes Found to Have Been Committed
1991

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder	1	1	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	...	...	...
Sodomy 1	1	...	1
Aggravated Sexual Abuse	2	2	...
Att.Kidnapping 1	1	...	1
Kidnapping 2	...	...	...
Arson 2	...	...	...
Robbery 1	16	13	3
Burglary 1	1	1	...
Robbery 2	26	26	...
Assault 1	3	2	1
Burglary 2	...	...	..
Assault 2	11	9	2
Other Felonies	20	13	7
Misdemeanors, Violations	23	19	4
Allegations Not Established	80	66	14

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-93
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Co-Respondent In Each Petition
1991

Location	Total	None	1	2	3	4 or More
Total New York State	162	80	41	21	8	12
Total New York City	129	60	35	15	7	12
New York	2	1	...	1	...	...
Kings	27	10	4	2	3	8
Queens	23	11	10	2	...	...
Bronx	77	38	21	10	4	4
Richmond	...	...	...	...	...	...
Total Upstate	33	20	6	6	1	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	...	...	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	22	11	6	4	1	...
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	1	1	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	1	1	...	...	...	...
Putnam	1	1	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	7	5	...	2	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-94 (Partial)
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Age of Alleged Victims By Crime Alleged
1991

	11 or Total	Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	
Att. Murder 1	5	...	...	...	...	...	...	1	4
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	5	...	...	...	...	...	...	1	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	45	1	2	...	...	...	...	6	36
Sodomy 1	10	3	...	...	...	...	...	1	6
Aggravated Sexual Abuse	10	1	1	...	...	...	...	...	8
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	...	1	4
Robbery 1	350	...	16	1	...	...	2	62	269
Burglary 1	15	...	...	...	...	...	...	3	12
Robbery 2	255	1	...	4	...	...	5	44	201
Assault 1	45	...	4	...	...	...	...	7	34
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	20	...	1	...	...	...	...	3	16
Other Felonies	25	...	1	1	...	...	...	3	20
Misdemeanors, Violations	10	...	...	...	...	...	1	1	8
Total.....	810	6	25	6	...	...	9	134	630
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	5	...	...	...	...	...	...	1	4
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	.	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	5	...	...	...	...	...	...	1	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	30	...	...	...	...	...	...	6	24
Sodomy 1	5	...	...	...	...	...	...	1	4
Aggravated Sexual Abuse	5	...	1	...	...	...	...	...	4
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	...	1	4
Robbery 1	295	...	3	1	...	...	2	61	228
Burglary 1	5	...	...	...	...	...	...	1	4
Robbery 2	210	...	...	...	...	...	4	41	165
Assault 1	30	...	1	...	...	...	...	6	23
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	15	...	...	...	...	...	...	3	12
Other Felonies	15	...	...	...	...	...	...	3	12
Misdemeanors, Violations	10	...	...	...	...	...	1	1	8
Total	645	...	5	1	...	...	8	127	504

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-94(Concl.)
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Age of Alleged Victims By Crime Alleged
1991

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
Murder	..	...	...	...	...	...	...	...	...
Att. Murder 1	..	...	...	...	...	...	...	...	...
Murder 2	..	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	.	...	...	...	...	...	...	...	...
Manslaughter 1	.	...	...	...	...	...	...	...	...
Rape 1	15	1	2	...	...	...	...	...	12
Sodomy 1	5	3	...	...	...	...	...	...	2
Aggravated Sexual Abuse	5	1	...	...	...	...	...	...	4
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	...	...	...	...	...	...	...	...	...
Robbery 1	55	...	13	...	...	...	...	1	41
Burglary 1	10	...	...	...	...	...	...	2	8
Robbery 2	45	1	...	4	...	...	1	3	36
Assault 1	15	...	3	...	...	...	...	1	11
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	5	...	1	...	...	...	...	...	4
Other Felonies	10	...	1	1	...	...	...	...	8
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total.	165	6	20	5	...	...	1	7	126

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-95
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Filing Petition Completion of Fact-Finding Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	162	13	13	12	27	12	10	12	63
Total New York City	129	4	4	9	21	8	10	11	62
New York	2	...	...	1	...	...	...	...	1
Kings	27	...	1	1	0	2	6	2	5
Queens	23	1	...	...	...	3	...	1	18
Bronx	77	3	3	7	11	3	4	8	38
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	33	9	9	3	6	4	...	1	1
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	22	8	1	3	6	3	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	1	...	1	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	7	...	7	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	.....	...	...	...	...	

* Disposed before fact-finding

Table A-96
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	162	32	15	23	7	6	6	10	63
Total New York City	129	24	11	14	4	3	2	9	62
New York	2	...	...	1	...	...	...	...	1
Kings	27	13	1	2	1	1	1	3	5
Queens	23	2	...	1	...	...	...	2	18
Bronx	77	9	10	10	3	2	1	4	38
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	33	8	4	9	3	3	4	1	1
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	..	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	22	8	2	2	2	3	4	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	1	...	1	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	...	1	...	...	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	7	...	...	7	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	1	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	.....	...	...	...	...	

* Disposed before fact-finding

Table A-97
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Dispositions In Designated Felony Parts
1991

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	162	132	30
Total New York City	129	101	28
New York	2	1	1
Kings	27	26	1
Queens	23	23	...
Bronx	77	51	26
Richmond	...	...	...
Total Upstate	33	31	2
Albany	...	...	...
Allegany	...	...	...
Broome	...	...	...
Cattaraugus	...	...	...
Cayuga	...	...	...
Chautauqua	...	...	...
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	...	...	...
Erie	...	...	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	...	...	...
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	22	22	...
Montgomery	...	...	...
Nassau	...	...	...
Niagara	1	1	...
Oneida	...	...	...
Onondaga	...	...	...
Ontario	...	...	...
Orange	...	...	...
Orleans	...	...	...
Oswego	...	...	...
Otsego	1	...	1
Putnam	1	1	...
Rensselaer	...	...	...
Rockland	...	...	...
St.Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	7	7	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	1	...	1
Ulster	...	...	...
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-98
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Age of Boys When Act Committed
1991

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	340	2	12	316	10
Total New York City	176	...	5	166	5
New York	22	...	...	21	1
Kings	23	...	...	22	1
Queens	51	...	2	47	2
Bronx	80	...	3	76	1
Richmond	...	...	...	...	...
Total Upstate	164	2	7	150	5
Albany	2	...	...	1	1
Allegany	...	...	...	...	...
Broome	1	...	...	1	...
Cattaraugus	...	...	...	...	...
Cayuga	12	...	1	11	...
Chautauqua	6	...	1	5	...
Chemung	1	...	...	1	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	...	...	5	...
Erie	17	...	2	15	...
Essex	...	...	...	...	...
Franklin	1	...	...	1	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	...	1	...
Jefferson	2	...	...	2	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	1	...	...	1	...
Monroe	34	...	...	34	...
Montgomery	...	...	...	...	...
Nassau	1	...	...	...	1
Niagara	2	...	...	2	...
Oneida	4	...	...	4	...
Onondaga	26	2	1	22	1
Ontario	...	...	...	...	...
Orange	4	...	...	4	...
Orleans	1	...	...	1	...
Oswego	1	...	...	1	...
Otsego	1	...	...	1	...
Putnam	1	...	...	1	...
Rensselaer	...	...	...	...	...
Rockland	1	...	...	1	...
St.Lawrence	...	...	...	...	...
Saratoga	1	...	...	...	1
Schenectady	5	...	1	4	...
Schoharie	1	...	...	1	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	5	...	1	4	...
Suffolk	12	...	...	12	...
Sullivan	1	...	...	1	...
Tioga	...	...	...	...	...
Tompkins	1	...	...	1	...
Ulster	1	...	...	1	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	1	...	...	1	...
Westchester	9	...	...	8	1
Wyoming	1	...	...	1	...
Yates	1	...	...	1	...

Table A-99
FAMILY COURT
Original Dispositions of Designated Felony Petitions:
Age of Girls When Act Committed
1991

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	52	...	...	52	...
Total New York City	44	...	...	44	...
New York	1	...	...	1	...
Kings	12	...	...	12	...
Queens	5	...	...	5	...
Bronx	26	...	...	26	...
Richmond	...	...	...	...	...
Total Upstate	8	...	...	8	...
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	...	...	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	2	...	...	2	...
Montgomery	...	...	...	...	...
Nassau	4	...	...	4	...
Niagara	1	...	...	1	...
Oneida	...	...	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	1	...	...	1	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-100
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Origin of Cases
1991

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal by Supreme or County Court Before Adjudi.	Removal by Supreme or County Court Bef. Sentence
Total New York State	392	227	3	157	2	3	...
Total New York City	220	89	2	125	2	2	...
New York	23	21	...	1	...	1	...
Kings	35	8	...	25	2	...	...
Queens	56	32	1	23	...	...	...
Bronx	106	28	1	76	...	1	...
Richmond	...	...	...	...	...	...	...
Total Upstate	172	138	1	32	...	1	...
Albany	2	2	...	...	...	...	...
Allegany	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...
Cayuga	12	12	...	...	...	...	...
Chautauqua	6	6	...	...	...	...	...
Chemung	1	1	...	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...
Dutchess	5	5	...	...	...	...	...
Erie	17	17	...	...	...	...	...
Essex	...	...	...	...	...	...	...
Franklin	1	1	...	...	...	...	...
Fulton	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...
Jefferson	2	2	...	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	1	1	...	...	...	...	...
Monroe	36	14	...	21	...	1	...
Montgomery	...	...	...	...	...	...	...
Nassau	5	5	...	...	...	...	...
Niagara	3	2	...	1	...	...	...
Oneida	4	4	...	...	...	...	...
Onondaga	26	26	...	...	...	...	...
Ontario	...	...	...	...	...	...	...
Orange	4	4	...	...	...	...	...
Orleans	1	1	...	...	...	...	...
Oswego	1	1	...	...	...	...	...
Otsego	1	...	...	1	...	...	...
Putnam	1	...	...	1	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	1	1	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...
Saratoga	1	...	1	...	...	...	...
Schenectady	6	6	...	...	...	...	...
Schoharie	1	1	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	5	5	...	...	...	...	...
Suffolk	12	5	...	7	...	...	...
Sullivan	1	1	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	1	...	...	1	...	...	...
Ulster	1	1	...	...	...	...	...
Warren	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	1	1	...	...	...	...	...
Westchester	9	9	...	...	...	...	...
Wyoming	1	1	...	...	...	...	...
Yates	1	1	...	...	...	...	...

Table A-101
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Presentment Agency
1991

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	392	160	38	192	2
Total New York City	220	1	38	180	1
New York	23	...	16	7	...
Kings	35	...	1	34	...
Queens	56	...	1	54	1
Bronx	106	1	20	85	...
Richmond	...	...	...	...	...
Total Upstate	172	159	...	12	1
Albany	2	2	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	12	12	...	...	...
Chautauqua	6	6	...	...	...
Chemung	1	1	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	5	...	...	...
Erie	17	16	...	...	1
Essex	...	...	...	...	...
Franklin	1	1	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	...	1	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	1	...	...	1	...
Monroe	36	36	...	...	...
Montgomery	...	...	...	...	...
Nassau	5	5	...	...	...
Niagara	3	3	...	...	...
Oneida	4	4	...	...	...
Onondaga	26	26	...	...	...
Ontario	...	...	...	...	...
Orange	4	4	...	...	...
Orleans	1	1	...	...	...
Oswego	1	1	...	...	...
Otsego	1	1	...	...	...
Putnam	1	1	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	...	...	1	...
St.Lawrence	...	...	...	...	...
Saratoga	1	1	...	...	...
Schenectady	6	6	...	...	...
Schoharie	1	1	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	5	5	...	...	...
Suffolk	12	3	...	9	...
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	1	1	...	...	...
Ulster	1	1	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	1	1	...	...	...
Westchester	9	9	...	...	...
Wyoming	1	1	...	...	...
Yates	1	1	...	...	...

Table A-102
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Legal Representation
1991

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	392	246	113	27	6
Total New York City	220	105	96	14	5
New York	23	10	11	1	1
Kings	35	19	14	2	...
Queens	56	20	25	8	3
Bronx	106	56	46	3	1
Richmond	...	...	...	...	...
Total Upstate	172	141	17	13	1
Albany	2	2	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	12	12	...	...	...
Chautauqua	6	6	...	...	...
Chemung	1	1	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	5	...	...	...
Erie	17	17	...	...	...
Essex	...	...	...	...	...
Franklin	1	1	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	1	1	...	...	...
Monroe	36	13	14	8	1
Montgomery	...	...	...	...	...
Nassau	5	5	...	...	...
Niagara	3	3	...	...	...
Oneida	4	4	...	...	...
Onondaga	26	26	...	...	...
Ontario	...	...	...	...	...
Orange	4	2	2	...	...
Orleans	1	1	...	...	...
Oswego	1	1	...	...	...
Otsego	1	1	...	...	...
Putnam	1	...	...	1	...
Rensselaer	...	...	...	...	...
Rockland	1	...	1	...	...
St.Lawrence	...	...	...	...	...
Saratoga	1	1	...	...	...
Schenectady	6	6	...	...	...
Schoharie	1	1	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	5	5	...	...	...
Suffolk	12	10	...	2	...
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	1	1	...	...	...
Ulster	1	1	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	1	1	...	...	...
Westchester	9	7	...	2	...
Wyoming	1	1	...	...	...
Yates	1	1	...	...	...

Table A-103
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Restitution or Public Service Recommended or Ordered
1991

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	392	15	377
Total New York City	220	5	215
New York	23	...	23
Kings	35	...	35
Queens	56	...	56
Bronx	106	5	101
Richmond	...	...	...
Total Upstate	172	10	162
Albany	2	...	2
Allegany	...	...	...
Broome	1	...	1
Cattaraugus	...	...	...
Cayuga	12	...	12
Chautauqua	6	...	6
Chemung	1	...	1
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	5	...	5
Erie	17	1	16
Essex	...	...	...
Franklin	1	...	1
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	...	1
Jefferson	2	...	2
Lewis	...	...	...
Livingston	...	...	...
Madison	1	...	1
Monroe	36	3	33
Montgomery	...	...	...
Nassau	5	...	5
Niagara	3	...	3
Oneida	4	...	4
Onondaga	26	...	26
Ontario	...	...	...
Orange	4	1	3
Orleans	1	...	1
Oswego	1	...	1
Otsego	1	...	1
Putnam	1	...	1
Rensselaer	...	...	...
Rockland	1	...	1
St.Lawrence	...	...	...
Saratoga	1	...	1
Schenectady	6	...	6
Schoharie	1	...	1
Schuyler	...	...	...
Seneca	...	...	...
Steuben	5	...	5
Suffolk	12	3	9
Sullivan	1	...	1
Tioga	...	...	...
Tompkins	1	...	1
Ulster	1	...	1
Warren	...	...	...
Washington	...	...	...
Wayne	1	...	1
Westchester	9	2	7
Wyoming	1	...	1
Yates	1	...	1

Table A-104
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released And Detained Before Petition Filed
1991

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	392	33	4	355
Total New York City	220	21	3	196
New York	23	2	2	19
Kings	35	1	...	34
Queens	56	5	...	51
Bronx	106	13	1	92
Richmond	...	...	...	...
Total Upstate	172	12	1	159
Albany	2	...	...	2
Allegany	...	...	...	...
Broome	1	...	...	1
Cattaraugus	...	...	...	...
Cayuga	12	1	...	11
Chautauqua	6	1	...	5
Chemung	1	...	...	1
Chenango	...	...	...	...
Clinton	...	...	...	...
Columbia	...	...	...	...
Cortland	...	...	...	...
Delaware	...	...	...	...
Dutchess	5	...	...	5
Erie	17	...	...	17
Essex	...	...	...	...
Franklin	1	...	...	1
Fulton	...	...	...	...
Genesee	...	...	...	...
Greene	...	...	...	...
Hamilton	...	...	...	...
Herkimer	1	...	...	1
Jefferson	2	...	...	2
Lewis	...	...	...	...
Livingston	...	...	...	...
Madison	1	...	...	1
Monroe	36	...	...	36
Montgomery	...	...	...	...
Nassau	5	2	...	3
Niagara	3	1	...	2
Oneida	4	...	...	4
Onondaga	26	2	...	24
Ontario	...	...	...	...
Orange	4	...	...	4
Orleans	1	...	...	1
Oswego	1	...	...	1
Otsego	1	1	...	...
Putnam	1	...	...	1
Rensselaer	...	...	...	...
Rockland	1	...	...	1
St.Lawrence	...	...	...	...
Saratoga	1	...	...	1
Schenectady	6	...	...	6
Schoharie	1	...	...	1
Schuyler	...	...	...	...
Seneca	...	...	...	...
Steuben	5	...	...	5
Suffolk	12	...	...	12
Sullivan	1	...	...	1
Tioga	...	...	...	...
Tompkins	1	...	...	1
Ulster	1	...	...	1
Warren	...	...	...	...
Washington	...	...	...	...
Wayne	1	...	...	1
Westchester	9	4	1	4
Wyoming	1	...	...	1
Yates	1	...	...	1

* Respondent Not Detained

Table A-105
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released And Detained After Petition Filed
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	392	29	17	11	15	31	8	...	281
Total New York City	220	19	9	7	10	19	3	...	153
New York	23	1	1	4	3	6	1	...	7
Kings	35	3	...	...	2	3	...	...	27
Queens	56	4	3	...	2	5	...	...	42
Bronx	106	11	5	3	3	5	2	...	77
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	172	10	8	4	5	12	5	...	128
Albany	2	...	...	...	...	...	...	...	2
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	1
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	12	...	...	1	...	...	...	...	11
Chautauqua	6	1	2	...	...	...	...	...	3
Chemung	1	...	...	...	...	...	...	...	1
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	5	...	...	...	...	...	...	...	5
Erie	17	...	...	2	...	...	...	...	15
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	1	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	2	1	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	1	...	...	1	...	...	...	...	...
Monroe	36	1	2	...	2	9	1	...	21
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	5	...	1	...	...	...	...	...	4
Niagara	3	...	...	...	...	...	...	...	3
Oneida	4	...	...	...	...	...	2	...	2
Onondaga	26	1	1	...	1	...	1	...	22
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	...	...	...	4
Orleans	1	...	...	...	...	...	...	...	1
Oswego	1	...	...	...	...	...	...	...	1
Otsego	1	...	...	...	1	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	1	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	1	...	...	...	...	...	...	...	1
Schenectady	6	...	1	...	1	...	...	...	4
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	5	...	...	...	...	...	...	...	5
Suffolk	12	2	...	...	...	...	...	...	10
Sullivan	1	...	...	...	...	...	...	...	1
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...
Ulster	1	...	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	1	...	...	...	...	...	...	...	1
Westchester	9	4	1	...	...	...	1	...	3
Wyoming	1	...	...	...	...	...	...	...	1
Yates	1	...	...	.....	...	...	...	1	

Table A-106
FAMILY COURT
Designated Felony Petitions:
Orders Extending Placement
1991

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Nonrestrictive:					
Home, Rel., Pvt. Person	1	1	...	...	...
Comm. Social Service	14	10	2	1	1
DFY Title II	40	22	14	4	...
DFY Title III	36	26	6	3	1
DFY 6 Month Resid.	3	3	...	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. to MH	1	...	...	1	...
Other Placement	1	1	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years		...	...	...	...
DFY Trans. to MH	...	...	...	...	...
**Total	96	63	22	9	2
New York City					
Nonrestrictive:					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	2	2	...	...	...
DFY Title II	29	15	11	3	...
DFY Title III	27	20	6	1	...
DFY 6 Month Resid.	2	2	...	...	...
Soc. Serv. Trans. to MH		...	...	...	...
DFY Trans. to MH	...	...	...	...	...
Other Placement	1	1	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	..	...	...	...	...
DFY Trans. to MH		...	...	...	...
**Total.	61	40	17	4	...
Outside New York City					
Nonrestrictive:					
Home, Rel., Pvt. Person	1	1	...	...	...
Comm. Social Service	12	8	2	1	1
DFY Title II	11	7	3	1	...
DFY Title III	9	6	...	2	1
DFY 6 Month Resid.	1	1	...	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. to MH	1	...	...	1	...
Other Placement	...	...	...	...	...
Restrictive:					
DFY 5 Years	.	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Trans. to MH	...	...	...	...	...
**Total .	35	23	5	5	2

This table only includes those 110 forms where petition type (Section E) is code 2 -DF.

Table A-107
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Days From Filing Petition to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days
Total New York State	40526	5193	4643	3774	5203	17627	3125	770	162	29
Total New York City	18406	1950	1210	1285	2340	10131	1216	199	68	7
New York	3210	389	375	341	432	1438	175	41	17	2
Kings	2098	46	146	213	468	1120	84	15	5	1
Queens	6362	624	370	372	681	3704	522	66	20	3
Bronx	6576	873	310	352	740	3790	417	71	22	1
Richmond	160	18	9	7	19	79	18	6	4	...
Total Upstate	22120	3243	3433	2489	2863	7496	1909	571	94	22
Albany	569	28	25	35	124	294	51	11	1	...
Allegany	129	4	8	12	20	59	21	4	1	...
Broome	511	66	33	26	40	228	93	24	1	...
Cattaraugus	17	1	1	3	1	6	4	1	...	...
Cayuga	157	31	26	18	17	53	6	4	2	...
Chautauqua	100	2	6	18	23	30	18	2	1	...
Chemung	215	19	46	47	26	53	19	4	1	...
Chenango	70	3	8	11	13	31	4	...	...	...
Clinton	49	1	4	9	7	20	5	3	...	...
Columbia	82	18	8	6	14	28	8	...	...	...
Cortland	173	26	8	12	17	71	32	7	...	...
Delaware	117	15	11	24	19	42	6	...	...	...
Dutchess	820	99	64	41	71	384	117	38	6	...
Erie	2003	207	1025	213	189	312	40	12	3	2
Essex	30	1	3	4	8	11	1	2	...	...
Franklin	60	4	1	2	5	43	4	1	...	...
Fulton	153	12	26	26	36	30	19	4	...	...
Genesee	138	28	23	13	14	41	13	6	...	...
Greene	108	7	10	13	30	45	3	...	...	...
Hamilton	4	1	1	...	1	1	...	...	...	...
Herkimer	239	31	30	42	43	56	23	10	4	...
Jefferson	233	4	21	39	42	62	33	26	6	...
Lewis	37	3	5	3	5	17	4	...	...	...
Livingston	54	9	5	10	3	13	8	5	1	...
Madison	180	17	29	19	17	75	19	2	2	...
Monroe	1828	359	590	325	167	329	45	12	1	...
Montgomery	108	45	21	13	9	15	3	...	2	...
Nassau	3696	458	125	494	694	1274	427	186	36	2
Niagara	292	22	34	43	63	100	22	7	1	...
Oneida	387	70	107	43	44	87	31	5	...	...
Onondaga	1221	64	33	66	204	760	79	12	2	1
Ontario	160	57	40	19	14	25	5	...	...	...
Orange	501	63	94	85	42	138	70	8	1	...
Orleans	7	...	...	1	...	3	3	...	...	...
Oswego	64	3	5	1	1	44	8	2	...	...
Otsego	16	5	4	2	...	4	1	...	...	...
Putnam	216	26	51	54	24	48	10	2	1	...
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	524	26	21	42	59	287	73	14	1	1
St.Lawrence	164	31	38	31	16	31	9	5	2	1
Saratoga	398	31	15	25	49	214	41	22	1	...
Schenectady	323	52	44	41	31	95	44	13	3	...
Schoharie	59	10	24	7	3	13	2	...	...	...
Schuyler	63	21	14	4	5	15	3	1	...	...
Seneca	3	...	...	...	2	1	...	...	...	...
Steuben	97	8	16	15	19	25	8	6	...	...
Suffolk	2582	898	534	303	283	428	95	19	7	15
Sullivan	155	14	34	29	17	46	12	3	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	99	17	21	17	9	21	12	2	...	...
Ulster	225	10	5	7	12	111	45	31	4	...
Warren	126	5	16	29	28	22	19	7	...	...
Washington	29	2	5	3	4	10	5	...	...	...
Wayne	107	11	11	13	15	46	9	2	...	...
Westchester	2399	297	103	130	257	1291	273	45	3	...
Wyoming	17	1	1	1	5	6	3	...	...	...
Yates	6	...	...	...	2	2	1	1	...	...

Table-A108
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Relationship Of Respondent to Petitioner or Complainant
1991

Location	Total	Husband	Wife	Former Husband	Former Wife	Father	Mother	Son	Daughter	Man With Child In Common	Woman With Child In Common	Other Member Same Fam./ HSHLD.	Other Relat.
Total New York State	40526	20059	2869	1108	256	739	483	2342	920	7564	658	2105	1423
Total New York City	18406	8140	1098	380	80	135	162	1255	499	4318	375	964	1000
New York	3210	1239	203	97	18	30	40	232	110	787	90	232	132
Kings	2098	869	109	39	9	25	21	129	41	577	42	157	80
Queens	6362	3553	450	121	28	41	37	387	170	806	56	233	480
Bronx	6576	2393	326	116	24	39	61	489	174	2137	186	335	296
Richmond	160	86	10	7	1	...	3	18	4	11	1	7	12
Total Upstate	22120	11919	1771	728	176	604	321	1087	421	3246	283	1141	423
Albany	569	312	50	13	10	3	4	27	16	91	9	21	13
Allegany	129	80	10	3	...	2	4	1	...	16	4	6	3
Broome	511	307	57	11	6	2	7	20	7	60	4	26	4
Cattaraugus	17	14	...	...	...	1	...	...	...	1	...	1	...
Cayuga	157	89	9	8	2	3	1	4	3	33	2	1	2
Chautauqua	100	65	2	4	1	3	1	2	...	19	...	3	...
Chemung	215	125	18	11	4	2	1	3	1	25	1	11	13
Chenango	70	52	3	4	1	1	...	4	...	5	...	...	...
Clinton	49	29	1	1	1	...	...	8	1	6	...	2	...
Columbia	82	44	5	1	...	1	1	6		16	...	2	1
Cortland	173	90	5	10	2	7	6	3	3	28	1	13	5
Delaware	117	77	12	1	...	4	...	3	1	14	...	2	3
Dutchess	820	356	67	14	4	146	40	26	13	68	10	59	17
Erie	2003	986	68	73	14	17	24	102	42	541	30	93	13
Essex	30	24	1	...	...	...	...	...	1	4	...	...	...
Franklin	60	38	6	...	2	...	...	...	2	7	...	4	1
Fulton	153	88	14	3	3	2	3	3	2	17	...	11	7
Genesee	138	77	12	6	1	4	1	7	4	15	7	2	2
Greene	108	65	14	3	...	1	...	2	3	17	...	3	...
Hamilton	4	3	1	...	...	...	...	...	...	...	...	...	...
Herkimer	239	137	19	5	1	4	1	2	4	40	3	13	10
Jefferson	233	179	14	1	1	1	...	6	5	20	...	6	...
Lewis	37	20	6	1	2	...	...	2	...	5	1	...	...
Livingston	54	38	3	1	1	...	1	1	...	2	...	5	2
Madison	180	117	6	8	1	3	3	7	...	27	3	5	...
Monroe	1828	926	87	47	12	13	20	64	12	522	32	76	17
Montgomery	108	63	7	2	...	2	1	4	...	22	3	3	1
Nassau	3696	1695	285	146	28	266	104	318	107	279	49	262	157
Niagara	292	173	11	15	2	2	1	14	2	67	1	3	1
Oneida	387	233	25	14	1	2	6	13	4	75	1	11	2
Onondaga	1221	593	69	55	12	15	21	36	14	318	14	33	41
Ontario	160	82	17	7	4	1	1	4	...	34	2	8	...
Orange	501	318	34	17	13	2	2	14	9	64	2	20	6
Orleans	7	3	...	...	...	...	...	...	...	...	...	4	...
Oswego	64	43	5	3	...	2	...	1	...	7	...	3	...
Otsego	16	15	...	...	...	...	...	1	...	...	...	...	...
Putnam	216	128	29	3	...	1	3	18	5	12	4	13	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	524	294	70	22	3	2	7	33	13	41	6	26	7
St.Lawrence	164	106	21	2	...	1	...	3	...	27	1	...	3
Saratoga	398	262	54	12	1	4	2	11	4	32	2	9	5
Schenectady	323	176	31	13	4	3	1	6	5	64	6	10	4
Schoharie	59	37	5	2	...	3	1	...	1	5	...	4	1
Schuyler	63	39	1	4	1	...	...	...	2	13	2	...	1
Seneca	3	...	1	1	...	...	...	...	...	1	...	...	...
Steuben	97	65	9	3	...	...	...	6	2	10	1	1	...
Suffolk	2582	1595	301	87	25	17	12	135	55	146	29	146	34
Sullivan	155	96	8	5	1	...	1	11	...	28	1	4	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	99	78	4	1	...	...	...	...	...	15	...	1	...
Ulster	225	146	14	8	2	7	3	5	2	34	...	4	...
Warren	126	71	8	7	1	...	2	4	3	22	2	2	4
Washington	29	22	1	1	...	...	...	...	...	5	...	...	...
Wayne	107	88	1	2	...	...	...	...	...	15	...	1	...
Westchester	2399	1141	270	66	9	53	35	146	68	310	50	208	43
Wyoming	17	14	...	1	...	1	...	...	...	1	...	...	...
Yates	6	5	...	...	...	...	...	1	...	...			

Table A-109
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Allegations In Petitions
1991

Location	Total	Assault 2	Assault 3	Attempted Assault	Reckless Endan-germent	Menacing	Har-assment	Disorderly Conduct	Other
Total New York State	68002	2781	8851	3683	5154	8070	27867	8865	2731
Total New York City	36045	1723	5264	2357	3524	5705	11365	3621	2486
New York	8107	1026	1324	1154	504	855	1998	1071	175
Kings	3836	61	367	264	263	762	1602	198	319
Queens	15001	225	1838	609	2579	2966	4200	1964	620
Bronx	8868	408	1730	328	173	1060	3422	375	1372
Richmond	233	3	5	2	5	62	143	13	...
Total Upstate	31957	1058	3587	1326	1630	2365	16502	5244	245
Albany	939	1	64	47	91	112	471	152	1
Allegany	176	4	19	6	4	7	115	18	3
Broome	735	19	225	22	106	114	238	11	...
Cattaraugus	19	...	1	...	...	1	16	1	...
Cayuga	187	...	35	9	5	4	82	19	33
Chautauqua	134	...	7	8	3	8	75	33	...
Chemung	220	...	1	...	1	3	215	...	...
Chenango	71	...	6	...	...	...	62	2	1
Clinton	94	1	14	15	5	8	35	15	1
Columbia	121	1	12	14	13	8	59	14	...
Cortland	272	17	21	26	33	20	131	18	6
Delaware	257	36	43	43	14	23	71	26	1
Dutchess	1053	14	77	41	78	53	731	27	32
Erie	2063	4	199	2	9	54	1486	308	1
Essex	51	1	4	1	2	6	29	8	...
Franklin	83	...	3	1	11	10	45	12	1
Fulton	194	3	7	10	13	15	35	104	7
Genesee	275	1	20	22	15	23	105	89	...
Greene	153	2	7	5	2	8	98	31	...
Hamilton	9	...	1	1	...	3	4	...	...
Herkimer	373	61	23	14	15	20	215	25	...
Jefferson	470	1	...	3	2	9	225	223	7
Lewis	104	16	17	17	5	16	20	13	...
Livingston	57	...	12	5	1	2	31	6	...
Madison	248	8	21	16	17	15	160	11	...
Monroe	2973	84	531	10	56	162	1496	633	1
Montgomery	162	7	11	14	13	14	95	8	...
Nassau	5071	159	520	92	195	216	2279	1594	16
Niagara	347	...	42	8	3	3	275	13	3
Oneida	751	87	87	99	76	92	250	59	1
Onondaga	1321	7	315	15	19	47	619	286	13
Ontario	231	...	94	3	15	18	74	27	...
Orange	1034	76	154	122	115	176	342	46	3
Orleans	9	...	1	...	1	1	5	...	1
Oswego	116	2	15	11	9	16	50	12	1
Otsego	16	...	...	...	...	...	16	...	...
Putnam	373	4	52	27	27	39	159	64	1
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1249	70	164	131	204	179	343	157	1
St.Lawrence	314	1	23	7	12	17	124	127	3
Saratoga	583	26	36	44	36	49	352	40	...
Schenectady	428	...	22	1	...	3	178	207	17
Schoharie	123	2	5	7	17	24	49	18	1
Schuyler	69	2	11	1	4	2	47	2	...
Seneca	3	...	1	1	...	1	...	...	...
Steuben	209	6	17	19	15	20	71	60	1
Suffolk	2635	5	...	...	...	27	2518	30	55
Sullivan	364	76	72	69	12	33	56	44	2
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	207	2	28	20	34	33	66	23	1
Ulster	230	...	4	...	...	6	220	...	...
Warren	143	...	2	7	3	7	107	17	...
Washington	72	17	17	16	2	4	10	5	1
Wayne	136	28	15	19	21	9	26	18	...
Westchester	4385	207	505	248	293	621	1903	579	29
Wyoming	39	...	4	6	3	4	13	9	...
Yates	6	...	...	1	...	5	...	...	

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-110
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	With-Drawn	Consolidated	Change of Venue	Transfer to Criminal Court	Dismissed After Fact-Finding Hearing	Dismissed Failure to Prosecute	Other Dismissal	Total Dispos. Allegs. Establ.
Total New York State	40526	7179	68	64	19	717	12002	5393	15084
Total New York City	18406	1990	4	12	11	383	8803	2156	5047
New York	3210	386	...	2	...	112	1121	562	1027
Kings	2098	231	...	...	1	60	1113	258	435
Queens	6362	686	1	1	6	101	3289	368	1910
Bronx	6576	663	3	9	4	105	3215	967	1610
Richmond	160	24	...	...	...	5	65	1	65
Total Upstate	22120	5189	64	52	8	334	3199	3237	10037
Albany	569	11	...	2	...	...	3	335	218
Allegany	129	39	...	1	...	...	3	8	78
Broome	511	113	...	3	...	2	39	128	226
Cattaraugus	17	8	...	...	...	...	1	1	7
Cayuga	157	48	1	...	...	5	9	19	75
Chautauqua	100	41	...	...	...	1	23	6	29
Chemung	215	35	1	...	...	...	13	50	116
Chenango	70	3	...	...	...	2	24	8	33
Clinton	49	18	...	...	...	1	1	3	26
Columbia	82	52	...	...	1	...	3	10	16
Cortland	173	85	3	2	...	1	17	21	44
Delaware	117	20	1	...	...	5	36	10	45
Dutchess	820	248	17	7	...	6	133	53	356
Erie	2003	251	...	1	1	2	279	227	1242
Essex	30	15	...	...	...	...	4	...	11
Franklin	60	24	...	...	...	...	...	10	26
Fulton	153	48	2	1	...	...	26	7	69
Genesee	138	42	...	...	...	2	7	4	83
Greene	108	31	...	1	...	1	19	1	55
Hamilton	4	...	...	...	...	...	...	...	4
Herkimer	239	99	2	1	...	4	14	22	97
Jefferson	233	118	...	...	...	...	30	11	74
Lewis	37	11	...	...	...	...	...	...	26
Livingston	54	23	...	...	...	1	4	4	22
Madison	180	48	...	1	...	...	1	25	105
Monroe	1828	310	7	4	1	3	2	643	858
Montgomery	108	34	...	...	...	4	11	6	53
Nassau	3696	1111	1	11	...	181	445	286	1661
Niagara	292	43	...	...	...	9	41	31	168
Oneida	387	139	...	...	...	...	61	14	173
Onondaga	1221	212	5	...	3	2	446	109	444
Ontario	160	32	...	...	...	1	3	5	119
Orange	501	130	2	...	...	7	86	58	218
Orleans	7	1	...	...	...	...	1	4	1
Oswego	64	17	1	...	...	...	10	6	30
Otsego	16	2	...	...	...	...	4	2	8
Putnam	216	76	...	...	...	3	27	4	106
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	524	76	1	1	...	7	110	17	312
St.Lawrence	164	32	4	2	...	3	7	4	112
Saratoga	398	114	...	1	...	2	24	53	204
Schenectady	323	126	2	1	...	11	44	25	114
Schoharie	59	21	...	...	...	1	2	5	30
Schuyler	63	21	1	1	...	...	6	5	29
Seneca	3	1	...	...	...	...	...	...	2
Steuben	97	34	...	1	...	4	3	20	35
Suffolk	2582	441	8	3	...	44	328	742	1016
Sullivan	155	55	1	...	1	...	20	3	75
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	99	38	...	...	...	1	16	5	39
Ulster	225	83	1	2	...	...	33	11	95
Warren	126	41	...	2	...	...	22	...	61
Washington	29	12	1	...	...	1	...	...	15
Wayne	107	44	1	...	...	1	2	2	57
Westchester	2399	502	1	3	1	16	756	212	908
Wyoming	17	8	...	...	...	...	...	2	7
Yates	6	2	...	.....	...	...	...	4	

Table A-111
FAMILY COURT
Original Dispositions of Family Offense Petitions: Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Suspended Judgment	Probation	Order of Protection	Probation + Order Of Protection
Total New York State	15084	55	49	14951	29
Total New York City	5047	8	18	5014	7
New York	1027	3	3	1020	1
Kings	435	4	1	430	...
Queens	1910	...	5	1899	6
Bronx	1610	1	2	1607	...
Richmond	65	...	7	58	...
Total Upstate	10037	47	31	9937	22
Albany	218	...	2	216	...
Allegany	78	...	...	78	...
Broome	226	19	...	206	1
Cattaraugus	7	...	1	6	...
Cayuga	75	...	...	75	...
Chautauqua	29	...	...	29	...
Chemung	116	...	...	116	...
Chenango	33	...	...	33	...
Clinton	26	...	...	26	...
Columbia	16	...	...	16	...
Cortland	44	...	...	44	...
Delaware	45	1	...	44	...
Dutchess	356	1	...	355	...
Erie	1242	10	6	1226	...
Essex	11	...	...	11	...
Franklin	26	...	...	25	1
Fulton	69	...	...	69	...
Genesee	83	1	...	82	...
Greene	55	...	...	55	...
Hamilton	4	...	...	4	...
Herkimer	97	2	...	95	...
Jefferson	74	...	1	73	...
Lewis	26	...	...	26	...
Livingston	22	...	...	22	...
Madison	105	...	...	105	...
Monroe	858	...	...	858	...
Montgomery	53	...	...	53	...
Nassau	1661	...	3	1657	1
Niagara	168	...	...	168	...
Oneida	173	...	...	173	...
Onondaga	444	...	...	444	...
Ontario	119	1	...	118	...
Orange	218	...	...	217	1
Orleans	1	...	1	...	...
Oswego	30	...	...	30	...
Otsego	8	...	...	8	...
Putnam	106	1	...	105	...
Rensselaer	...	...	...	...	...
Rockland	312	...	...	312	...
St.Lawrence	112	...	1	111	...
Saratoga	204	...	...	204	...
Schenectady	114	...	...	114	...
Schoharie	30	2	...	28	...
Schuyler	29	...	...	29	...
Seneca	2	...	...	2	...
Steuben	35	...	1	34	...
Suffolk	1016	6	3	1002	5
Sullivan	75	2	1	72	...
Tioga	...	...	...	...	...
Tompkins	39	...	...	38	1
Ulster	95	1	4	89	1
Warren	61	...	...	61	...
Washington	15	...	...	15	...
Wayne	57	...	...	57	...
Westchester	908	...	7	890	11
Wyoming	7	...	...	7	...
Yates	4	...	...	4	...

Table A-112
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Days From Filing Petition to Completion of Fact-Finding Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	6493	388	587	385	468	908	221	49	8	...	3479
Total New York City	1335	30	17	15	10	62	22	6	3	...	1170
New York	328	3	4	2	...	7	1	...	...	...	311
Kings	128	6	3	2	2	11	2	1	2	...	99
Queens	450	19	9	10	8	36	16	3	1	...	348
Bronx	427	2	1	1	...	8	3	2	...	...	410
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	5158	358	570	370	458	846	199	43	5	...	2309
Albany	173	31	7	8	32	46	2	2	...	...	45
Allegany	43	1	3	3	6	10	...	...	...	. .	20
Broome	102	3	6	12	16	32	5	1	...	...	27
Cattaraugus	45	1	4	2	4	14	8	1	...	...	11
Cayuga	50	12	10	8	7	4	...	...	...	...	9
Chautauqua	31	1	...	2	5	13	1	...	1	...	8
Chemung	74	14	19	12	10	9	3	1	...	...	6
Chenango	15	3	6	4	1	...	...	...	...	...	1
Clinton	17	1	1	4	5	2	3	...	...	...	1
Columbia	32	...	1	4	7	10	3	...	...	...	7
Cortland	20	3	2	...	1	4	2	...	...	...	8
Delaware	5	...	1	...	1	1	1	...	...	...	1
Dutchess	67	14	2	1	...	25	4	2	2	...	17
Erie	1185	57	300	54	40	96	14	1	...	...	623
Essex	19	1	1	3	3	7	1	...	...	...	3
Franklin	29	...	...	...	5	15	...	...	...	...	9
Fulton	41	3	3	3	7	3	2	1	...	...	19
Genesee	25	...	2	...	3	6	1	...	...	...	13
Greene	40	8	4	5	5	10	1	...	...	...	7
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	50	...	1	3	1	5	6	2	...	...	32
Jefferson	69	4	1	6	4	18	9	2	...	...	25
Lewis	3	...	1	...	1	1	...	...	...	...	...
Livingston	18	1	1	1	1	...	...	...	...	...	14
Madison	65	3	2	2	8	23	4	2	...	...	21
Monroe	360	32	46	26	21	58	12	1	...	...	164
Montgomery	32	...	4	4	1	17	4	...	...	...	2
Nassau	180	20	5	33	55	25	9	2	1	...	30
Niagara	206	16	24	40	43	34	7	1	...	...	41
Oneida	88	7	14	9	11	13	3	1	...	...	30
Onondaga	423	9	15	20	21	55	14	2	...	...	287
Ontario	35	5	5	5	7	...	2	1	...	...	10
Orange	134	...	1	4	1	13	7	1	...	...	107
Orleans	7	1	2	...	1	3	...	...	...	...	...
Oswego	28	...	...	1	...	19	5	1	...	...	2
Otsego	9	1	3	1	...	4	...	...	...	...	...
Putnam	28	1	1	1	3	3	3	2	...	...	14
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	48	11	2	...	4	12	2	1	...	...	16
St.Lawrence	31	5	4	...	1	15	4	...	...	...	2
Saratoga	148	18	5	10	29	44	5	...	...	...	37
Schenectady	260	18	17	33	34	28	9	4	1	...	116
Schoharie	11	7	...	2	...	1	...	...	...	...	1
Schuyler	11	...	2	4	2	...	...	...	...	...	3
Seneca	5	...	...	...	...	4	1	...	...	...	...
Steuben	60	3	5	6	7	7	...	2	...	...	30
Suffolk	358	9	12	4	12	25	10	3	...	...	283
Sullivan	64	4	9	6	4	13	3	...	...	...	25
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	22	1	...	...	...	12	4	1	...	...	4
Ulster	112	...	...	2	8	26	11	3	...	...	62
Warren	18	1	3	7	3	2	...	...	...	...	2
Washington	28	1	...	...	1	20	1	...	...	...	5
Wayne	32	4	3	1	1	4	1	...	...	...	18
Westchester	173	23	10	12	12	25	10	2	...	...	79
Wyoming	18	...	...	1	3	5	...	...	...	...	9
Yates	10	...	...	1	...	5	2	...	...	...	2

* Disposed before fact-finding

Table A-113
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	6493	944	60	82	143	1371	347	59	8	...	3479
Total New York City	1335	41	5	2	3	55	48	9	2	...	1170
New York	328	5	1	...	1	4	4	1	1	...	311
Kings	128	8	2	...	...	11	7	1	...	...	99
Queens	450	17	2	1	2	37	36	6	1	...	348
Bronx	427	11	...	1	...	3	1	1	...	...	410
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	5158	903	55	80	140	1316	299	50	6	...	2309
Albany	173	19	1	3	14	71	20	...	...	...	45
Allegany	43	2	...	...	...	19	2	...	...	...	20
Broome	102	42	2	3	5	18	4	1	...	...	27
Cattaraugus	45	23	...	...	2	8	1	...	...	...	11
Cayuga	50	13	4	1	5	15	3	...	...	...	9
Chautauqua	31	10	...	2	...	8	2	1	...	...	8
Chemung	74	...	3	1	3	31	27	3	...	...	6
Chenango	15	10	...	...	1	3	...	...	...	...	1
Clinton	17	10	...	...	...	5	1	...	...	...	1
Columbia	32	19	..	...	1	4	1	...	...	...	7
Cortland	20	4	...	1	...	6	1	...	...	...	8
Delaware	5	2	...	...	...	2	...	...	...	...	1
Dutchess	67	24	1	...	...	19	3	3	...	...	17
Erie	1185	348	9	16	29	143	14	3	...	...	623
Essex	19	3	...	...	...	11	2	...	...	...	3
Franklin	29	...	...	...	...	18	1	1	...	...	9
Fulton	41	19	...	...	1	1	1	...	...	...	19
Genesee	25	1	...	...	2	7	2	...	...	...	13
Greene	40	2	...	...	1	26	4	...	...	...	7
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	50	12	...	...	...	3	3	...	...	...	32
Jefferson	69	34	...	...	...	9	1	...	...	...	25
Lewis	3	3	...	...	...	...	...	...	...	...	...
Livingston	18	4	...	...	...	...	...	...	...	...	14
Madison	65	10	1	1	1	17	12	2	...	...	21
Monroe	360	6	4	4	14	136	27	4	1	...	164
Montgomery	32	15	...	...	2	11	2	...	...	...	2
Nassau	180	11	1	2	4	102	23	4	3	...	30
Niagara	206	34	7	10	6	94	11	3	...	...	41
Oneida	88	...	...	1	3	47	6	1	...	...	30
Onondaga	423	24	1	...	2	74	29	5	1	...	287
Ontario	35	2	...	2	3	13	2	3	...	...	10
Orange	134	7	1	...	...	18	...	1	...	...	107
Orleans	7	2	...	...	...	3	2	...	...	...	...
Oswego	28	7	...	...	...	17	2	...	...	...	2
Otsego	9	...	...	...	...	7	2	...	...	...	...
Putnam	28	2	...	...	1	6	2	3	...	...	14
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	48	10	...	...	1	13	7	1	...	...	16
St.Lawrence	31	2	1	...	...	25	1	...	...	...	2
Saratoga	148	20	1	15	5	45	23	2	...	...	37
Schenectady	260	15	9	7	23	81	7	2	...	...	116
Schoharie	11	1	...	2	...	6	...	1	...	...	1
Schuyler	11	4	1	...	...	2	1	...	...	...	3
Seneca	5	5	...	...	...	...	...	...	...	...	...
Steuben	60	9	1	...	1	15	3	1	...	...	30
Suffolk	358	28	2	...	...	39	4	1	1	...	283
Sullivan	64	5	4	2	4	20	4	...	...	...	25
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	22	8	...	1	...	5	4	...	...	...	4
Ulster	112	16	...	1	1	26	4	2	...	...	62
Warren	18	5	1	1	...	7	2	...	...	...	2
Washington	28	22	...	...	...	1	...	...	...	...	5
Wayne	32	1	...	1	...	7	5	...	...	...	18
Westchester	173	18	...	3	5	50	16	2	...	...	79
Wyoming	18	7	...	...	...	1	1	...	...	...	9
Yates	10	3	...	...	...	1	4	...	...	...	2

* Disposed before fact-finding

Table A-114
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions:
Age of Boys When Petition Filed
1991

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3277	...	16	205	1740	1316
Total New York City	603	...	...	14	324	265
New York	133	...	...	3	60	70
Kings	63	...	...	1	38	24
Queens	212	...	...	7	104	101
Bronx	195	...	...	3	122	70
Richmond	...	...	...	...	...	...
Total Upstate	2674	...	16	191	1416	1051
Albany	83	...	2	7	35	39
Allegany	19	...	1	2	9	7
Broome	58	...	...	5	22	31
Cattaraugus	24	...	1	3	12	8
Cayuga	28	...	1	5	17	5
Chautauqua	20	...	...	3	11	6
Chemung	39	...	2	8	18	11
Chenango	6	...	...	...	4	2
Clinton	11	...	...	1	6	4
Columbia	18	...	...	2	11	5
Cortland	8	...	...	1	5	2
Delaware	3	...	...	...	3	...
Dutchess	30	...	...	3	16	11
Erie	658	...	2	61	359	236
Essex	8	...	...	2	2	4
Franklin	20	...	...	2	10	8
Fulton	23	...	1	1	12	9
Genesee	14	...	...	1	11	2
Greene	21	...	...	1	12	8
Hamilton	...	...	...	...	...	...
Herkimer	30	...	...	7	14	9
Jefferson	37	...	...	1	24	12
Lewis	2	...	...	...	1	1
Livingston	10	...	...	1	6	3
Madison	44	...	2	4	19	19
Monroe	130	...	...	8	71	51
Montgomery	11	...	1	...	5	5
Nassau	98	...	...	2	58	38
Niagara	113	...	1	8	67	37
Oneida	36	...	1	2	20	13
Onondaga	202	...	...	15	135	52
Ontario	16	...	...	...	9	7
Orange	73	...	...	3	37	33
Orleans	4	...	...	...	3	1
Oswego	13	...	...	1	10	2
Otsego	7	...	...	1	5	1
Putnam	18	...	...	1	4	13
Rensselaer	...	...	...	...	...	...
Rockland	22	...	...	...	13	9
St.Lawrence	23	...	...	...	15	8
Saratoga	80	...	...	3	42	35
Schenectady	147	...	1	6	77	63
Schoharie	6	...	...	1	1	4
Schuyler	8	...	...	1	4	3
Seneca	4	...	...	...	4	...
Steuben	32	...	...	3	18	11
Suffolk	181	...	...	2	74	105
Sullivan	31	...	...	5	13	13
Tioga	...	...	...	...	...	...
Tompkins	13	...	...	...	5	8
Ulster	57	...	...	3	28	26
Warren	6	...	...	...	3	3
Washington	18	...	...	...	10	8
Wayne	19	...	...	1	14	4
Westchester	78	...	...	3	25	50
Wyoming	10	...	...	1	6	3
Yates	4	...	...	...	1	3

Table A-115
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Age of Girls When Petition Filed
1991

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3216	...	2	76	1754	1384
Total New York City	732	...	...	11	440	281
New York	195	...	...	4	99	92
Kings	65	...	...	...	46	19
Queens	238	...	...	3	134	101
Bronx	232	...	...	4	160	68
Richmond	2	...	...	...	1	1
Total Upstate	2484	...	2	65	1314	1103
Albany	90	...	1	3	45	41
Allegany	24	...	...	...	11	13
Broome	44	...	...	2	19	23
Cattaraugus	21	...	...	...	8	13
Cayuga	22	...	...	...	12	10
Chautauqua	11	...	...	...	4	7
Chemung	35	...	...	3	17	15
Chenango	9	...	...	1	4	4
Clinton	6	...	...	...	5	1
Columbia	14	...	...	...	10	4
Cortland	12	...	...	...	4	8
Delaware	2	...	...	...	1	1
Dutchess	37	...	...	3	19	15
Erie	527	...	1	23	299	204
Essex	11	...	...	2	6	3
Franklin	9	...	...	...	4	5
Fulton	18	...	...	...	11	7
Genesee	11	...	...	...	1	10
Greene	19	...	...	...	9	10
Hamilton	1	...	...	...	...	1
Herkimer	20	...	...	1	8	11
Jefferson	32	...	...	1	15	16
Lewis	1	...	...	...	1	...
Livingston	8	...	...	...	3	5
Madison	21	...	...	1	12	8
Monroe	230	...	...	5	131	94
Montgomery	21	...	...	...	7	14
Nassau	82	...	...	...	41	41
Niagara	93	...	...	1	56	36
Oneida	52	...	...	...	23	29
Onondaga	221	...	...	3	140	78
Ontario	19	...	...	1	11	7
Orange	61	...	...	1	32	28
Orleans	3	...	...	...	2	1
Oswego	15	...	...	...	9	6
Otsego	2	...	...	...	2	...
Putnam	10	...	...	1	5	4
Rensselaer	...	...	...	...	...	...
Rockland	26	...	...	...	9	17
St.Lawrence	8	...	...	...	2	6
Saratoga	68	...	...	1	37	30
Schenectady	113	...	...	5	59	49
Schoharie	5	...	...	1	2	2
Schuyler	3	...	...	1	2	...
Seneca	1	...	...	...	1	...
Steuben	28	...	...	1	20	7
Suffolk	177	...	...	1	72	104
Sullivan	33	...	...	...	12	21
Tioga	...	...	...	...	...	...
Tompkins	9	...	...	...	4	5
Ulster	55	...	...	...	32	23
Warren	12	...	...	...	4	8
Washington	10	...	...	...	4	6
Wayne	13	...	...	1	8	4
Westchester	95	...	...	1	51	43
Wyoming	8	...	...	...	6	2
Yates	6	...	...	1	2	3

Table A-116
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Type of Petition
1991

Location	Total	Original Pins Petition	Pins Petition Substituted For JD Petition
Total New York State	6493	6242	251
Total New York City	1335	1287	48
New York	328	313	15
Kings	128	125	3
Queens	450	440	10
Bronx	427	407	20
Richmond	2	2	...
Total Upstate	5158	4955	203
Albany	173	172	1
Allegany	43	42	1
Broome	102	90	12
Cattaraugus	45	39	6
Cayuga	50	50	...
Chautauqua	31	31	...
Chemung	74	68	6
Chenango	15	15	...
Clinton	17	17	...
Columbia	32	31	1
Cortland	20	20	...
Delaware	5	5	...
Dutchess	67	56	11
Erie	1185	1153	32
Essex	19	17	2
Franklin	29	29	...
Fulton	41	40	1
Genesee	25	17	8
Greene	40	35	5
Hamilton	1	1	...
Herkimer	50	49	1
Jefferson	69	69	...
Lewis	3	3	...
Livingston	18	17	1
Madison	65	65	...
Monroe	360	342	18
Montgomery	32	32	...
Nassau	180	180	...
Niagara	206	201	5
Oneida	88	88	...
Onondaga	423	419	4
Ontario	35	33	2
Orange	134	134	...
Orleans	7	7	...
Oswego	28	28	...
Otsego	9	7	2
Putnam	28	28	...
Rensselaer	...	...	...
Rockland	48	37	11
St.Lawrence	31	23	8
Saratoga	148	147	1
Schenectady	260	259	1
Schoharie	11	10	1
Schuyler	11	9	2
Seneca	5	1	4
Steuben	60	60	...
Suffolk	358	316	42
Sullivan	64	62	2
Tioga	...	...	...
Tompkins	22	18	4
Ulster	112	109	3
Warren	18	17	1
Washington	28	28	...
Wayne	32	32	...
Westchester	173	172	1
Wyoming	18	16	2
Yates	10	9	1

Table A-117
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Type of Petitioner
1991

Location	Total	Police/ Peace Officer	Parent/ Legal Guard.	Injured Individual or Parent Rel. Guard. if Inj. Individual	Witness to Injury	School	Author- Ized Agency	Presentment Agency that Consented to Substitute Pins For JD Petition	Other
Total New York State	6493	73	4434	66	1	1538	163	179	39
Total New York City	1335	23	1269	11	...	12	5	10	5
New York	328	7	309	4	...	2	...	4	2
Kings	128	3	114	2	...	4	3	1	1
Queens	450	4	433	5	...	4	...	2	2
Bronx	427	9	411	...	...	2	2	3	...
Richmond	2	...	2	...	...	...	...	...	...
Total Upstate	5158	50	3165	55	1	1526	158	169	34
Albany	173	...	113	...	...	60	...	...	...
Allegany	43	...	21	...	...	13	8	1	...
Broome	102	...	53	...	...	42	3	1	3
Cattaraugus	45	...	16	...	...	22	2	5	...
Cayuga	50	...	28	...	...	20	2	...	...
Chautauqua	31	...	8	...	...	23	...	...	...
Chemung	74	1	41	...	...	21	6	5	...
Chenango	15	...	10	...	...	5	...	...	...
Clinton	17	...	4	...	...	13	...	...	...
Columbia	32	...	10	...	...	21	1	...	...
Cortland	20	3	8	...	...	7	2	...	...
Delaware	5	...	2	...	...	3	...	...	...
Dutchess	67	1	21	1	...	32	1	11	...
Erie	1185	1	940	34	...	151	9	31	19
Essex	19	...	5	...	...	12	...	2	...
Franklin	29	2	11	...	...	16	...	...	...
Fulton	41	4	17	...	...	17	2	...	1
Genesee	25	1	7	...	...	9	...	8	...
Greene	40	1	20	...	...	14	...	5	...
Hamilton	1	...	...	...	...	1	...	...	...
Herkimer	50	1	29	...	...	19	...	1	...
Jefferson	69	...	28	...	...	38	3	...	...
Lewis	3	...	2	...	...	...	1	...	...
Livingston	18	1	8	...	...	8	...	1	...
Madison	65	...	38	1	...	24	2	...	...
Monroe	360	4	241	...	...	88	15	12	...
Montgomery	32	...	14	...	...	16	2	...	...
Nassau	180	1	127	1	1	46	3	...	1
Niagara	206	...	155	...	...	44	2	5	...
Oneida	88	...	42	1	...	45	...	...	...
Onondaga	423	5	281	3	...	119	10	3	2
Ontario	35	1	20	...	...	12	...	2	...
Orange	134	1	58	...	...	71	1	...	3
Orleans	7	...	3	...	...	4	...	...	...
Oswego	28	...	18	...	...	8	2	...	...
Otsego	9	...	4	...	...	...	3	2	...
Putnam	28	...	15	...	...	12	...	...	1
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	48	2	22	...	...	14	1	9	...
St.Lawrence	31	...	10	...	...	9	4	8	...
Saratoga	148	2	84	...	...	60	1	1	...
Schenectady	260	1	111	1	...	121	22	1	3
Schoharie	11	...	8	...	...	3	...	...	...
Schuyler	11	...	4	...	...	5	...	2	...
Seneca	5	...	...	...	...	...	1	4	...
Steuben	60	1	24	...	...	34	1	...	...
Suffolk	358	4	191	8	...	78	37	39	1
Sullivan	64	5	29	...	...	25	4	1	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	22	...	7	2	...	6	3	4	...
Ulster	112	...	56	...	...	55	1	...	...
Warren	18	...	6	...	...	11	...	1	...
Washington	28	...	19	1	...	8	...	...	...
Wayne	32	...	21	1	...	10	...	...	...
Westchester	173	5	148	1	...	18	...	1	...
Wyoming	18	...	7	...	...	9	...	2	...
Yates	10	2	...	.....	4	3	1	...	

Table A-118
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Allegations In Petitions
1991

Location	Total	Habitual Truancy	Incorr. Ungov. or Habit Disobedient	221.05 Penal Law	Other
Total New York State	8300	2660	5020	181	439
Total New York City	2326	786	1209	91	240
New York	685	235	313	79	58
Kings	239	90	116	3	30
Queens	611	185	394	1	31
Bronx	789	275	386	8	120
Richmond	2	1	...	...	1
Total Upstate	5974	1874	3811	90	199
Albany	176	60	114	1	1
Allegany	52	10	37	2	3
Broome	137	65	67	...	5
Cattaraugus	57	20	34	2	1
Cayuga	57	17	37	...	3
Chautauqua	37	22	15	...	...
Chemung	79	22	55	...	2
Chenango	15	3	12	...	...
Clinton	22	8	14	...	...
Columbia	33	15	16	...	2
Cortland	27	4	19	3	1
Delaware	6	2	4	...	...
Dutchess	90	45	40	...	5
Erie	1194	145	1017	...	32
Essex	26	10	12	1	3
Franklin	34	13	21	...	...
Fulton	50	17	32	...	1
Genesee	37	12	15	2	8
Greene	48	16	31	...	1
Hamilton	2	1	1	...	...
Herkimer	57	21	33	...	3
Jefferson	77	28	47	1	1
Lewis	6	2	3	1	...
Livingston	19	5	13	...	1
Madison	79	25	54	...	...
Monroe	401	130	259	...	12
Montgomery	38	18	20	...	...
Nassau	187	48	137	...	2
Niagara	289	96	170	1	22
Oneida	102	47	51	3	1
Onondaga	447	136	301	2	8
Ontario	64	23	32	6	3
Orange	196	96	100	...	...
Orleans	7	1	6	...	...
Oswego	33	10	23	...	...
Otsego	9	...	7	...	2
Putnam	29	14	14	...	1
Rensselaer	...	...	...	...	...
Rockland	58	16	32	6	4
St.Lawrence	37	5	22	...	10
Saratoga	179	57	122	...	...
Schenectady	338	191	147	...	...
Schoharie	13	3	10	...	...
Schuyler	12	4	8	...	...
Seneca	5	...	1	...	4
Steuben	137	44	57	34	2
Suffolk	359	86	224	18	31
Sullivan	71	24	45	...	2
Tioga	...	...	...	...	...
Tompkins	35	14	16	3	2
Ulster	146	75	69	2	...
Warren	27	12	14	...	1
Washington	37	10	27	...	...
Wayne	41	15	25	...	1
Westchester	224	96	112	...	16
Wyoming	22	9	12	...	1
Yates	14	6	5	2	1

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-119
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Outcome of Fact-Finding
1991

Location	Total	Established In Whole or In Part After Fact-Finding Hearing	Established In Whole or In Part By Admission	Not Established After Fact-Finding Hearing	Not Applicable*
Total New York State	6493	90	2838	86	3479
Total New York City	1335	16	141	8	1170
New York	328	5	11	1	311
Kings	128	3	24	2	99
Queens	450	7	90	5	348
Bronx	427	1	16	...	410
Richmond	2	...	...	...	2
Total Upstate	5158	74	2697	78	2309
Albany	173	...	128	...	45
Allegany	43	...	23	...	20
Broome	102	1	74	...	27
Cattaraugus	45	2	32	...	11
Cayuga	50	2	38	1	9
Chautauqua	31	...	23	...	8
Chemung	74	1	61	6	6
Chenango	15	...	14	...	1
Clinton	17	...	16	...	1
Columbia	32	...	25	...	7
Cortland	20	1	11	...	8
Delaware	5	...	4	...	1
Dutchess	67	3	47	...	17
Erie	1185	18	520	24	623
Essex	19	...	16	...	3
Franklin	29	...	20	...	9
Fulton	41	1	20	1	19
Genesee	25	...	12	...	13
Greene	40	...	33	...	7
Hamilton	1	...	...	...	1
Herkimer	50	2	16	...	32
Jefferson	69	2	42	...	25
Lewis	3	...	3	...	...
Livingston	18	...	4	...	14
Madison	65	2	41	1	21
Monroe	360	2	193	1	164
Montgomery	32	...	30	...	2
Nassau	180	5	142	3	30
Niagara	206	4	154	7	41
Oneida	88	...	58	...	30
Onondaga	423	3	124	9	287
Ontario	35	1	21	3	10
Orange	134	1	26	...	107
Orleans	7	...	7	...	...
Oswego	28	...	26	...	2
Otsego	9	1	8	...	...
Putnam	28	...	14	...	14
Rensselaer	...	...	...	...	...
Rockland	48	3	29	...	16
St.Lawrence	31	3	25	1	2
Saratoga	148	1	109	1	37
Schenectady	260	1	143	...	116
Schoharie	11	2	8	...	1
Schuyler	11	...	8	...	3
Seneca	5	...	5	...	...
Steuben	60	1	27	2	30
Suffolk	358	1	66	8	283
Sullivan	64	1	38	...	25
Tioga	...	...	...	...	...
Tompkins	22	1	17	...	4
Ulster	112	3	46	1	62
Warren	18	...	16	...	2
Washington	28	...	23	...	5
Wayne	32	...	14	...	18
Westchester	173	5	81	8	79
Wyoming	18	...	8	1	9
Yates	10	...	8	...	2

* Disposed before fact-finding

Table A-120
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Duration of Probation
1991

Location	Total	One Month or Less	2-4 Months	5-7 Months	8-9 Months	10-11 Months	Twelve or More Months
Total New York State	6493	4990	5	44	14	5	1435
Total New York City	1335	1316	...	...	...	...	19
New York	328	325	...	...	...	...	3
Kings	128	126	...	...	...	...	2
Queens	450	436	...	...	...	...	14
Bronx	427	427	...	...	...	...	...
Richmond	2	2	...	...	...	...	...
Total Upstate	5158	3674	5	44	14	5	1416
Albany	173	103	...	...	...	...	70
Allegany	43	28	...	...	...	...	15
Broome	102	62	...	6	2	...	32
Cattaraugus	45	26	...	...	...	...	19
Cayuga	50	40	...	...	...	...	10
Chautauqua	31	28	...	...	...	...	3
Chemung	74	52	...	...	...	...	22
Chenango	15	15	...	...	...	...	...
Clinton	17	5	...	...	...	...	12
Columbia	32	11	...	...	...	...	21
Cortland	20	14	...	...	...	...	6
Delaware	5	4	...	...	...	...	1
Dutchess	67	40	...	1	...	...	26
Erie	1185	827	1	10	1	...	346
Essex	19	10	...	1	...	...	8
Franklin	29	19	...	...	...	...	10
Fulton	41	30	...	...	...	...	11
Genesee	25	16	...	...	...	...	9
Greene	40	19	...	5	...	...	16
Hamilton	1	1	...	...	...	...	...
Herkimer	50	44	...	...	...	...	6
Jefferson	69	49	...	...	...	...	20
Lewis	3	...	...	1	...	...	2
Livingston	18	18	...	...	...	...	...
Madison	65	58	...	2	...	...	5
Monroe	360	277	...	1	...	...	82
Montgomery	32	20	...	...	...	...	12
Nassau	180	71	...	...	...	...	109
Niagara	206	130	...	2	8	5	61
Oneida	88	66	...	...	...	...	22
Onondaga	423	361	...	...	...	...	62
Ontario	35	27	...	...	...	...	8
Orange	134	125	...	...	1	...	8
Orleans	7	2	...	...	...	...	5
Oswego	28	5	...	...	1	...	22
Otsego	9	8	...	...	...	...	1
Putnam	28	22	...	...	...	...	6
Rensselaer	...	...	...	...	...	...	...
Rockland	48	24	...	...	...	...	24
St.Lawrence	31	18	...	1	...	...	12
Saratoga	148	115	...	...	...	...	33
Schenectady	260	184	...	2	...	...	74
Schoharie	11	6	...	...	...	...	5
Schuyler	11	5	...	...	...	...	6
Seneca	5	1	...	...	...	...	4
Steuben	60	52	...	...	...	...	8
Suffolk	358	309	3	5	1	...	40
Sullivan	64	41	...	1	...	...	22
Tioga	...	...	...	...	...	...	...
Tompkins	22	16	...	...	...	...	6
Ulster	112	78	...	1	...	...	33
Warren	18	10	1	1	...	...	6
Washington	28	15	...	...	...	...	13
Wayne	32	23	...	...	...	...	9
Westchester	173	126	...	4	...	...	43
Wyoming	18	13	...	...	...	...	5
Yates	10	5	...	...	...	...	5

Table A-121
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Breakdown of Dispositions (Allegations Not Established)
1991

Location	Total	With-Drawn	Dispositions - Allegations Not Established				Other Dismissal	Total Disps. Allegations Established
			Consolidated	Trans. to Other County	Dismissed After FF Hearing	ACD		
Total New York State	6493	913	45	22	20	1100	1576	2817
Total New York City	1335	266	...	...	6	69	834	160
New York	328	70	...	...	...	4	239	15
Kings	128	24	...	...	...	12	67	25
Queens	450	85	...	...	4	26	252	83
Bronx	427	86	...	...	2	26	276	37
Richmond	2	1	...	...	...	1	...	...
Total Upstate	5158	647	45	22	14	1031	742	2657
Albany	173	1	...	3	...	18	39	112
Allegany	43	4	1	...	...	15	...	23
Broome	102	4	...	...	...	3	6	89
Cattaraugus	45	6	...	...	...	3	4	32
Cayuga	50	5	2	...	...	9	1	33
Chautauqua	31	1	...	...	...	14	3	13
Chemung	74	2	6	2	...	4	...	60
Chenango	15	...	...	...	...	3	...	12
Clinton	17	...	...	2	...	1	...	14
Columbia	32	5	1	...	...	1	...	25
Cortland	20	2	...	...	...	2	4	12
Delaware	5	...	...	...	...	2	1	2
Dutchess	67	3	7	...	...	7	...	50
Erie	1185	65	...	2	3	502	152	461
Essex	19	2	...	...	...	1	...	16
Franklin	29	4	...	...	...	...	4	21
Fulton	41	11	...	...	...	9	...	21
Genesee	25	3	...	...	...	7	4	11
Greene	40	...	...	...	...	9	1	30
Hamilton	1	1	...	...	...	...	...	...
Herkimer	50	24	2	...	...	2	2	20
Jefferson	69	3	6	1	...	10	6	43
Lewis	3	...	...	...	...	...	...	3
Livingston	18	...	...	...	...	14	1	3
Madison	65	8	...	...	...	9	5	43
Monroe	360	55	...	...	...	36	82	187
Montgomery	32	1	...	...	...	5	...	26
Nassau	180	18	...	...	1	5	8	148
Niagara	206	8	...	...	1	36	9	152
Oneida	88	21	...	1	1	2	3	60
Onondaga	423	107	...	1	1	87	105	122
Ontario	35	6	...	...	...	3	4	22
Orange	134	26	...	...	...	43	34	31
Orleans	7	...	...	...	...	...	...	7
Oswego	28	...	...	...	...	1	2	25
Otsego	9	...	...	...	...	...	...	9
Putnam	28	8	...	1	...	7	2	10
Rensselaer	...	...	...	...	...	...	...	...
Rockland	48	4	...	...	...	3	3	38
St.Lawrence	31	1	...	1	1	...	...	28
Saratoga	148	14	...	1	1	40	22	70
Schenectady	260	29	14	2	...	26	52	137
Schoharie	11	1	...	...	...	...	...	10
Schuyler	11	1	...	1	...	...	1	8
Seneca	5	...	...	...	...	...	...	5
Steuben	60	11	1	1	...	18	5	24
Suffolk	358	93	1	1	...	23	142	98
Sullivan	64	8	3	...	...	6	1	46
Tioga	...	...	...	...	...	...	...	...
Tompkins	22	1	...	1	...	2	2	16
Ulster	112	17	...	1	...	22	4	68
Warren	18	...	...	...	...	2	1	15
Washington	28	3	...	...	...	2	...	23
Wayne	32	15	1	...	...	2	1	13
Westchester	173	43	...	...	4	9	23	94
Wyoming	18	1	...	...	1	6	2	8
Yates	10	1	...	...	...	...	1	8

Table A-122
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Breakdown of Dispositions (Allegations Established)
1991

Location	Total	Discharged With Warning	Suspended Judg-Ment	Pro-Bation	Placement Home Rel. Pvt. Person	Comm. Social Service	DFY
Total New York State	2817	39	126	1503	150	907	92
Total New York City	160	3	1	19	22	109	6
New York	15	...	...	3	...	10	2
Kings	25	...	...	2	...	22	1
Queens	83	1	...	14	4	61	3
Bronx	37	2	1	...	18	16	...
Richmond	...	...	...	...	...	...	...
Total Upstate	2657	36	125	1484	128	798	86
Albany	112	...	5	70	...	36	1
Allegany	23	...	...	15	3	3	2
Broome	89	2	18	40	3	25	1
Cattaraugus	32	...	...	19	...	10	3
Cayuga	33	1	5	10	2	13	2
Chautauqua	13	...	...	3	...	8	2
Chemung	60	...	17	22	...	20	1
Chenango	12	...	...	...	5	7	...
Clinton	14	...	...	12	...	1	1
Columbia	25	...	...	21	...	4	...
Cortland	12	...	2	6	...	4	...
Delaware	2	...	...	1	...	1	...
Dutchess	50	...	...	27	8	14	1
Erie	461	6	4	358	...	83	10
Essex	16	...	...	9	1	6	...
Franklin	21	...	...	10	1	10	...
Fulton	21	...	1	11	...	9	...
Genesee	11	...	...	9	...	2	...
Greene	30	1	1	21	...	7	...
Hamilton	...	...	...	...	...	...	...
Herkimer	20	...	3	6	1	10	...
Jefferson	43	...	...	20	...	23	...
Lewis	3	...	...	3	...	...	...
Livingston	3	...	1	...	...	2	...
Madison	43	...	16	7	1	15	4
Monroe	187	9	11	83	...	82	2
Montgomery	26	...	...	12	1	13	...
Nassau	148	2	1	109	1	2	33
Niagara	152	1	4	76	1	68	2
Oneida	60	1	...	22	...	35	2
Onondaga	122	2	8	62	...	49	1
Ontario	22	...	2	8	...	11	1
Orange	31	...	...	9	5	17	...
Orleans	7	...	...	5	...	2	...
Oswego	25	...	...	23	...	1	1
Otsego	9	...	...	1	3	5	...
Putnam	10	...	2	6	...	2	...
Rensselaer	...	...	...	...	...	...	...
Rockland	38	...	1	24	8	5	...
St.Lawrence	28	...	1	13	...	14	...
Saratoga	70	...	...	33	1	35	1
Schenectady	137	4	1	76	10	39	7
Schoharie	10	...	...	5	2	3	...
Schuyler	8	...	...	6	1	1	...
Seneca	5	...	...	4	...	1	...
Steuben	24	...	...	8	2	14	...
Suffolk	98	4	10	49	33	1	1
Sullivan	46	...	1	23	5	17	...
Tioga	...	...	...	...	...	...	...
Tompkins	16	...	2	6	1	7	...
Ulster	68	...	2	34	7	23	2
Warren	15	2	3	8	...	2	...
Washington	23	...	1	13	3	6	...
Wayne	13	...	...	9	...	3	1
Westchester	94	1	2	47	19	23	2
Wyoming	8	...	...	5	...	2	1
Yates	8	...	...	5	...	2	1

Table A-123
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Restitution or Public Service Recommended or Ordered
1991

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	6493	74	6419
Total New York City	1335	3	1332
New York	328	1	327
Kings	128	...	128
Queens	450	2	448
Bronx	427	...	427
Richmond	2	...	2
Total Upstate	5158	71	5087
Albany	173	...	173
Allegany	43	1	42
Broome	102	2	100
Cattaraugus	45	2	43
Cayuga	50	...	50
Chautauqua	31	...	31
Chemung	74	5	69
Chenango	15	...	15
Clinton	17	...	17
Columbia	32	1	31
Cortland	20	...	20
Delaware	5	...	5
Dutchess	67	...	67
Erie	1185	7	1178
Essex	19	...	19
Franklin	29	1	28
Fulton	41	...	41
Genesee	25	2	23
Greene	40	3	37
Hamilton	1	...	1
Herkimer	50	2	48
Jefferson	69	1	68
Lewis	3	...	3
Livingston	18	1	17
Madison	65	...	65
Monroe	360	1	359
Montgomery	32	...	32
Nassau	180	...	180
Niagara	206	2	204
Oneida	88	...	88
Onondaga	423	2	421
Ontario	35	2	33
Orange	134	...	134
Orleans	7	...	7
Oswego	28	...	28
Otsego	9	3	6
Putnam	28	...	28
Rensselaer	...	...	...
Rockland	48	5	43
St.Lawrence	31	4	27
Saratoga	148	...	148
Schenectady	260	1	259
Schoharie	11	...	11
Schuyler	11	1	10
Seneca	5	...	5
Steuben	60	1	59
Suffolk	358	8	350
Sullivan	64	...	64
Tioga	...	...	...
Tompkins	22	2	20
Ulster	112	2	110
Warren	18	...	18
Washington	28	...	28
Wayne	32	1	31
Westchester	173	8	165
Wyoming	18	...	18
Yates	10	...	10

Table A-124
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Children Released And Detained Before Petition Filed
1991

Location	Total	Not Released Pursuant to 728	Released Pursuant 251 728	Not Applicable*
Total New York State	6490	47	15	6428
Total New York City	1335	17	3	1315
New York	328	3	2	323
Kings	128	3	1	124
Queens	450	2	...	448
Bronx	427	9	...	418
Richmond	2	...	...	2
Total Upstate	5155	30	12	5113
Albany	173	...	...	173
Allegany	43	1	...	42
Broome	102	...	...	102
Cattaraugus	45	...	...	45
Cayuga	50	1	...	49
Chautauqua	30	...	...	30
Chemung	74	...	...	74
Chenango	15	...	...	15
Clinton	17	...	...	17
Columbia	32	...	...	32
Cortland	20	...	...	20
Delaware	5	...	...	5
Dutchess	67	2	...	65
Erie	1185	1	2	1182
Essex	19	...	...	19
Franklin	28	...	...	28
Fulton	41	1	...	40
Genesee	25	...	...	25
Greene	40	...	...	40
Hamilton	1	...	...	1
Herkimer	50	...	...	50
Jefferson	69	...	...	69
Lewis	3	...	...	3
Livingston	18	...	...	18
Madison	65	...	...	65
Monroe	360	...	...	360
Montgomery	32	...	...	32
Nassau	180	...	...	180
Niagara	206	2	1	203
Oneida	88	...	...	88
Onondaga	423	2	...	421
Ontario	35	6	...	29
Orange	134	...	...	134
Orleans	7	...	...	7
Oswego	28	...	...	28
Otsego	9	1	...	8
Putnam	28	...	...	28
Rensselaer	...	...	...	...
Rockland	48	...	...	48
St.Lawrence	31	...	...	31
Saratoga	148	...	...	148
Schenectady	260	1	...	259
Schoharie	11	...	...	11
Schuyler	11	...	...	11
Seneca	5	...	4	1
Steuben	60	1	...	59
Suffolk	358	1	...	357
Sullivan	64	...	1	63
Tioga	...	...	...	...
Tompkins	22	1	...	21
Ulster	111	1	...	110
Warren	18	...	...	18
Washington	28	...	...	28
Wayne	32	3	2	27
Westchester	173	4	2	167
Wyoming	18	...	...	18
Yates	10	1	...	9

* Respondent not detained

Table A-125
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Children Released And Detained After Petition Filed
1991

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	6491	252	155	136	79	417	80	11	5261
Total New York City	1334	41	35	18	32	96	44	5	1063
New York	328	16	6	4	9	18	3	...	272
Kings	128	6	4	1	1	7	4	...	105
Queens	449	7	16	3	11	33	25	5	349
Bronx	427	12	9	10	11	37	12	...	336
Richmond	2	...	...	...	...	1	...	...	1
Total Upstate	5157	211	120	118	147	321	36	6	4198
Albany	173	...	2	5	59	5	3	...	99
Allegany	43	...	1	...	1	6	...	...	35
Broome	102	5	5	5	3	11	1	...	72
Cattaraugus	45	...	1	2	1	5	...	1	35
Cayuga	50	...	4	...	...	...	1	...	45
Chautauqua	31	...	1	1	1	2	...	...	26
Chemung	74	...	1	...	3	7	...	...	63
Chenango	15	...	2	...	2	...	...	...	11
Clinton	17	...	...	...	...	1	...	...	16
Columbia	32	...	...	1	...	...	...	...	31
Cortland	20	2	...	1	...	...	...	...	17
Delaware	5	...	...	...	...	...	...	...	5
Dutchess	67	1	3	1	...	4	...	...	58
Erie	1185	114	18	28	20	52	4	1	948
Essex	19	1	...	...	...	1	...	...	17
Franklin	29	...	...	...	...	...	...	...	29
Fulton	41	3	1	...	...	...	...	...	37
Genesee	25	...	...	...	...	...	...	...	25
Greene	40	1	1	...	...	...	...	...	38
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	50	...	1	...	...	1	...	...	48
Jefferson	69	...	...	...	...	...	...	...	69
Lewis	3	...	...	...	...	...	...	...	3
Livingston	18	...	...	...	...	...	...	...	18
Madison	65	1	...	2	2	10	1	1	48
Monroe	360	18	26	19	19	88	8	...	182
Montgomery	32	4	...	...	...	2	...	...	26
Nassau	180	...	3	...	...	6	...	...	171
Niagara	206	4	2	5	2	7	...	...	186
Oneida	88	6	2	3	3	9	...	...	65
Onondaga	422	7	5	8	8	41	9	2	342
Ontario	35	3	4	...	3	3	...	...	22
Orange	134	...	...	1	...	1	1	...	131
Orleans	7	...	...	...	...	...	...	...	7
Oswego	28	...	...	...	...	...	...	...	28
Otsego	9	...	...	...	...	3	...	...	6
Putnam	28	...	...	...	...	...	...	...	28
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	48	...	2	...	...	7	2	1	36
St.Lawrence	31	...	...	...	1	...	...	...	30
Saratoga	148	3	4	18	1	1	...	...	121
Schenectady	260	17	19	7	7	12	2	...	196
Schoharie	11	...	...	1	...	...	...	...	10
Schuyler	11	...	...	...	...	...	...	...	11
Seneca	5	...	...	...	...	...	...	...	5
Steuben	60	2	2	1	...	9	...	...	46
Suffolk	358	7	4	2	3	3	...	...	339
Sullivan	64	1	...	1	...	1	...	...	61
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	22	5	...	1	1	3	1	...	11
Ulster	112	1	...	1	...	...	1	...	109
Warren	18	1	1	...	...	...	...	...	16
Washington	28	...	1	...	...	1	...	...	26
Wayne	32	1	2	1	...	2	...	...	26
Westchester	173	1	2	2	7	15	2	...	144
Wyoming	18	...	...	1	...	1	...	...	16
Yates	10	2	...	.....	1	...	...	7	

Table A-126
FAMILY COURT
Persons In Need of Supervision Petitions:
Orders Extending Placement
1991

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Home, Rel., Pvt. Person	14	9	1	3	1
Comm. Social Service	1027	617	248	94	68
DFY Title II	112	67	26	7	12
**Total	1153	693	275	104	81
New York City					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	75	40	26	2	7
DFY Title II	5	3	1	...	1
**Total	80	43	27	2	8
Outside New York City					
Home, Rel., Pvt. Person	14	9	1	3	1
Comm. Social Service	952	577	222	92	61
DFY Title II	107	64	25	7	11
**Total	1073	650	248	102	73

This table only includes those 110 forms where petition type (Section E) is code 3 -pins.