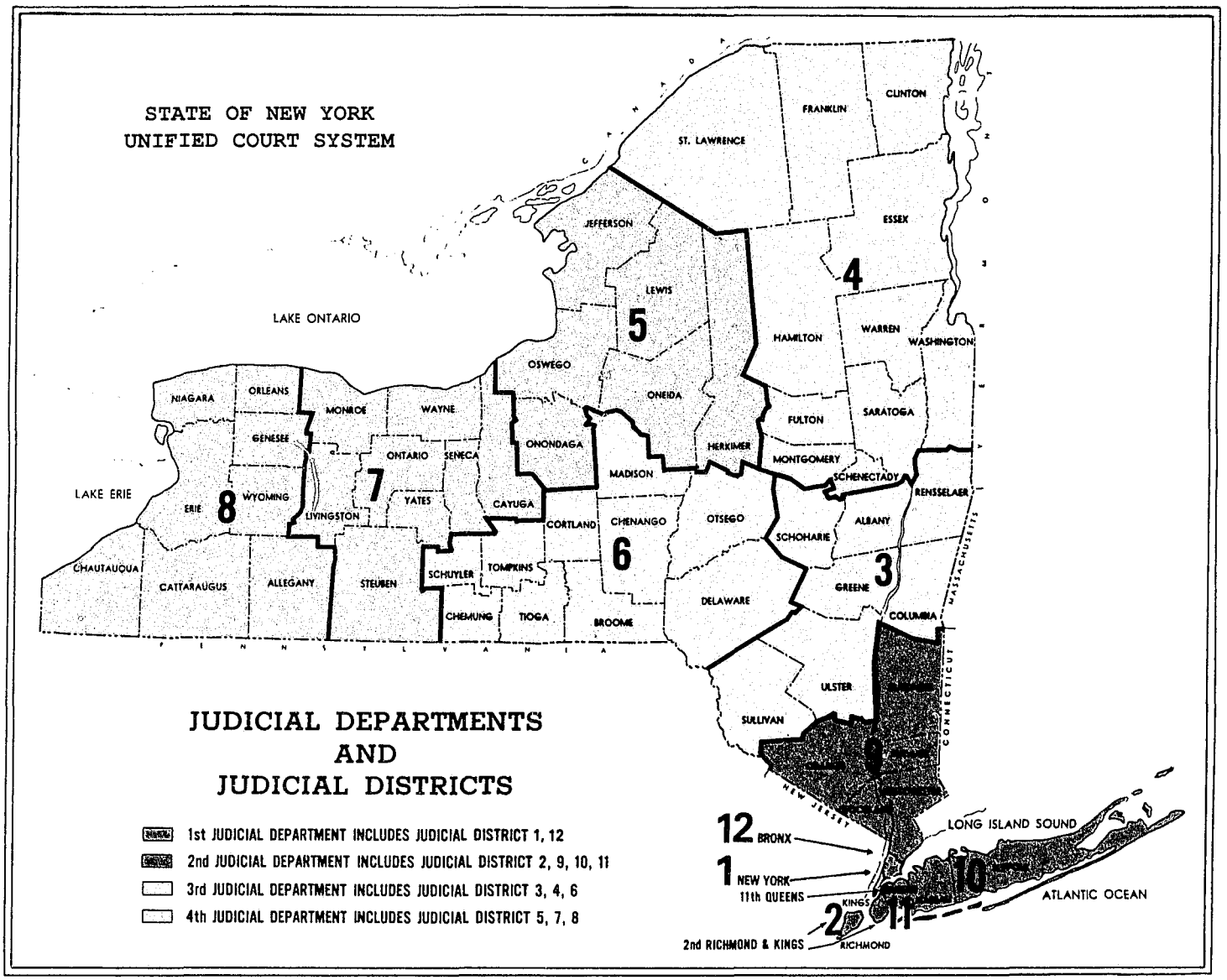
STATE OF NEW YORK

Twelfth Annual Report

of

The Chief Administrator of the Courts

1990


STATE OF NEW YORK
UNIFIED COURT SYSTEM
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AND
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CLINTON
FRANKLIN
ST. LAWRENCE
ESSEX
JEFFERSON
LEWIS
HAMILTON
WARREN
WASHINGTON
OSWEGO
ONEIDA
FULTON
SARATOGA
NIAGARA
ORLEANS
MONROE
WAYNE
GENESEE
ONONDAGA
HERKIMER
MONTGOMERY
SCHENECTADY
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LIVINGSTON
YATES
CAYUGA
CORTLAND
CHENANGO
OTSEGO
SCHOHARIE
ALBANY
CHAUTAUQUA
CATTARAUGUS
ALLEGANY
STEUBEN
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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 1989.

Matthew T. Crosson
Chief Administrator

March 15, 1990

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
Milton Mollen
A. Franklin Mahoney
Michael F. Dillon

STATE OF NEW YORK

Report
of
The Chief Administrator of the Courts

For the Calendar Year

January 1, 1989 - December 31, 1989

Court of Appeals
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Matthew T. Crosson

Administrative Board of the Courts
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Francis T. Murphy
Milton Mollen
A. Franklin Mahoney
Michael F. Dillon

State of New York
Unified Court System
1989

MATTHEW T. CROSSON
Chief Administrator

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

JONATHAN LIPPMAN
Deputy Chief Administrator
for Management Support

ROBERT J. SISE
Deputy Chief Administrative Judge
Courts Outside New York City

Administrative Judges

KATHRYN McDONALD
Administrative Judge
New York City Family Court

ISRAEL RUBIN
Administrative Judge
New York City Civil Court

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

XAVIER C. RICCOBONO
Administrative Judge
First Judicial District
Supreme Court Civil Branch

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

LEONARD E. YOSWEIN
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

D. BRUCE CREW III
District Administrative Judge
Sixth Judicial District

JOSEPH G. FRITSCH
District Administrative Judge
Seventh Judicial District

JAMES B. KANE
District Administrative Judge
Eighth Judicial District

DAVID S. RITTER
District Administrative Judge
Ninth Judicial District

LEO F. McGINTY
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

RICK ROSS
Director, Programs and Planning

Preface

This is the Twelfth 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, 1989 through December 31, 1989.

This report is the twelfth 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 1989. Chapter 3 reports on education and training programs conducted, coordinated or assisted by the Office of Court Administration in 1989.

Chapter 4 summarizes (a) the legislation sponsored by the Office of Court Administration at the 1989 session of the Legislature and (b) rules revised or added during that year. It includes the *1990 Report of the Advisory Committee on Civil Practice to the Chief Administrator of the Courts of the State of New York,* the *1990 Report of the Advisory Committee on Criminal Law* and *Procedure to the Chief Administrator of the Courts of the State of New York,* the *1990 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: l) 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 other 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 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 book). 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 nonfelony 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 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 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 Man-

agement 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, 1990, the anticipated expenditures for operating all the state courts, except town and village justice courts, were $869.2 million.

1.4 Program Highlights

1.4.1 Caseload Activity

1989 in the courts has been an unrelenting struggle to continue providing meaningful justice despite overwhelming caseload growth.

Courts of Criminal Jurisdiction: By the end of 1989 about 80,000 felony indictments and superior court informations will have been filed in Supreme and County Courts throughout New York. That represents a 57% increase over 1985, the year in which crack began to appear on our streets. In the initial years, most of the statewide increase was the result of phenomenal caseload growth in New York City. In 1989, the Supreme Courts, Criminal Term, in New York City will receive almost 54,000 felony filings, an astonishing 76% increase since 1985.

The remarkable increase in felony filings in New York City is explained almost entirely by the increase in drug-related filings: a rise of 288% in just four years.

But the effect of the drug crisis is not limited to New York City. More and more the drug crisis is overflowing the City and creeping inexorably into upstate cities and suburbs. Since 1985, felony filings in the Westchester County Court have increased 77%, in the Oneida County Court 74%, in the Orange County Court 50%, and in the Nassau County Court 46%.

Despite these unprecedented caseload increases, judges and court personnel throughout the state are keeping up through sheer hard work and determination. In New York City, the number of "judge days" available to deal with the 76% increase in felony filings has risen only 10.4% since 1985. The result is that, effectively, the same number of judges in New York City have been asked to increase their workload by three-fourths during the last four years. They have done it, and they have done it with remarkable success. Since 1985, with virtually no assistance, and in the face of a 76% workload increase, the judges of the Supreme Courts, Criminal Term, in New York City have increased their dispositional output by 67%.

By any fair standard, in the private or the public sector, that is an exemplary achievement.

The experience of judges and court personnel in the Supreme and County Courts in contending with the drug crisis has been largely duplicated in City and District Courts throughout the state. In the New York City Criminal Court, there were 330,000 arrest case filings in 1989. That means that almost 1,000 arrest cases are filed in that Court each day, every day of the year. That is a filing rate 20% above 1985, and 62% above 1979.

The effect of the incredible caseload pressure in the New York City Criminal Court is profoundly troubling. Daily court calendars commonly contain 250 cases. Judges have at most two to three minutes to take meaningful action in each case. At best in 1989 about 1,000 cases will go to trial, little less than one-third of 1% of the cases filed. In view of these difficulties, the efforts of the judges and court personnel in the Criminal Court have been outstanding. In the last few years, the dispositional rate of the Court has increased 22%; and this year, the pending case backlog of the Court has actually been reduced several thousand cases.

Other City and District Courts throughout the state are now beginning to experience the kinds of problems previously reserved for New York City. Since 1979, criminal

filings in City and District Courts have increased 40%, most of it in the last few years. Criminal filings in the White Plains City Court have increased 148% since 1985, in the Rochester City Court 72%, in the Syracuse City Court 71%, in the Utica City Court 38%, and in the Mount Vernon City Court 37%. 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 Courts: 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. Often, the new influx of cases involves children abandoned at birth or abused in their early years by addicted parents, or families shattered by addiction, hopelessness and violence.

As one court clerk in the New York City Family Court put it, "A few years ago there was half the work and it was one-quarter as difficult." Calendars of 40 cases have been replaced by calendars of 80 cases and, whereas a few years ago half of those cases would have involved only child support, matters now handled by hearing examiners, today the additional cases on the calendar concern whether to terminate parental rights or whether a child has been abused or neglected.

There are ominous signs for the future in the matters that came before the Family Court in 1989. 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 and abuse cases in Family Court has increased 699% since 1979, 232% since 1985 alone. This pattern is not limited to New York City. In Family Courts outside the city, neglect and abuse cases have increased 162% in the last 10 years, and 76% since 1985. A significant and growing segment of the children of New York are beginning life with violence and neglect as their daily experience.

The increase in neglect and abuse cases has brought about unprecedented overall increases in the workload of the Family Court. Since 1985, the caseload of the New York City Family Court, not including child support matters, has risen 60%. Statewide the increase has been 35%. Clearly, the drug crisis is weakening the common fabric of our society—the family.

Courts of Civil Jurisdiction: When the Individual Assignment System (IAS) was implemented in the Supreme Court statewide in January 1986, fundamental practices in the handling of civil cases changed. Before that time, judges rarely intervened in the progress of a civil case until the parties had completed discovery and, being unable to resolve the matter between themselves, filed a note of issue seeking a trial. The workload of the Supreme Courts, and the progress of the courts in handling its workload, were measured only in terms of notes of issue.

Today, under IAS, all of that has changed. Now the Supreme Courts become actively involved in the handling and disposition of civil cases at a much earlier stage. To receive judicial action on preliminary matters, the parties are required to file a request for judicial intervention, which causes a case to be assigned to an individual assignment judge. From that time on that IAS judge becomes involved in overseeing the progress of the case from discovery through settlement discussions, to the filing of a note of issue and ultimately to trial if necessary. Earlier intervention in civil cases was a deliberate change brought about by IAS. Its purpose was to promote faster resolution of civil cases by involving the court at the earliest practicable time.

The result of this change has been significant. At the end of 1989, there will be fewer notes of issue pending in the Supreme Courts of New York than at any time in the last 40 years. In effect, fewer serious civil cases will remain unresolved by the end of 1989 than at any time in modern memory. And the time it takes to resolve a civil case from its inception with the filing of an index number to conclusion has perhaps never been shorter. That time has dropped significantly since the beginning of IAS in 1986.

The progress made in the handling of civil cases in the last few years is now being threatened. This past summer, the court system was forced to temporarily transfer judges of the Supreme Court, Civil Term, in New York City to the handling of felony cases. The transfer was temporary and it was intended to help the Supreme Court, Criminal Term, deal with its burgeoning caseload during the summer months. The temporary transfer was successful, but the trend that it may reflect is undesirable. In some areas of the country, particularly in Los Angeles, the impact of the drug crisis has been so severe that each day courts of civil jurisdiction must defer civil trials in preference to any criminal trial that may be ready. As a result, the progress of civil litigation and the resolution of civil disputes are badly set back. This trend must not take hold in New York.

Outlook for 1990: All available evidence indicates that the drug crisis will continue, deepen, and expand next year. A variety of factors lead inescapably to that conclusion. As reported by the Division of Criminal Justice Services, recent trends in total reported crimes indicate a constant and steady increase. Since 1984 overall reported crimes have increased 14.1%, and crimes of violence have increased at an even faster rate: aggravated assault, 40.4% and murder, 26.1%. In the first half of 1989 these trends continued: total index crime increased 1.7% over 1988, and violent crime increased 4.5%. Significantly, the rate of increase in cities such as Buffalo, Rochester, Syracuse and Yonkers was even faster: total index crime up 4.7% and violent crime up 9.4% compared with 1988.

An increase in reported crime often leads to an increase in arrests, and that is the increase that most directly affects the court system. During recent years, as reported crime has steadily increased, so have arrests. Again, according to the Division of Criminal Justice Services, from 1984 to 1988 total arrests increased 25.8%, with the largest increases being attributed to felony drug violations, up 120.6%, and misdemeanor drug violations, up 64.6%. The growth in arrests has been steady from year to year and has shown no sign of slowing appreciably. According to most knowledgeable observers, the increase in arrests is the result of both increased crime relating to the drug crisis

and new, more aggressive police deployment strategies, such as the use of Tactical Narcotics Teams (TNT) in New York City.

We believe that these trends will continue in 1990. The reported crime statistics for the first half of 1989 indicate no significant leveling-off in criminal activity. Felony drug arrests in the second quarter of the year increased 23% compared with 1988. That activity has led to a 20% increase in felony filings statewide when compared with 1988, 23% in New York City alone. It also led to a one-year increase of 44% in felony drug filings in New York City and 15% in drug cases in the New York City Criminal Court.

Our trends analysis also indicates that criminal filings outside of New York City will increase in 1990 as well. In courts such as the Westchester County Court, the Onondaga County Court, and the Orange County Court, 1990 is likely to bring an additional one-year increase of at least 10% in cases filed. Similar increases can be expected in the Rochester City Court, the Suffolk County District Court, and the Mount Vernon City Court.

The persistent shortage of adequate treatment facilities and lack of facilities appropriate for handling neglected and abused children will continue to have a devastating impact on the state's Family Courts. From 1988 to 1989, neglect and abuse cases in the New York City Family Court increased 28%, causing an overall 14% increase in the Family Court's caseload. Outside of New York City, the one-year increase in neglect and abuse cases was 9%, which led to an identical increase in Family Court filings around the state. There is no indication that 1990 will bring any relief for those courts.

In short, the New York State courts struggled in 1989 to provide meaningful justice despite overwhelming caseload growth, and in 1990 that struggle, and the overwhelming caseload growth, will continue.

1.4.2 Planning for the Future

The criminal justice system in New York historically has always labored to keep pace with increases in criminal behavior that surpass the system's resources. To a large extent, this was the result of planning and budgeting that took into account only the next succeeding fiscal year. Instead of trying to predict and plan for resource needs several years into the future, the criminal justice system, like the rest of government, has peered only 12 to 15 months ahead, and by the time that short-range future has arrived, the system's resources have been inadequate to meet its swiftly changing needs.

The first and most important element in any long-term plan to deal with the drug crisis must be a genuine acceptance among public officials and the public that law enforcement means more than policing and prosecution. While that conclusion seems increasingly obvious to professionals who work in the criminal justice system, it is a conclusion that is not yet acted upon. The criminal justice system is a single entity that consists of several legally independent parts. The fundamental independence of the components of the criminal justice system—the courts, local government, the district attorneys, the defense bar—is not likely to be changed. If the criminal justice system is to act and react as a single entity, which is the only way its efficiency can be improved, then its independent components must be persuaded to act in tandem. That will not happen until there is a uniform consensus within the criminal justice community as to where the system is now and where it is headed. It also will not happen until the resources available to the system are more evenly distributed throughout it. The criminal justice system as a cohesive entity suffers most of all from a lack of longer-term cooperative planning. In May 1989, the Chief Judge called for the creation of a criminal justice planning council. We continue to believe that, if used properly, the council can serve as a forum for the kind of true cooperative high-level exchange of ideas and planning that can serve all the parts and the whole. But the idea must be energized and acted upon.

The effort to deal with the drug crisis will cost a great deal of money. More police officers mean more arrests; more arrests mean more convictions; more convictions mean more incarcerative sentences; more incarcerative sentences mean more jail and prison beds. Even the strengthening of probation and alternative-to-incarceration programs throughout the state, by improving the enforcement of probation violations, can mean more jail and prison inmates. More treatment and improved education are very expensive.

There is no way that the voracious appetite of the drug crisis can be controlled without adding greatly to the resources available to the state's entire justice system. That means that more revenue must be obtained or the justice system must obtain a larger share of existing revenue, or new and innovative techniques of public finance must be developed. The court system has begun to explore with the financial community the development of inventive, and perhaps previously untried, public finance techniques.

1.4.3 Three-Year Plans

In 1989 the Unified Court System began a three-year planning process for all judicial districts. Using statistical techniques, and historical evaluation, we have projected conservatively caseload growth between 1988 and 1992 for every court in the state. For example, the Supreme Courts, Criminal Terms, in New York City are projected to experience caseload growth of up to an additional 50% by 1992, the Albany County Court 65%, the Westchester County Court 78%, the Oneida County Court 34%, the Monroe County Court 34%, and the Orange County Court 46%. Family Courts throughout the state are expected to experience similar increases, as are the City Courts in Syracuse, Albany, Rochester, New Rochelle and other cities, as well as the District Courts in Nassau and Suffolk Counties. The New York City Criminal Court is expected to experience an additional 25% increase in filings by 1992, taking that Court above 400,000 filings annually.

Using these projections, each judicial district has developed an integrated plan describing the resources and management initiatives it will need in order to successfully handle its 1992 caseload. These three-year management,

budget and resource plans currently are being integrated with each district's court facilities capital plans to produce master plans, district by district, which together will form a master plan for the state-paid courts of the Unified Court System as a whole.

1.4.4 New Judgeships

In 1987, 23 Court of Claims judges were approved by the Governor and the Legislature for the primary purpose of increasing the complement of judges in the New York City Criminal Court. Since that time, caseload pressures have continued to mount in the Criminal Court, but they have mounted even faster in other courts in New York City and throughout the state.

Negotiations are currently underway to provide additional judges for the felony courts in New York City, as well as for the Criminal Court, Family Courts throughout the state, Supreme and County Courts throughout the state, and a variety of City and District Courts. The success of those negotiations, the expeditious approval of the judges authorized, and the provision of adequate funding to support those judges are all crucial to the ability of the court system to continue meeting the drug crisis in the next few years. Additionally, more nonjudicial personnel and more equipment to secure courthouses and protect judges from violence are essential.

1.4.5 Drug-Related and Security Initiatives

Without question, contending with the drug crisis is now the most important matter facing our state government. The evidence of 1989 and recent years can lead to no other conclusion: reported crime up 14.1%, violent crime increasing even faster; arrests up 25.8%, arrests for felony drug violations up 120.6%; felony drug filings in New York City up 288%, and felony filings up 76% overall; felony filings in Westchester County up 77%, in Oneida County up 74%, in Orange County up 50%, in Nassau County up 46%; neglect and abuse cases in New York City up 699% in the last 10 years, 232% since 1985; outside the city, neglect and abuse cases up 76% in four years. The dimensions of this crisis are unprecedented, and they are growing.

The drug crisis is straining our justice and social services systems to the point of collapse. It is rending the early lives of a large part of our next generation. Our state government may not be able to fully resolve the drug crisis, but there are steps that it can take.

New positions have been requested for the New York City courts to provide adequate resources to address drug-related caseload increases. Also, to provide a safe and secure environment in courtrooms and court facilities, additional security positions have been requested to provide appropriate in-part, building and vertical security coverage. This increase will allow for the appropriate security complement for Criminal IAS parts, the staffing of additional magnetometers and the implementation of vertical security programs to secure entire buildings. In addition to permanent security positions in New York City, more funds are being sought for enhanced security staffing at upstate locations and new equipment to upgrade building security at select locations across the state.

1.4.6 Case Management Initiatives

Two years ago, the courts in New York City created special parts, which have come to be known as "N Parts," for the special handling of drug cases. All felony drug arrest cases in each borough are directed into the N Part, where discussions aimed at an early disposition of the case take place. The N Parts are equipped to take dispositions at the felony level by accepting a plea of guilty on a superior court information after a waiver of indictment. The N Parts are unique to the judiciary throughout the nation. They have functioned effectively in handling large numbers of narcotics cases.

In 1990, the courts will examine and experiment with the use of additional specialized parts, including more refined use of special parts to handle particular types of drug cases. Especially in New York City, the courts are experienced with and equipped to handle flexible changes of this kind. In summer 1989, the Supreme Courts, Criminal Term, successfully adapted the services of Justices of the Supreme Court, Civil Term, to handle criminal cases. Additionally, the use of Criminal Court trial parts to back up the Supreme Court is also possible. The court system has demonstrated its ability to cost effectively implement innovative case management initiatives that have proven practical and that will continue in 1990.

1.4.7 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 have dramatically 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. More Hearing Examiners are needed in certain locations to keep up with the caseload and they are being sought.

The recently enacted Child Support Standards Act is expected to have a significant impact on both the caseload and complexity of child support matters. Because that Act took effect only recently, and its impact cannot yet be reliably estimated, we will report to the Legislature in March 1990 about its likely effect that year so that the Legislature can evaluate the need for additional resources to fulfill the Act's purposes.

1.4.8 Judicial Compensation

The temporary Commission on Executive, Legislative and Judicial Compensation found that the purchasing power of judicial salaries has actually been declining in recent years. It also found that the most significant salary disparities in state government exist among judges of the trial courts. Being a judge requires uncommon dedication

and some personal sacrifice, but it should not exact an unfair penalty.

A comprehensive pay plan for judges and justices has therefore been recommended. The plan consists of four distinct components: (1) a new salary schedule, effective October 1, 1990, reflecting a 10-percent pay increase, coupled with intra-court pay parity; (2) provisions for subsequent annual automatic adjustments in judicial pay levels equal to those negotiated for nonjudicial employees; (3) realization of complete pay parity among all full-time trial court judges over a five-year period; and (4) a comprehensive package of non-salary benefits.

1.4.9 New York City Criminal Court—Civilian-Initiated Task Force Report

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 private bar, prosecutors, public defenders, mediators and mediation administrators, victim advocates, police supervisors and other public officials. The Task Force conducted an extensive fact-finding process, including public hearings. As a result of this year-long study, the Task Force issued a report. The problems identified with the present system included these: Applicants must travel from Kings, Queens and Bronx Counties to New York County to have complaints drawn; little or no legal representation or guidance is available; courtrooms are crowded, calendars are long, and there is inadequate resolution of the underlying cause of the problem. The Task Force report cites the current system as difficult in almost every respect.

The Task Force Report contains a number of recommendations for replacement of the current inadequate system of processing civilian-initiated complaints. Since the Criminal Court initiated and participated in the study and report of the Task Force, we propose to implement one of the major proposals of the Task Force in order to improve the Criminal Court's operational effectiveness.

We have proposed the establishment of decentralized complaint offices in each of the four major boroughs. Establishment of these offices will allow citizens to file complaints in their borough of residence rather than having to travel to lower Manhattan.

1.4.10 Town and Village Courts

New York has over 2,300 Town and Village Justices presiding over nearly 2,000 courts in jurisdictions with populations varying from a few hundred to tens of thousands. Together they constitute 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." Although Town and Village courts are, under the Constitution, part of the Unified Court System, their operations and those of the rest of the courts have never been truly unified. That has to change.

When justices in Town and Village Courts have complex legal research problems, to whom can they turn? The answer all too often is, no one. Towns and villages cannot afford to supply them with law clerks, and most of the justices are not lawyers. To address this problem we propose to establish the first comprehensive Town and Village Court Resource Center in the state's history.

The Resource Center will provide Town and Village Justices with a variety of services, including (1) legal research, possibly with a brief bank and other reference material; (2) assistance in jury trial procedures, juror management and help in the development of jury charges; (3) dissemination of bulletins on recent legislative and rule amendments, ethical rulings and case law, the availability of alternative dispute resolution programs, alternative methods of disposition and available sentencing alternatives; (4) the proper reporting of fees, fines, bail money, and other funds handled by the courts; (5) special statutory, rule requirements or court system policies on victims' rights, the elderly, child witnesses, cameras in the courts, access to the court by the handicapped, the handling of cases involving people afflicted with AIDS and other infectious diseases; and (6) enforcement of family offense orders of protection and other temporary and continuing court orders.

1.4.11 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 before 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 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 and provided technical and financial assistance to help local governments meet those needs. The Act gave local governments two years to assess the condition of their court facilities and develop Capital Plans for needed improvements. These plans are submitted to the 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 percent to 25 percent 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 before enactment of Chapter 825. Over a 10-year period, 19 counties and 7 cities will receive a total of over $5.47 million in retroactive aid as a result of this provision. More

important, these localities and others that sold debt for court facilities improvements before August 1987 will receive state 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 percent to 10 percent, based on each local government's relative taxing capacity. In fiscal year 1989-90, 56 counties and 59 cities applied for and received this assistance. In October 1989, the Unified Court System promulgated standards and policies for proper operations and maintenance of court facilities. In the future, reimbursement for operations and maintenance expenses will be conditioned on compliance with these standards and policies.

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 have expressed an interest in using the Authority for construction financing, permanent financing and/or construction management.

Local governments' response to this program has been positive. All 119 cities and counties have submitted capital plans; 81 have already been reviewed and approved. New construction in several smaller cities and counties is already underway. Major projects across the state will move from the drawing boards to construction in the next few years. Capital Plans submitted pursuant to Chapter 825 call for $1.2 billion in new construction and major renovation projects in New York City and $500 million on Long Island and upstate.

In summary, the provisions of Chapter 825 are providing a framework for vitally needed court facilities renewal efforts.

1.4.12 Community Dispute Resolution Centers Program

Established pursuant to Chapter 847 of the Laws of 1981, this program provides financial and operational support to locally operated neighborhood centers for the resolution of minor disputes, including many that now clog the courts of limited jurisdiction and contribute to delays and backlogs in the court system. Chapter 156 of the Laws of 1984 made the Community Dispute Resolution Centers Program a permanent component of the Unified Court System. Chapter 91 of the Laws of 1985 increased the monetary ceiling to $1,500 on awards that may be rendered by mediation centers under contract with the program. On August 1, 1986, Chapter 837 of the Laws of 1986 was signed into law, allowing the referral of selected felonies to dispute resolution. Both of these changes have increased the number of referrals to the centers.

Chapter 281 of the Laws of 1987 changed the formula by which dispute resolution center program funding is calculated. Approved programs are now eligible for a basic grant of $20,000 with matching funds available for approved amounts exceeding that level.

Programs currently operate in all 62 counties using a variety of program models based on the workload volume for each county. In less populated areas, volunteer citizen mediators are available through coordination from a regional office. In urban areas, a fully staffed dispute resolution center is in place.

1.4.13 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, a unit established within the Office of Court Administration in fiscal year 1989-90.

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. The performance of information and records management functions is the primary job of about half of the nonjudicial staff of the trial courts. These functions include, but are not limited to, 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; and law library administration.

The Unified Court System uses computer technology to meet information and records management requirements in appropriate settings. Manual systems or techniques can also offer effective approaches to information and records management for particular sites or functions. The emphasis is on the development of efficient processes.

In this regard, a major statewide project to develop standard operations manuals for all trial courts began in 1986 and reached fruition in 1989 with the publication of manuals for all trial courts. The contents of each manual will be applied uniformly statewide. Each manual contains the following: (1) the approved procedures for the performance of all information and records management functions; (2) the records that are permissible for each type of court to create; (3) the form and contents of each record; (4) retention schedules and disposition methodologies for all records series, and (5) material on laws, rules, and other matters related to the operations and procedures at issue.

In 1989, records retention and disposition schedules for all trial and appellate court records series were approved and distributed throughout the Unified Court System.

Centralized Court Information Services: For the performance of information management functions in its high-volume courts and district and central administrative offices, the Unified Court System maintains centralized on-line applications supported by National Advanced Systems 8053 and AS-XL50 mainframe processors and six Data General minicomputers operating from the Unified Court System's dual-site Albany Data Processing Center. By the end of fiscal 1989-90, these systems will be supporting the operation of over 1,700 remote devices and the execution of more than 250,000 remote transactions daily in the trial courts and administrative offices of every judicial district, requiring an upgrade in computer processing capability in fiscal year 1990-91.

As with the central computer installations, the office automation systems also provide processing support for administration and operations research centrally and in judicial district offices and large trial courts. Among the major applications are budget development and finance administration, equal employment opportunity analysis, personnel administration and resource allocation, equipment inventory control, text-editing, storage and retrieval of jury charges, juror utilization, juror qualification (a pilot test is underway of machine-readable juror qualification questionnaire responses used in conjunction with microcomputers), and arrest-to-arraignment processing in the New York City Criminal Court.

Office of Libraries and Records Management: The Office of Libraries and Records Management develops, coordinates and implements the law library, legal research collection and records management programs for the Unified Court System. Its primary activities are to plan and implement statewide programs and provide guidance, expertise, and individual training for local court operations.

Given the state of court facilities and court records housed by counties and courts, records management projects must be divided between short-term emergency situations and development of reasonable long-range programs. The changed and significantly increased workload within the office is due to the adoption of Records Retention Schedules referred to above.

1.4.14 Jury Management

A program to achieve the efficient utilization of jurors has been underway in the Unified Court System since 1982. In the first year, three counties were selected as pilot sites for the collection and analysis of data on juror utilization. By 1986, the program operated in 17 counties representing 87 percent of statewide jury trial activity. As of January 1987, all counties were participating in the program.

Two principal utilization measures are emphasized. 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 in 1988, there was a 13-percent overcall rate, and an average of 99 percent of all jurors reporting for service each day were examined as prospective jurors (used in voir dire). These are sharp improvements from 25 percent and 73 percent, respectively, in 1983.

1.4.15 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 are offered. For nonjudicial employees, this program offers certain mandatory courses depending on job function and additional optional courses as available. Courses include court management, legal update, office skills and secretarial management. A "mission and organization" orientation course is also provided to all nonjudicial employees. In addition, a management development program is offered for executive, mid-level and supervisory personnel.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1989

Number of Judges	*Court*
7	Court of Appeals
47[a]	Supreme Court, Appellate Divisons
271[ab]	Supreme Court, Trial Parts
47[a]	Supreme Court, Certificated Retired Justices
17	Court of Claims
38	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; and 23 appointed pursuant to Chapter 906, Laws of 1986;
32	Surrogates' Courts - including 6 Surrogates in the City of New York
67	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
7	County Courts - County Judges who are also Family Court Judges
33	County Courts - County Judges who are also Surrogates and Family Court Judges
117	Family Courts - including 42 Family Court Judges in the City of New York
107	Criminal Court of the City of New York
120[c]	Civil Court of the City of New York
49	District Courts - in Nassau and Suffolk Counties
156	City Courts in the 61 Cities outside the City of New York - including Acting and Part-time Judges
1,126	Total
2,242	Town and Village Justice Courts

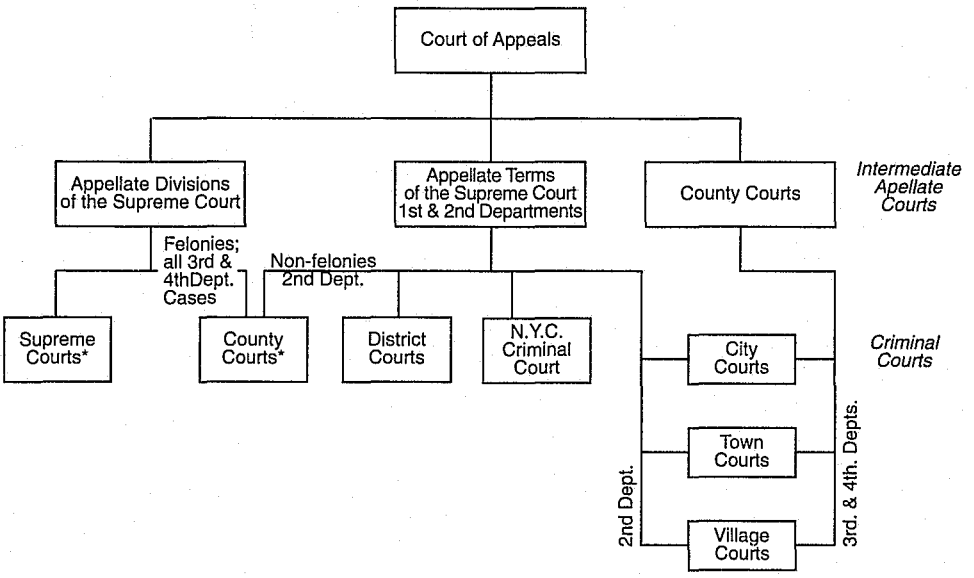
[a]In addition to the 24 Supreme Court Justices permanently authorized, 19 Justices and 4 Certificated Retired Justices were temporarily designated to the Appellate Division.

[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.

[c]Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, Chapter 500, but still not filled.

Figure 1a

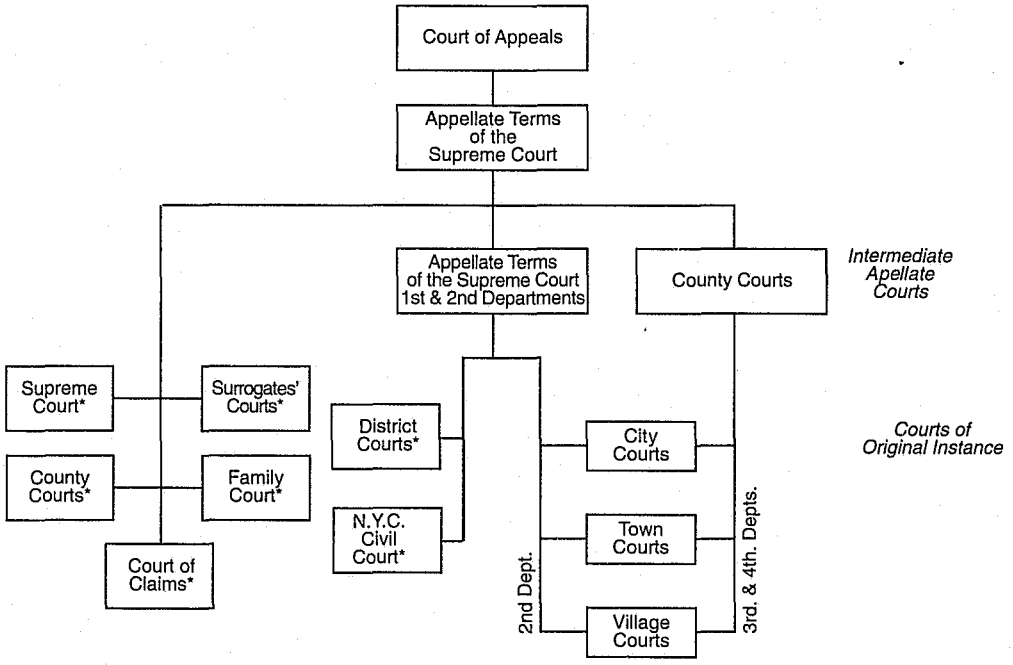
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure



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

Figure 1b

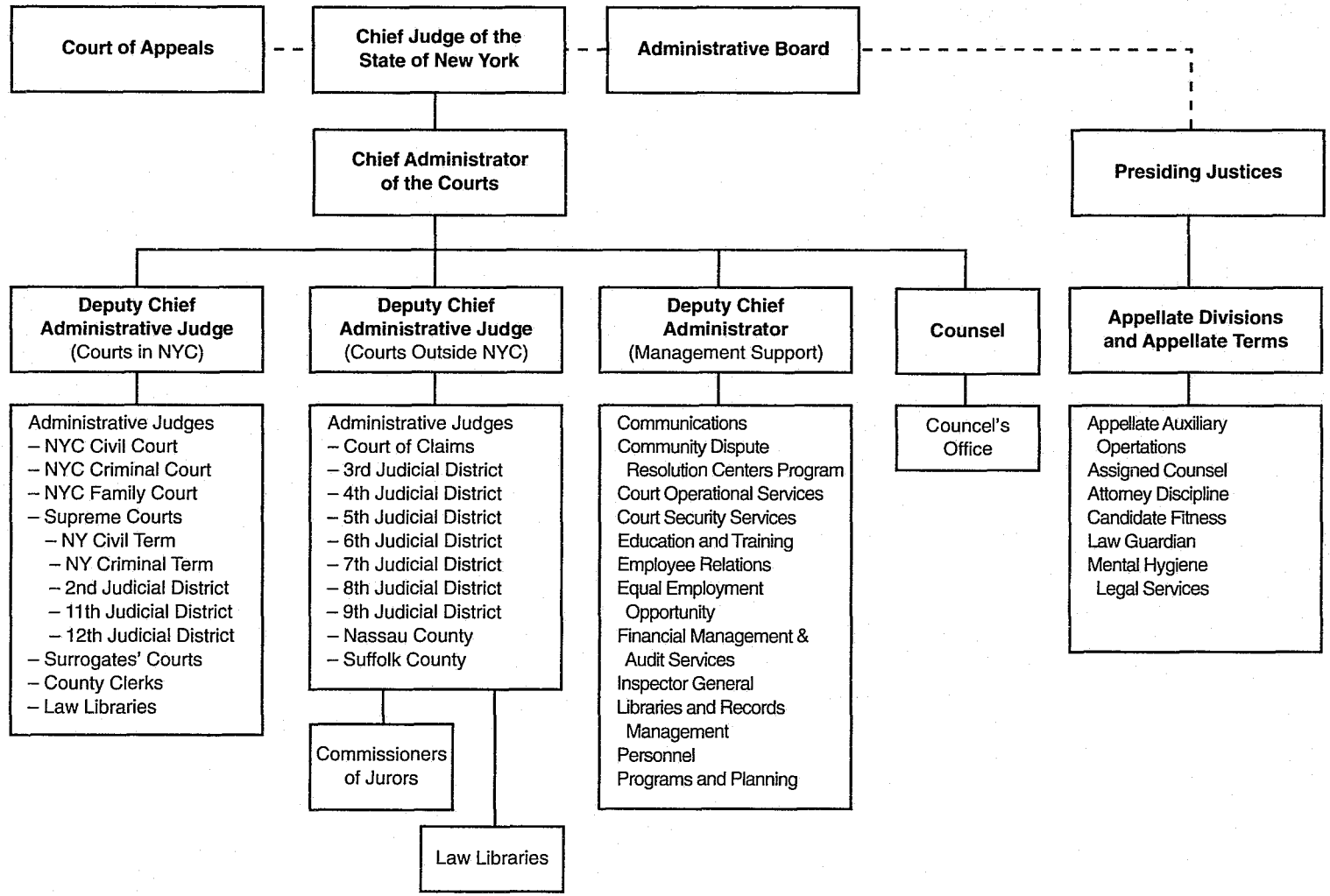
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



* Appeals from judgements 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. Only some of the City Courts are courts of record.

Figure 2

UNIFIED COURT SYSTEM
Administrative Structure



Chapter 2

Caseload Activity Report

2.1 Introduction

There were 3,817,866 new cases filed in the trial courts of the Unified Court System in 1989.[1,2] Excluding parking tickets, there were 2,830,562 filings as follows: 42% (1,176,809) were filed in criminal courts, 36% (1,015,868) in civil courts, 18% (516,295) in the Family Courts, and 4% (121,590) in the Surrogates' Courts.

Dispositions in the trial courts during 1989 totaled 3,827,165. Excluding parking tickets, there were 2,839,861 dispositions, as follows: criminal courts—40%, civil courts—36%, Family Courts—18% Surrogates' Courts—6%.

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, 79,025 felony cases were filed in the Supreme and County Courts during 1989.[3] Sixty-seven percent (53,194) of the 1989 filings occurred in New York City.

Table 3 shows 1989 filings by judicial district.

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

Dispositions: Statewide, 75,240 cases reached disposition (guilty plea, trial verdict, dismissal, or miscellaneous other) in 1989. Sixty-seven percent (50,157) of the 1989 dispositions occurred in New York City.

Table 3 shows 1989 dispositions by judicial district.

Table 4 shows that sixteen counties with over 400 dispositions accounted for 90% of all felony case dispositions. Twelve counties which commenced over 40 trials accounted for 89% of felony trials commenced statewide in 1989. Of the total of 5,062 felony trials commenced, 4,219 (83%) were jury trials.

Figure 3 shows felony case dispositions by type. There were 62,472 guilty pleas (83%), 7,341 dismissals (10%), 4,413 trial verdicts (6%) and 1,014 other dispositions (1%).

2. Criminal Courts of Limited Jurisdiction

Criminal Court of the City of New York:

There were 320,600 arrest cases filed in the Criminal Court of the City of New York in 1989. There were 316,681 dispositions.

Of the dispositions, 44% were by guilty plea, 32% by dismissal, 18% by referral to grand jury or transfer to Supreme Court for waiver of indictment, 0.3% by verdict, and 6% miscellaneous other.

There were 94,092 summons cases added to the calendar. [In addition, 97,469 summons cases were filed but not added to the calendar (defendant did not appear)]. There were 93,876 calendared dispositions.

City and District Courts Outside of New York City: Criminal case intake in the City Courts and the Nassau and Suffolk District Courts totalled 254,353 in 1989. The courts reported 232,526 dispositions. Of the dispositions, 55% were by guilty plea, 33% by dismissal, 7% by referral to grand jury or transfer to Superior Court for waiver of indictment, 1% by trial verdict, and 4% other.

There were 428,739 noncriminal (violations and infractions) Uniform Traffic Tickets disposed in these courts. These consisted primarily of fines paid (by personal appearance and mail). In jurisdictions without Parking Violations Bureaus, the City and District Courts process parking tickets. Dispositions totalled 987,304 in 1989.

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] Excludes 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
1989

Court	*Filings*	*Dispositions*
CRIMINAL:		
Supreme and County Courts	79,025	75,240
Criminal Court of the City of New York		
Arrest Cases	320,600	316,681
Summons Cases	94,092[a]	93,876
City and District Courts Outside New York City:		
Arrest Cases	254,353	232,526
Uniform Traffic Tickets	428,739[b]	428,739
Parking Tickets	987,304[b]	987,304
CRIMINAL SUBTOTAL	2,164,113	2,134,366
CIVIL		
Supreme Courts:		
New Cases	150,342	146,026
Ex Parte Applications	105,522	105,522
Uncontested Matrimonial Cases	52,424	51,391
Civil Court of the City of New York:		
Civil Actions	176,476[c]	170,314[d]
Landlord/Tenant Actions and Special Proceedings	219,461[c]	238,065
Small Claims Cases	56,401	59,645
City and District Courts Outside New York City:		
Civil Actions	119,272	99,738[d]
Landlord/Tenant Actions and Special Proceedings	63,192	60,214
Small Claims	52,238	52,380
Commercial Claims	9,557	7,449
County Courts	4,962	5,137
Court of Claims	1,979	1,963
Arbitration Program	12,573[e]	12,466
Small Claims Assessment Review Program	4,042	3,394
CIVIL SUBTOTAL	1,015,868	1,013,704
FAMILY	516,295	499,258
SURROGATES	121,590	179,837[f]
TOTAL	3,817,866	3,827,165

[a]Calendared summonses only. An additional 97,469 summonses were filed in which defendant did not appear.
[b]The disposition figure is used as intake. An additional 64,332 traffic tickets and 164,043 parking tickets were filed in which defendant did not respond.
[c]Calendared cases and default judgments only. An additional 48,241 civil actions were filed but not calendared or defaulted; an additional 118,644 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]Surrogates' Court dispositions include orders signed, decrees signed, and letters issued.

Table 3
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED BY JUDICIAL DISTRICT
1989

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	17,225	16,192	1,078
2nd	15,080	13,669	933
11th	10,070	10,109	727
12th	10,819	10,187	710
Subtotal	(53,194)	(50,157)	(3,448)
Outside New York City:			
3rd	2,069	1,932	130
4th	1,482	1,636	81
5th	2,998	2,750	152
6th	1,447	1,482	119
7th	3,333	3,123	262
8th	3,061	2,986	326
9th	4,485	4,347	263
10th - Nassau	3,473	3,564	173
10th - Suffolk	3,483	3,263	108
Subtotal	(25,831)	(25,083)	(1,614)
Statewide Total	79,025	75,240	5,062

Table 4
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED: TOP COUNTIES BY VOLUME
(400 or More Filings of Dispositions, 40 or More Trials)
1989

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
New York	17,225	New York	16,192	New York	1,078
Kings	14,526	Kings	13,132	Kings	904
Bronx	10,819	Bronx	10,187	Queens	727
Queens	10,070	Queens	10,109	Bronx	710
Suffolk	3,483	Nassau	3,564	Erie	232
Nassau	3,473	Suffolk	3,263	Monroe	211
Westchester	2,662	Westchester	2,564	Westchester	196
Monroe	2,016	Monroe	1,856	Nassau	173
Erie	1,692	Erie	1,695	Suffolk	108
Onondaga	1,279	Onondaga	1,213	Onondaga	95
Albany	863	Orange	787	Albany	44
Oneida	801	Oneida	765	Broome	44
Orange	785	Albany	729	Total	4,522
Richmond	554	Broome	543		
Broome	534	Richmond	537		
Jefferson	457	Dutchess	444		
Dutchess	453	Total	67,580		
Rockland	430				
Total	72,082				
(91% of statewide 1989 filings)		(90% of statewide 1989 dispositions)		(89% of statewide 1989 trials commenced)	

Figure 3
FELONY DISPOSITIONS BY TYPE OF DISPOSITION
1989

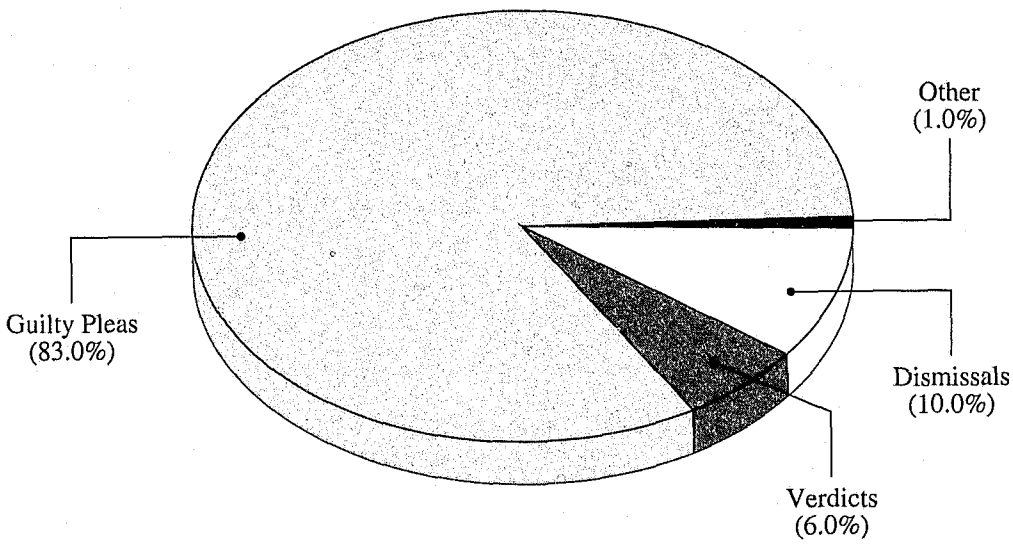


Figure 4
CRIMINAL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1989

Criminal Court of the City of New York

Arrest Cases	
Filings	320,600
Dispositions	316,681

Summons Cases	
Filings	94,092[a]
Dispositions	93,876

City and District Courts Outside New York City

Criminal Cases	
Filings	254,353
Dispositions	232,526

Traffic Tickets[b]	
Dispositions	428,739

Parking Tickets[c]	
Dispositions	987,304

[a]An additional 97,469 summonses were filed in which defendant did not appear.
[b]An additional 64,332 traffic tickets were filed in which defendant did not respond.
[c]An additional 164,043 parking tickets were filed in which defendant did not respond.

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, condemnation, 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 for cases involving $6,000 or less.

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, 308,288 new civil matters were filed in 1989. Table 5 shows a breakdown by judicial districts.

New filings on the civil trial calendars (notes of issue) totalled 56,456 in 1989. 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 90% 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 53%; seventeen percent of filings were contested matrimonial cases. Contract case accounted for 10%; 10% were tax certiorari cases.

Dispositions: Statewide, there were 302,939 dispositions of civil matters in 1989. Table 5 shows dispositions by judicial district.

Dispositions of notes of issue totalled 58,135 in 1989. As shown in Table 6, nineteen counties with more than 500 note of issue dispositions accounted for 90% of note of issue dispositions statewide.

Table 5 shows that 12,419 civil-case trials were commenced in 1989. There were 5,364 jury trials (43%) and 7,055 nonjury trials (57%).

Table 5
CIVIL MATTERS FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURT BY JUDICIAL DISTRICT

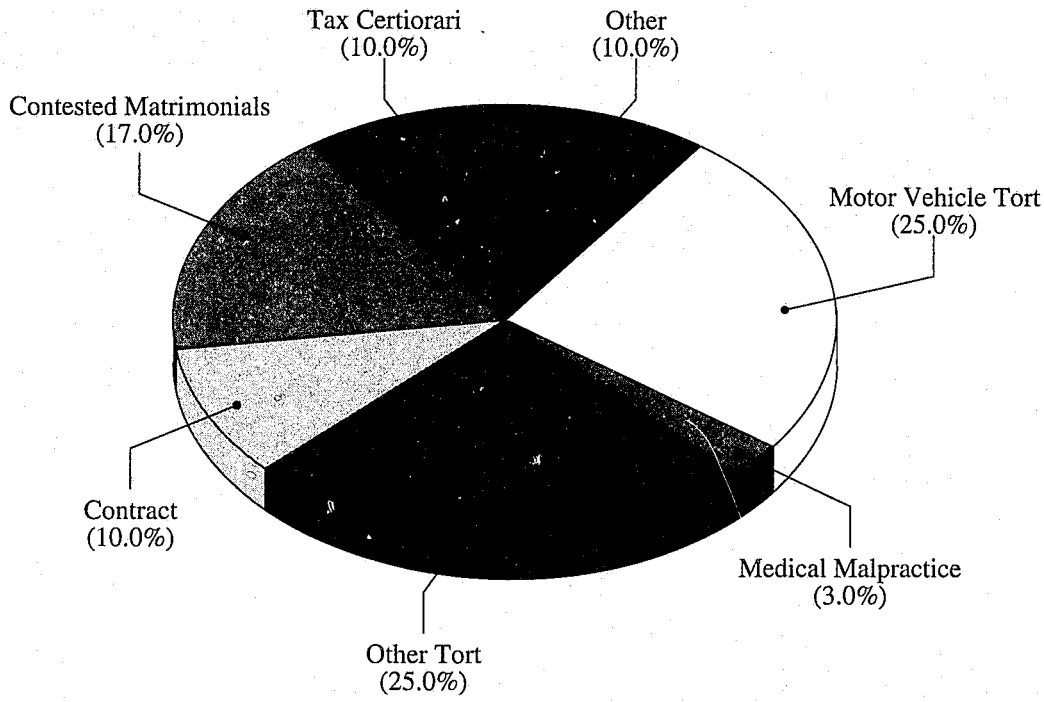
Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	72,788	72,291	1,617
2nd	34,630	32,103	1,700
11th	21,536	19,672	936
12th	16,350	14,924	529
Subtotal	(145,304)	(138,990)	(4,782)
Outside New York City:			
3rd	10,932	11,901	729
4th	8,390	8,683	405
5th	15,418	15,365	1,143
6th	7,461	7,998	276
7th	13,676	14,688	429
8th	23,009	22,912	438
9th	28,360	29,627	1,572
10th - Nassau	34,307	32,844	1,641
10th - Suffolk	21,431	19,931	1,004
Subtotal	(162,984)	(163,949)	(7,637)
Statewide Total	308,288	302,939	12,419

Table 6
NOTES OF ISSUE FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS: TOP COUNTIES BY VOLUME
(500 or More Filings or Dispositions, 100 or More Trials)[a]

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
Nassau	8,328	Nassau	8,315	Nassau	1,641
New York	7,880	New York	7,765	New York	1,617
Kings	6,252	Kings	6,304	Kings	1,538
Queens	5,240	Queens	4,595	Suffolk	1,004
Bronx	3,751	Bronx	3,761	Westchester	936
Suffolk	3,254	Westchester	3,677	Queens	936
Westchester	3,125	Suffolk	3,463	Onondaga	559
Erie	2,832	Erie	3,117	Bronx	529
Monroe	1,687	Monroe	1,761	Orange	353
Onondaga	1,390	Onondaga	1,422	Oneida	351
Albany	1,181	Albany	1,366	Albany	345
Rockland	1,098	Orange	1,299	Erie	253
Orange	1,092	Rockland	1,218	Monroe	232
Richmond	962	Richmond	999	Ulster	196
Oneida	849	Oneida	846	Richmond	162
Dutchess	832	Dutchess	773	Rockland	160
Niagara	629	Ulster	640	Schenectady	119
Ulster	513	Niagara	628	Oswego	103
		Schenectady	609		
Total (90% of statewide 1989 filings)	50,895	Total (90% of statewide 1989 dispositions)	52,558	Total (89% of statewide 1989 trials commenced)	11,034

[a]Excludes uncontested matrimonials

Figure 5
NOTES OF ISSUE FILED IN SUPREME COURT
BY CASE TYPE*
1989



**Excludes uncontested matrimonial cases.*

2. Civil Courts of Limited Jurisdiction

Civil Court of the City of New York: In 1989, there were 224,717 civil-action summonses filed. Of that number, 36,254 were added to the civil-action calendar. There were 30,092 calendared dispositions. In addition, 140,222 default judgements were entered. (The remaining 48,241 cases were neither defaulted nor added to the calendar.) Of the civil-action calendar filings, 7,149 cases were processed in the Arbitration Program.

A total of 56,401 small claims cases were filed in 1989. There were 59,645 dispositions.

For landlord-tenant calendars, 324,668 notices of petition were issued in summary proceedings. There were 137,312 summary proceedings added to the calendar and 156,342 disposed. Of the cases not answered, 68,712 default judgements were entered. (The remaining 118,644 cases were neither defaulted nor added to the calendar.)

Filings of housing code enforcement matters totalled 10,518 (additions to the calendar.) There were 10,092 dispositions.

City and District Courts Outside New York City: In 1989, 119,272 civil actions and 63,192 landlord-tenant and other housing-related cases were filed. There were 99,738 dispositions of civil actions and 60,214 landlord-tenant/other housing dispositions. In addition, there were 4,008 transfers to the Arbitration Program.

There were 52,238 small claims cases filed and 52,380 disposed.

County Courts: New cases filed in 1989 totaled 4,962. There were 5,137 dispositions in 1989.

Court of Claims: Filings totaled 1,979 in 1989. There were 1,963 dispositions.

Arbitration Program: Thirty-one counties operate a mandatory Arbitration Program for cases involving damages claimed of $6,000 or less. Statewide, 12,573 cases were received for arbitration in 1989. There were 12,466 dispositions in 1989, with 1,828 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 Programs by county.

Figure 6
CIVIL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1989

Civil Court of the City of New York

Housing Cases	
Summary Procedings:	
Filings [a]	206,024
Dispositions	225,054
Other Actions and Procedings:	
Filings	13,437
Dispositions	13,011

Civil Cases	
Filings [b]	176,476
Dispositions [c]	170,314

Small Claims	
Filings	56,401
Dispositions	62,525

City and District Courts Outside New York City

Civil Cases and Housing Cases	
Total Filings	182,464
Dispositions [d]	159,952

Small Claims	
Filings	52,238
Dispositions	52,380

County Courts

Filings	4,962
Dispositions	5,137

Court of Claims

Filings	1,979
Dispositions	1,963

Arbitration Program

Filings	12,573
Dispositions	12,466

[a] An additional 118,644 cases were neither added to the calendar nor defaulted.
[b] An additional 48,241 cases were neither added to the calendar nor defaulted.
[c] Does not include 7,149 referrals to Arbitration Program.
[d] Does not include 4,008 referrals to Arbitration Program.

Table 7
INTAKE, DISPOSITIONS, AND TRIALS DE NOVO IN ARBITRATION PROGRAM
1989

	Intake	*Dispositions*	*Demands for Trial de Novo*	*De Novo Rate*
1st Judicial District:				
New York	2,990	3,043	452	15%
2nd Judicial District:				
Kings	1,736	1,825	295	16%
3rd Judicial District:				
Albany	48	67	4	6%
Rensselaer	26	22	0	0%
Ulster	29	48	0	0%
4th Judicial District:				
Schenectady	68	49	8	16%
5th Judicial District:				
Oneida	84	82	0	0%
Onondaga	276	293	34	12%
6th Judicial District:				
Broome	59	104	2	2%
Chemung	14	8	0	0%
Schuyler	1	1	0	0%
Tompkins	41	28	5	18%
7th Judicial District:				
Cayuga	12	11	0	0%
Livingston	15	14	0	0%
Monroe	618	679	95	14%
Ontario	18	18	2	11%
Seneca	8	13	0	0%
Steuben	13	8	2	25%
Wayne	16	13	0	0%
Yates	3	6	0	0%
8th Judicial District:				
Erie	409	342	62	18%
Niagara	111	104	10	10%
9th Judicial District:				
Dutchess	75	90	2	2%
Orange	67	47	1	2%
Putnam	22	16	3	19%
Rockland	54	70	0	0%
Westchester	265	270	19	7%
10th Judicial District:				
Nassau	1,690	1,745	207	12%
Suffolk	1,380	1,172	216	18%
11th Judicial District:				
Queens	1,848	1,706	316	18%
12th Judicial District:				
Bronx	577	572	99	17%
Statewide Total	12,573	12,466	1,828	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 1989, there were 4,042 filed and 3,394 dispositions. Table 8 shows data for each judicial district.

Table 8
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS BY JUDICIAL DISTRICT
1989

	Filings	*Dispositions*	*Pending*
New York City:			
1st	2	2	2
2nd	37	33	20
11th	9	12	9
12th	2	3	0
Subtotal	50	50	31
Outside New York City:			
3rd	423	422	1
4th	235	233	2
5th	189	189	0
6th	191	190	8
7th	160	158	2
8th	140	157	0
9th	776	781	65
10th-Nassau	1,086	590	695
10th-Suffolk	792	624	208
Subtotal	3,992	3,344	981
Statewide	4,042	3,394	1,012

2.4 Family Courts

The Family Courts reported 516,295 new cases filed in 1989. Of these, 174,470 (34%) were reported in New York City. The remaining 341,825 (66%) were filed outside New York City. Thirty-seven percent of the statewide filings were supplementary to original petitions.[4]

There were 499,258 cases disposed in 1989. The total in New York City was 167,741 (34%); outside New York City, the total was 331,517 (66%).

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

[4]Supplementary petitions allege violations of original orders or are applications for modifications to original orders.

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 1989, there were 121,590 petitions filed. Surrogate's Court dispositions in 1989 totaled 179,837, including orders signed, decrees signed, and letters issued. See Table 10.

2.6 Appellate Courts

Tables 11, 12, 13, and 14 show 1989 caseload activity in the appellate courts.

TABLE 9
PETITIONS FILED AND DISPOSED IN FAMILY COURTS
STATEWIDE BY TYPE OF PETITION
1989

TYPE OF PETITION	*STATE*		*NYC*		*OUTSIDE NYC*	
	Filings	*Dispositions*[a]	*Filings*	*Dispositions*[a]	*Filings*	*Dispositions*[a]
Permanent Neglect	3,616	3,138	2,446	1,981	1,170	1,157
Child Protective (Neglect & Abuse)	35,900	36,990	24,430	23,713	11,470	13,277
Juvenile Delinquency	16,323	16,670	6,976	6,820	9,347	9,850
Designated Felony	1,018	934	841	693	177	241
Persons in Need of Supervision	8,972	9,733	2,473	2,254	6,499	7,479
Adoption	4,241	3,821	1,265	1,022	2,976	2,799
Guardianship	1,458	1,498	747	694	711	804
Supreme Court Referral	408	378	10	22	398	356
Custody of Minors	55,389	54,543	14,687	13,341	40,702	41,202
Foster Care Review	3,491	3,514	1,648	1,436	1,843	2,078
Approval for Foster Care Placement	4,103	3,819	1,847	1,728	2,256	2,091
Physically Handicapped	27,572	28,865	7,708	7,685	19,864	21,180
Mental Defective	150	64	137	-	13	64
Family Offense	51,053	51,900	26,308	26,535	24,745	25,365
Paternity	46,815	47,259	19,280	18,792	27,535	28,467
Support	49,522	51,523	11,516	11,887	38,006	39,636
Uniform Support of Dependents Law	15,612	14,227	5,603	5,280	10,009	8,947
Consent to Marry	183	172	113	76	70	96
Other	745	640	257	142	488	498
Supplementary	189,724	169,570	46,178	43,640	143,546	125,930
TOTAL	516,295	499,258	174,470	167,741	341,825	331,517

[a]Petition type may change between filing and disposition

TABLE 10
CASELOAD ACTIVITY IN SURROGATES' COURTS STATEWIDE
1989

Number of Proceedings by Case Type	Petitions Filed	Citations Return-able	Motions Ord. to Show Cause Filed	GAL Ap-pointed	Answers Objec-tions Filed	Bonds Filed	Bonds Dis-pensed With	Trial Notes of Issue Filed	Orders Signed	Decrees Signed	Letters Issued	Misc
PROBATE	39,925	11,451	750	2,866	692	785	9,476	84	15,157	37,050	40,308	15,493
ADMINISTRATION	13,298	1,778	188	218	151	3,031	853	39	2,842	10,976	12,553	4,131
ACCOUNTINGS	6,036											
INFORMAL ACCTS	(10,700)	4,857	545	1463	696	91	599	55	3,751	5,679		51,703
MISCELLANEOUS	7,399	1,773	1,534	364	301	262	288	45	8,625	1,591		3,571
GUARDIANSHIP	13,618	1,980	101	633	48	135	3,139		9,504	6,392	5,817	1,196
ADOPTION	2,546	700	22	185	22				3,915		997	602
ESTATE TAX	14,045		180		7				14,680			7,253
TOTAL	107,567	22,539	3,320	5,729	1,917	4,304	18,355	233	58,474	61,688	59,675	83,949

SURROGATE AND LAW DEPARTMENT	
NUMBER OF HEARINGS COMMENCED BY SURROGATE	10,021
NUMBER OF TRIALS COMMENCED BY SURROGATE	964
NUMBER OF CONFERENCES AND HEARINGS	65,527
NUMBER OF CONFERENCES ON LEGAL MATTERS COMMENCED BY CHIEF CLERK AND DEPUTY CHIEF CLERK	62,131
NUMBER OF EXAMINATIONS HELD	3,365
NUMBER OF WRITTEN DECISIONS	16,410
NUMBER OF OPINIONS AND MEMORANDA ISSUED	10,105
SMALL ESTATES	
NUMBER OF AFFIDAVITS FILED	14,023
NUMBER OF ANSWERS/OBJECTIONS FILED	34
NUMBER OF ACCOUNTINGS FILED	4,831
OTHER	
NUMBER OF CERTIFICATES ISSUED	489,221
NUMBER OF ANNUAL GUARDIANSHIP ACCOUNTINGS	18,514
NUMBER OF WILLS FILED FOR SAFEKEEPING	17,345
NUMBER OF FILES REQUISITIONED	572,977
NUMBER OF PAGES CERTIFIED	127,958
NUMBER OF EXEMPLIFICATIONS	4,432
NUMBER OF SEARCHES COMPLETED	12,439
NUMBER OF WITNESSES EXAMINED BY CLERK	4,394

TABLE 11
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1989

Applications Decided [CPL 460.20 (3:b)]	2,534
Records on Appeal Filed	330
Oral Arguments	302
Submission	51
Motions Decided	1,551
Judicial Conduct Determinations Reviewed	4
Appeals Decided	295

TABLE 12
DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS BY BASIS OF JURISDICTION
1989

Basis of Jurisdiction	*Affirmed*	*Reversed*	*Modified*	*Dismissed*	*Other*	*Total*
All Cases:						
Reversal, Modification, Dissent in Appellate Division	22	5	1	2	0	30
Permission of Court of Appeals or Judge Thereof	104	58	10	4	0	176
Permission of Appellate Division or Justice thereof	42	16	6	3	0	67
Constitutional Question	5	2	1	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	5	2	0	0	7	14
Total	178	83	18	9	7	295
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	22	5	1	2	0	30
Permission of Court of Appeals or Judge Thereof	53	40	4	1	0	98
Permission of Appellate Division of Justice thereof	27	11	4	1	0	43
Constitutional Question	5	2	1	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	4	2	0	0	7	13
Total	111	60	10	4	7	192
Criminal Cases:						
Reversal, Modification, Dissent in Appellate Division	0	0	0	0	0	0
Permission of Court of Appeals or Judge thereof	51	18	6	3	0	78
Permission of Appellate Division or Justice thereof	15	5	2	2	0	24
Constitutional Question	0	0	0	0	0	0
Other	1	0	0	0	0	1
Total	67	23	8	5	0	103

TABLE 13
CASELOAD ACTIVITY IN THE APPELLATE DIVISION
1989

	First Department	*Second Department*	*Third Department*	*Fourth Department*	*Total*
Records on Appeal Filed	3,246	4,812	1,391	1,889	11,338
Dispositions of Appeals:					
Disposed Before Argument or Submission (e.g.Dismissed Withdrawn, Settled)	230	3,030	47	24	3,331
Disposed After Argument or Submission:					
Affirmed	2,149	3,296	986	1,526	7,957
Reversed	341	628	165	280	1,414
Modified	244	391	153	145	933
Dismissed	106	352	49	53	560
Other	78	244	6	11	339
Subtotal	2,918	4,911	1,359	2,015	11,203
Total Dispositions	3,148	7,941	1,406	2,039	14,534
Oral Arguments	1,221	1,859	814	1,356	5,250
Motions Decided	5,941	12,484	3,683	3,106	25,214
Admission to Bar	2,160	2,453	1,224	422	6,259
Attorney Disciplinary Proceedings					
Decided	43	96	19	17	175

TABLE 14
CASELOAD ACTIVITY IN THE APPELLATE TERMS
1989

	First Department	*Second Department*	*Total*
Records on Appeal Filed	676	1,775	2,451
Dispositions of Appeals:			
Disposed Before Argument or Submission (e.g.Dismissed Withdrawn, Settled)	41	934	975
Disposed After Argument or Submission:			
Affirmed	263	278	541
Reversed	139	188	327
Modified	91	46	137
Dismissed	9	32	41
Other	10	3	13
Subtotal	512	547	1,059
Total Dispositions	553	1,481	2,034
Oral Arguments	344	228	572
Motions Decided	1,772	2,806	4,578

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 1989, there were 38,482 cases deemed appropriate for mediation and 18,453 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
1989 WORKLOAD BY COUNTY

	(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	480	14	409	1	424
ALLEGANY: DISPUTE SETTLEMENT CENTER	15	0	5	2	7
BROOME: ACCORD	605	70	210	0	280
BRONX: INST. FOR MED. & CONFLICT RESOLUTION	3,821	218	999	174	1,391
CATTARAUGUS: DISPUTE SETTLEMENT CENTER	253	34	34	8	76
CAYUGA: DISPUTE RESOLUTION CENTER	94	3	45	0	48
CHAUTAUQUA: DISPUTE SETTLEMENT CENTER	443	58	111	17	186
CHEMUNG: NEIGHBORHOOD JUSTICE PROJECT	853	423	167	1	591
CHENANGO: DISPUTE RESOLUTION CENTER	103	26	24	0	50
CLINTON: NNY CENTER FOR CONFL. RESOLUTION	47	7	6	8	21
COLUMBIA: COMMON GROUND	189	41	46	0	87
CORTLAND: RESOLVE	48	4	3	0	7
DELAWARE: DISPUTE RESOLUTION CENTER	61	7	12	0	19
DUTCHESS: COMMUNITY DISPUTE RESOLUTION CENTER	368	58	204	0	262
ERIE: DISPUTE SETTLEMENT CENTER	2,189	487	412	157	1,056
ESSEX: NNY CENTER FOR CONFLICT RESOLUTION	14	2	5	0	7
FRANKLIN: NNY CENTER FOR CONFLICT RESOLUTION	81	17	17	0	34
FULTON: TRI-CO. CENTER FOR DISPUTE RESOLUTION	51	4	12	0	16
GENESEE: DISPUTE SETTLEMENT CENTER	135	20	21	16	57
GREENE: COMMON GROUND	171	48	41	0	89
HAMILTON: NNY CENTER FOR CONFLICT RESOLUTION	2	0	2	0	2
HERKIMER: COMMUNITY DISPUTE RESOLUTION CENTER	358	150	72	0	222
JEFFERSON: COMMUNITY DISPUTE RESOLUTION CENTER	398	99	69	0	168
KINGS: VSA. BROOKLYN MEDIATION CENTER	7,640	167	3,005	0	3,172
LEWIS: COMMUNITY MEDIATION SERVICE	47	16	4	0	20
LIVINGSTON: CENTER FOR DISPUTE SETTLEMENT	206	35	95	0	130
MADISON: RESOLVE	44	10	6	0	16
MONROE: CENTER FOR DISPUTE SETTLEMENT	808	118	217	10	345
MONTGOMERY: CENTER FOR DISPUTE RESOLUTION	49	5	25	0	30
NASSAU: COMMUNITY DISPUTE CENTER	238	13	74	18	105
NASSAU: MEDIATION ALTERNATIVE PROJECT	192	66	123	1	190
NIAGARA: DISPUTE SETTLEMENT CENTER	233	32	65	1	98
NEW YORK: INST. FOR MED. & CONFLICT RESOL.	4,554	227	1,596	155	1,978
NEW YORK: WASH. HEIGHTS-INWOOD COALITION	624	38	152	0	190
ONEIDA: COMMUNITY DISPUTE RESOLUTION PROG.	709	405	209	55	669
ONONDAGA: NEW JUSTICE	340	71	50	0	121
ONONDAGA: VOLUNTEER CENTER DISP. RES. CENTER	330	37	112	0	149
ONTARIO: CENTER FOR DISPUTE SETTLEMENT	200	13	52	0	65
ORANGE: MEDIATION PROJECT	472	65	200	0	265
ORLEANS: CENTER FOR DISPUTE SETTLEMENT	15	0	7	0	7
OSWEGO: RESOLVE	143	31	32	0	63
OTSEGO: AGREE	189	63	21	0	84
PUTNAM: MEDIATION PROGRAM	61	6	37	0	43
QUEENS: VSA, QUEENS MEDIATION CENTER	4,321	129	1,908	0	2,037
SUBTOTAL OF PAGE 1	32,194	3,337	10,916	624	14,877

(CONTINUED ON PAGE 2)

COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
1989 WORKLOAD BY COUNTY

	(1) CASES SCREENED APPROPRIATE FOR MEDIATION	(2) CONCIL-IATIONS	(3) MEDI-ATIONS	(4) ARBI-TRATIONS	(5) TOTAL CON./ MED./ARB. [2+3+4]
RENSSELAER: COMMUNITY DISPUTE SETTLEMENT	119	12	33	0	45
RICHMOND: COMMUNITY RESOLUTION CENTER	1,432	322	588	1	911
ROCKLAND: VOLUNTEER MEDIATION CENTER	119	9	51	0	60
ST. LAWRENCE: NNY CENTER FOR CONF. RESOLUTION	106	46	13	1	60
SARATOGA: DISPUTE SETTLEMENT PROGRAM	90	22	35	2	59
SCHENECTADY: COMMUNITY DISPUTE SETTLEMENT	524	40	127	0	167
SCHOHARIE: TRI-CO. CENTER FOR DISP. SETTLE.	7	1	3	0	4
SCHUYLER: NEIGHBORHOOD JUSTICE PROJECT	249	155	22	0	177
SENECA: CENTER FOR DISPUTE SETTLEMENT	59	1	23	0	24
STEUBEN: NEIGHBORHOOD JUSTICE PROJECT	534	303	90	0	393
SUFFOLK: COMMUNITY MEDIATION CENTER	710	73	203	0	276
SULLIVAN: MEDIATION SERVICES	233	34	156	0	190
TIOGA: ACCORD	226	68	67	0	135
TOMPKINS: COMMUNITY DISPUTE RESOLUTION CENTER	277	63	73	0	136
ULSTER: MEDIATION SERVICES	305	80	139	0	219
WAYNE: CENTER FOR DISPUTE SETTLEMENT	255	51	90	0	141
WARREN: ADIRONDACK MEDIATION SERVICES	53	8	17	0	25
WASHINGTON: MEDIATION SERVICES	83	18	19	0	37
WESTCHESTER: MEDIATION CENTER OF CLUSTER	855	359	142	0	501
WYOMING: DISPUTE SETTLEMENT CENTER	20	0	8	0	8
YATES: CENTER FOR DISPUTE SETTLEMENT	34	0	8	0	8
SUBTOTAL OF PAGE 2	6,288	1,665	1,907	4	3,576
GRAND TOTAL OF PAGES ONE AND TWO	38,482	5,002	12,823	628	18,453

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 applicable 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 1989, 86% 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 1989, 91% of note of issue dispositions statewide were achieved within this standard.

Family Court: The standard is case 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 1989, 99% of dispositions statewide were reached within the standard.

[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 on 1/25/79 to Standards and Goals adopted in 1975.

Chapter 3

Education and Training Programs

In 1989, more than 3,000 judges and justices attended Office of Court Administration sponsored judicial programs. In the area of nonjudicial training, more than 5,000 persons attended programs sponsored or financed by the Office of Court Administration this year.

3.1 Judicial Programs for State-Paid Judges

3.1.1 1989 Judicial Seminars

July 10 to 14, 1989
July 17 to 21, 1989
Rochester, New York

The 1989 summer Judicial Seminars were conducted at the Riverside Convention Center in Rochester, New York. Two similar week long sessions were held for judges of all levels of state-paid courts. More than 900 judges attended.

3.1.1.1 Program and Activities

As in prior years, Curriculum Development Committees met to determine course content and to select faculty in five areas of subject matter: Civil Law and Procedure; Criminal Law and Procedure; Family Law and Procedure; Surrogate's Matters; and Judicial Skills. With the exception of two representatives from the academic community, the committees were made up entirely of judges and former judges.

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

Again this year, an overall gender bias committee (composed of members of the five Curriculum Development Committees), selected because of their sensitivity to these issues, was 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 issues were being covered as often as possible and specify design to insure that gender-related issues were given wide-ranging exposure at the seminars.

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

The availability of options during each seminar period again proved to be one of the most attractive aspects of the sessions. Judges could select their own curricula during the week, tailored to their own individual interests and needs.

Another benefit of the sessions was that they provided an otherwise unavailable opportunity for judges of different jurisdictions to meet and share experiences and viewpoints.

The faculty for these seminars 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 added their talents to the faculty.

In addition to the more than 30 seminars offered during the week, judges attended a plenary session provided by the top enforcement officials from the United States Drug Enforcement Administration who spoke on "The Dimensions of the Drug Epidemic - A Problem that Affects Us All".

Judges in attendance were also afforded the opportunity to participate in any or all of the following:

— A visit to Albion and Attica Correctional Facilities.

— A tour of Industry School, a Division for Youth Facility.

— An opportunity to be videotaped in mock courtroom situations and then meet with a communications expert to review their judicial communication skills.

— Videotape playback of various courses presented earlier were made available to the judges attending.

— Judges were also given the opportunity to attend the following optional evening presentations:

Law and Literature - Hamlet and Lear: The Search for Natural Law.

— Representatives of the following New York State agencies were also available for personal consultations with the attending judges:

N.Y.S. Retirement System

OCA - Employee Benefits

The Unified Court System again thanks the members of the faculty and the Curriculum Development Committees for their contributions to the Judicial Seminars.

3.1.1.2 Curriculum Development Committees

Family Law and Procedure

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

Surrogates

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

Civil Law and Procedure

Myriam J. Altman
Ira Block
Bernard Burstein
Margaret Cammer
Pearl B. Corrado
Carolyn E. Demarest
Betty Weinberg Ellerin (Chair)
Leo J. Fallon
Helen E. Freedman
Ira Gammerman
James A. Gowan
Alexander Graves
Robert A. Harlem
Robert G. Hurlbutt
Edward H. Lehner
Yvonne Lewis
Sondra Miller
Philip C. Modesto
Arnold N. Price
Alfred S. Robbins
Barry Salman
John R. Schwartz
David D. Siegel
Dominick R. Viscardi
Richard C. Wesley
Barbara Gunther Zambelli
Stephen Zarkin

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
Bernard M. Jackson
Zelda Jonas
Michael R. Juviler
Robert S. Kreindler
Patricia D. Marks
Alan D. Marrus
Joseph P. McCarthy
Robert C. McGann
Peter J. McQuillan (Chair)
Alan J. Meyer
John L. Mullin
Cornelius J. O'Brien
Peter Preiser
Stanley Sklar
Leslie Crocker Snyder
Wilbur P. Tramell
Joseph K. West
Patricia Anne Williams

Judicial Skills

William R. Bennett
Albert A. Blinder
George D. Covington
Mary McGowan Davis
Brian F. DeJoseph
Nicholas Figueroa
Neil Jon Firetog
Betty D. Friedlander
Samuel L. Green
Raymond Harrington
Lawrence E. Kahn
Marcy L. Kahn
Martin G. Karopkin
Edwin Kassoff (Chair)
Jacqueline M. Koshian
Gabriel M. Krausman
Dominick R. Massaro
Lorraine S. Miller
Milton H. Richardson
Jaime Rios
Marie G. Santagata
David B. Saxe
Hugh B. Scott
Marvin E. Segal
Arthur D. Spatt
Joan C. Sudolnik
Peter Tom
Joseph J. Traficanti, Jr.
Harold L. Wood

3.1.1.3 Seminar Topics

1. Torts Update, Negligence and Structured Judgments
2. Sufficiency of Pleadings, Informations and Grand Jury Minutes
3. Cameras in the Courtroom
4. Custody Issues in Supreme and Family Courts
5. Anatomy of a Trial
6. Estate Freezing, Fiduciaries and Fiduciary Disqualification
7. Evidence in a Civil Trial - 1989 Update
8. Right to Live / Right to Die
9. Recent Trends and Developments in Criminal Law
10. The Child As Witness:

    Competency and Testimonial Capacity
    Modification of Courtroom Procedures to Protect Children from Harm
    Affidavits and Depositions of Child Witnesses
    Demonstrative Evidence
11. Uniform Commercial Code
12. Hearsay, The Dead Man's Statute and Payments to Infants, etc. under SCPA Section 2220
13. The Deaf Experience in Court
14. Conservatorships
15. Pitfalls in the Trial of a Criminal Case
16. Civic Practice Update
17. City Court Judges Workshop
18. State Environmental Quality Review Act and Environmental Enforcement
19. Predicting and Preventing Violent Behavior
20. Children with AIDS and Drug Dependent Children:

    Making Tough Decisions, New Medical, Legal and Placement Factors Influencing those Decisions
21. Matrimonial
22. Selected Problems in Criminal Law
23. Complex and/or Protracted Trials
24. Judicial Conduct, Immunity and Ethics
25. Litigation in the Surrogate's Court
26. Guardianship
27. Fiduciary Powers
28. Communication Skills
29. Section 1983 - Actions in the State Courts
30. Update on Residential and Commercial Landlord - Tenant Law Part I.
31. Trial of a Narcotics Case
32. Suppression Motions
33. Adoption
34. Contempt, Rule 130 and Judicial Response to Attorney Misconduct
35. Practical Solutions for Dealing with Unrepresented Tenants, Governmental Agencies and Other Knotty Issues in Landlord Tenant Cases - Part II.
36. General Obligations Law 15-108 Update
37. Driving while Intoxicated
38. Judicial Stress
    Physical Fitness for Judges
    Psychiatric Views of Judicial Stress
    Alcoholism in the Courts
39. The Dynamics of State Incarceration and Supervised Release

3.1.1.4 Faculty

Floyd Abrams, Esq.
Kenneth E. Ackerman, Esq.
Martin B. Adelman, Esq.
Roger Bennet Adler, Esq.
Honorable Ronald J. Aiello
Honorable Myriam J. Altman
Honorable Margaret R. Anderson
Virginia Anderson, M.D.
Anthony Annucci, Esq.
Prof. Joseph T. Arenson
Sia Arnason, M.S.W
Rosemary Bailey, Esq.
John Barnosky, Esq.
Jack Barwind, Ph.D
James D. Bennett, Esq.
Honorable James D. Benson
Jonathan G. Blattmachr, Esq.
Gail Bowers, Esq.
Honorable David H. Brind
Honorable William H. Bristol
Honorable Loren N. Brown
Honorable Minna R. Buck
Honorable Margaret Cammer
J. Richard Ciccone, MD
Honorable Robert L. Cohen
Honorable Nicholas Colabella
Winfred Colbert, Esq.
Honorable Raymond E. Cornelius
Honorable Pearl B. Corrado
Honorable Barry A. Cozier
Honorable D. Bruce Crew, III
Jose Hernandez-Cuebas, Esq.
Honorable William J. Davis
Honorable Brian F. DeJoseph
Honorable Thomas A.Demakos

Honorable Robert F. Doran
Honorable Vincent E. Doyle
Honorable Robert K. Duerr
Joan L. Ellenbogen, Esq.
Prof. Charles Patrick Ewing, J.D. Ph.D
Rabbi David Feldman
Honorable Marjory D. Fields
Honorable Nicholas Figueroa
Mark Finkelstein, Esq.
Professor Kevin Fogarty
Honorable Helen E. Freedman
Professor Monroe Freedman
Morton Freilicher, Esq.
Honorable Jeffry H. Gallet
Brigid Gambella
Honorable Ira Gammerman
Robert I. Gannon, Esq.
Rose Gasner, Esq.
Peter Gerstenzang, Esq.
Prof. Stephen Gillers
Honorable Kristin Booth Glen
Honorable Joel M. Goldberg
Stanley L. Goodman, Esq.
Honorable James A. Gowan
Honorable L. Priscilla Hall
Honorable Joseph E. Harris
Prof. Richard Heffner
Honorable Thomas W. Higgins, Jr.
Dennis Hoffman, Esq.
Honorable Lee L. Holzman
Robert Horowitz, Esq.
Ann Horowitz, Esq.
Honorable Alexander W. Hunter
Honorable Bernard H. Jackson
Eleanor Jackson Piel, Esq.
Honorable Zelda Jonas
Prof. Cassondra B. Josephs
Prof. Kenneth F. Joyce
Honorable George L. Jurow
Honorable Michael R. Juviler
Honorable Bruce M. Kaplan
Steven R. Kartagener, Esq.
Honorable Edwin Kassoff
Honorable Edward M. Kaufmann
John Keegan, Esq.
Honorable Arthur C. Kellman
Prof. Gary Kennedy
Honorable Richard C. Kloch
Daniel Kornstein, Esq.
Victor Kovner, Esq.
Honorable Theodore R. Kupferman
Honorable Marie M. Lambert
Gary M. LaRusso, Esq.
John C. Lawn, Esq.
Honorable Alfred D. Lerner
Honorable Yvonne Lewis
Arthur Littleton, Esq.
Laurence Loeb, M.D.
Honorable Thomas J. Lowery, Jr.
Honorable Patricia D. Marks
Honorable George D. Marlow
Honorable Alan D. Marrus
Honorable Joseph S. Mattina
Timothy McPike, Esq.
John Milford, Esq.
Honorable Sondra Miller
Tracy E. Miller, Esq.
Honorable Milton Mollen
Scott E. Mollen, Esq.
Honorable Patrick D. Monserrate
Ann Moynihan, Esq.
Honorable John N. Mullin
Honorable J. Emmett Murphy
Honorable David S. Nelson
Prof. Nancy Neveloff Dubler
Patricia J. Numann, M.D.
Prof. David Oakes
John Jay Osborn, Jr.
Brenda Palmigiano
Honorable Claire T. Pearce
David R. Pfalzgraf, Esq.
Rocky Piaggione, Esq.
Prof. Frank Polestino
Prof. Peter Preiser
Donna C. Pressma, M.S.W.
Honorable Richard Lee Price
Honorable Gilbert Rabin
Honorable C. Raymond Radigan
Honorable Gilbert Ramirez
Honorable Bernard L. Reagan
Warren Reiss, Esq.
W. Bernard Richland, Esq.
Honorable William Rigler
Honorable David S. Ritter
Honorable Alfred S. Robbins
Honorable H. Buswell Roberts
Honorable Harold J. Rothwax
Deborah Sacks, Esq.
Honorable Marie G. Santagata
Honorable David B. Saxe
Honorable Adrienne Hofmann Scancarelli
Professor Alan Scheinkman
Honorable John R. Schwartz
Michael Schwartz, Esq.
Honorable JoAnna Seybert
Norman M. Sheresky, Esq.
Prof. David D. Siegel
Honorable Samuel Silverman
Philip Singer, Ph.D
Honorable Stanley L. Sklar
Honorable Elaine Slobod
Jeanne Smith, M.D.
Honorable Leslie Crocker Snyder
Honorable Arthur D. Spatt
Honorable Mark H. Spires
Prof. Julia Spring
Prof. Steven H. Steinglass
Gerald Stern, Esq.
Honorable Donald Sullivan
Honorable Mara T. Thorpe
Alice Vachess, Esq.
Paul Vassar, Esq.
Honorable Mark A. Violante
Honorable Dominick J. Viscardi

Honorable Richard W. Wallach
Honorable Alfred J. Weiner
Prof. Richard H. Weisberg
John Werner, Esq.
Honorable Richard C. Wesley
Dean Joan Wexler
Ambassador Franklin H. Williams
Honorable Barbara Gunther Zambelli
Honorable Stephen Zarkin

3.1.3 Orientation Program for Newly Elected and Newly Appointed Judges

December 4 to 8, 1989

The annual orientation program for newly elected and newly appointed judges was held in New York City the week of December 4 through 8, 1989. Forty-five new judges attended. Presentations of the following topics were offered:

The Judicial Commission on Minorities
The Courts in the Community
The Trial Judge's Role
Criminal Law and Procedure
The Anatomy of a Civil Trial
Civil Jury Instructions
Judicial Conduct
Topics for Local Courts
Equitable Distribution
Civil Practice and Procedure
Presiding over Civil and Criminal IAS Parts
The Report of the Task Force on Women in the Courts
The Role of the Court Reporter, Court Clerk, Interpreter and Court Security Officer
The Benchbook for Trial Judges
The Administrative Structure of the Courts
AIDS in the Justice System
Judicial Writing
Retirement and Employee Benefits
Community Dispute Resolution
Evidence
OCA Publications: Forms and Other Topics of Interest
Family Court Practice and Procedure

3.1.4 Seminar for Appelate Term Justices

November 30 to December 1, 1989

The fourth annual education program for Appellate Term Justices was sponsored by the Office of Court Administration under the direction of Chief Judge Sol Wachtler, Chief Administrator Matthew T. Crosson and Presiding Justices Francis T. Murphy and Milton Mollen of the Appellate Divisions, First and Second Departments.

Justice Edwin Kassoff, Presiding Justice of the Appellate Term, Second and Eleventh Judicial Districts was coordinator of the program.

This two day continuing legal education program for the fifteen Appellate Term Justices in the State of New York had as its speakers, Associate Justice Sidney H. Asch, Associate Justice Guy James Mangano, Associate Justice Joseph R. Weisberger (Supreme Court of Rhode Island), Presiding Justice Edwin Kassoff, Prof. Alan Scheinkman, Scott Mollen, Esq., Jeffrey S. Ween, Esq., and Douglas Simmons, Esq.

3.1.5.Management Seminar for Administrative Judges

July 18 and 19, 1989

Honorable Sol Wachtler, Chief Judge of New York State opened the first management seminar for Administrative Judges held in Rochester, New York. The attendees partook in a discussion by a most distinguished faculty on the subject of "Judicial Leadership in the 90's". Among the guest speakers were:

Dr. Arthur B. Shostak
Professor of Sociology. Drexel University

Ms. Rosemary Scanlon
Chief Economist, Port Authority-New York and New Jersey

Dr. John H. Zenger
President, Zenger-Miller Corporation

Dr. Daniel T. Carroll
President, The Carroll Group, Inc.

Ms. Mary Walton
Author and Feature Writer, The Philidelphia Inquirer

3.1.6 Other Judicial Programs

In addition to the programs described above, various courts, districts, and judicial departments conducted educational sessions for their sitting judges in 1989. Judicial associations, at their annual meetings, also provided substantial educational programs for their members with Education and Training Unit support.

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 each in Canton and Buffalo and twice each in Albany and Liverpool in 1989. A total of 193 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 1989 included Public Access to Records, Seal Orders, Media Access, Youthful Offender Confidentiality, Family Offens-

es and the Interaction between Family Courts and Local Courts, Criminal Law Problem Solving, V and T Law and TSLED Systems, Recent Developments, Civil Substance Law, and Criminal Motion Practice.

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

Nearly 166 judges, attorneys, and administrative personnel were enlisted to act as faculty and to administer the schedule. Faculty were trained in two sessions conducted in Syracuse. Judges earned advanced certification for 2,179 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. Elliot, 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 administrating the 1989 advanced courses:

Noel Adler, Esq.
John D. Allen, Esq.
Honorable Damian J. Amodeo
Honorable John J. Ark
Honorable Stephen D. Aronson
Honorable John Austin
Honorable William Bacas
Ms. Allison Barnes
Honorable Leonard Bersani
Honorable Sherwood L. Bestry
Honorable Lester H. Betts
Mr. Stuart E. Birk
Honorable Edward J. Boyd V
Honorable Robert P. Brisson
Honorable David M. Brockway
Honorable Peter C. Buckley
Ms. Carolyn Burke
Honorable Helen Burnham
Ms. Sharlene Calîahan
Honorable John P. Callanan, Sr.
Donald Cappillino, Esq.
Ms. Patricia A. Caravella
Honorable Luke M. Charde, Jr.
John A. Cirando, Esq.
Honorable Lee Clary
Ms. Janet W. Clerkin
Ms. Bonnie Coburn
Mr. Kenneth Colville
Honorable Charles R. Cooksey
Honorable John D. Cox
Mary Lou Crowley, Esq.
Honorable Philip B. Dattilo, Jr.
Honorable John Decker
Honorable Donn A. Di Pasquale
Biagio J. Di Stefano, Esq.
Honorable Barry Donalty
Joseph R. Donovan, Esq.
Honorable Margaret Doran
Honorable Kevin Dowd
Ms. Nancy Duffy
James K. Eby, Esq.
Honorable Richard A. Ehlers
Honorable John J. Elliott
Honorable W. Patrick Falvey
Richard Farina, Esq.
Honorable Stephen Ferradino
Honorable David K. Floyd
Michael Formoso, Esq.
Honorable Frank Fox
Joseph E. Fox, Jr., Esq.
Mark D. Fox, Esq.
Honorable Solomon Friend
Honorable David Fuller
Mr. James A. Gainey
Donald R. Gerace, Esq.
James L. Gorman, Esq.
Herbert L. Greenman, Esq.
Honorable Nicholas J. Greisler
David Gruenewald, Esq.
Richard A. Hennessey, Esq.
Honorable Shirley B. Herder
Mr. Ralph Hesson
Ms. Kathleen Hettrick
Honorable Russell L. Hinkle
Mrs. Barbara Hodom
Ms. Dorothy Hughes
Honorable James F. Hughes
Mr. Joseph R. Hughes
Mr. William Hungerschaffer
Honorable Richard V. Hunt
Honorable Robert G. Hurlbutt
Honorable Angelo J. Ingrassia
Ms. Suzanne Jakovac
Mr. Daniel Johnston
Honorable Robert Kelly
Honorable Mardis F. Kelsen
Ms. Sybil Kennedy
Honorable George S. Kepner, Jr.
Mr. Donn T. King
Honorable Virginia Knapland
Honorable Joan S. Kohout
Honorable David B. Krogmann
Honorable Dan Lamont
Honorable John G. Leaman
Honorable Peter Leavitt
Esther Lee, Esq.
Ms. Kay Leitzan
Mr. William Leonardo
Honorable Duncan S. MacAffer
Honorable Ralph R. Mackin
Mr. Steve Macoy
Honorable Robert Main, Jr.
Honorable George D. Marlow
Honorable Michael A. Mazzone
Michael McCartney, Esq.
Honorable John McGuirk
Mr. Timothy McHenry
Honorable Anthony J. Messina
Honorable Gary Miles

David F. Mix, Esq.
Honorable Patrick D. Monserrate
Patrick F. Moore, Esq.
Honorable James E. Morris
Honorable G. Thomas Moynihan
Martin Muehe, Esq.
Mr. William R. Murphy
Honorable John J. Mycek
Frank J. Nebush, Jr., Esq.
Mrs. Noama D. Niedbalski
Honorable Allan E. Pohl
Honorable Anthony K. Pomilio
Joan Posner, Esq.
Ms. Dorothy Potter
Ms. Annette K. Purdy
Honorable Donald G. Purple, Jr.
Honorable Thomas E. Ramich
Ms. Jacquelyn Ravena
Honorable Roger N. Rector
Frederick G. Reed, Esq.
Honorable John J. Roe III
Honorable Kathleen Rogers
Honorable David J. Roman
Honorable Maynard T. Roman
Mr. James M. Romand
Ms. Shirley K. Russell
Honorable Eugene W. Salisbury
Honorable Adrienne Hofmann Scancarelli
Honorable Nettie J. Scarzafava
Mr. George Schmidt
Neal Schoen, Esq.
Brian C. Schu, Esq.
Ms. Sharon Schultz
Mr. Rolf Schwergardt
Susan Shaw, Esq.
Honorable George A. Sirignano, Jr.
Honorable Roger Sirlin
Honorable Elaine Slobod
Robert Slye, Esq.
Honorable Joseph J. Snellenburg II
Honorable Edward O. Spain
Honorable Joseph L. Spiegel
Thomas Stahr, Esq.
Nelson W. Stiles, Esq.
Mr. David L. Sullivan
Honorable W. Howard Sullivan
Honorable Stephen R. Taub
Honorable Irving Tenenbaum
Honorable Vera J. Thorton
Honorable Herman H. Tietjen
Honorable Sandra Townes
Honorable Sharon S. Townsend
Honorable Judith K. Towsley
Honorable Bruce Trachtenberg
Honorable Joseph J. Traficanti, Jr.
Honorable George M. Truesdail
Michael Vanones, Esq.
Honorable Glenn P. Walls, Jr.
Thomas B. Wassel, Esq.
Chauncey Watches, Esq.
Christopher Wilkens, Esq.
Honorable Daniel Wilson
Honorable Edwin B. Winkworth
Honorable Richard A. Wittenburg
Mr. Quentin Woods
Mr. Matthew Worth
Joan A. Zooper, Esq.

3.3 Non-Judicial Programs, 1989

1989 proved to be a successful year for the nonjudicial programs. The existing programs continued to thrive and several new initiatives were introduced in order to address the changing needs of the workforce. Middle Management Training, Performance Management, Operation Manuals Training, and Cashier Training were just some of 1989's new nonjudicial programs. These new initiatives enabled the Education and Training Unit to reach a more diverse audience.

3.3.1 Annual Seminars

Annual seminars have as their target participant populations the Chief Clerks and key deputies of the courts in every county. They are organized by court type. Commissioners of Jurors and Law Librarians also conduct annual seminars.

Law Librarians
Lake George, New York
April 24 - 26, 1989

The 1989 annual nonjudicial seminars commenced with the Law Librarians seminar. For three days in April 66 Law Librarians, under the leadership of the Chief Librarian, met to hear presentations on a variety of topics. Matters discussed ranged from Internal Controls and Staffing Guidelines to Unpublished Information and the Nature of Public Service.

Aside from the general discussions, simultaneous programs where the participant had the opportunity to choose the topic of his or her interest were also offered. Library Information Management Systems brought the most enthusiastic responses with the discussion of the advantages of different software packages and how they can be best utilized in the diverse libraries throughout the system.

Surrogate's Law Assistants
Ellenville, New York
June 7 - 9, 1989

For three days in June, 70 staff attorneys working in the Surrogates' Courts gathered to hear presentations on current legal issues. Several distinguished guest speakers reported on their published opinions which covered topics ranging from Foster Care to Recent Legislative Changes in Surrogate's Practice.

Supreme and County Court Clerks Association
Saratoga Springs, New York
July 18 - 21, 1989

One hundred and eight (108) people attended this four day seminar in Saratoga Springs in order to broaden their

knowledge of current legal issues. The agenda for this seminar was diverse.

Items on the agenda included Cameras in the Courts, Child Witnesses, Records Management, Security Contracts, Safeguarding Evidence, the Changes in the Budget Process and the Introduction of the 1989 Internal Controls Program. The computerization of the court system was also discussed at great length. A hands-on session was available to those participants who wished to familiarize themselves with the computer. Computer trainers were available throughout the seminar to answer questions and provide assistance. A session on Managing Personal Finance which covered topics concerning the New York State Retirement System followed by a question and answer session on Social Security Benefits was given. Lastly, the Civil and Criminal Operations Manuals were distributed.

Family Court Chief Clerks Association
Buffalo, New York
August 30 - September 1, 1989

Eighty-one (81) people from the Family Courts attended to hear presentations on a wide variety of issues. Major subjects under discussion were Child Witnesses, Child Support, and Related Issues. Other offerings included Stress Management and New Legislation Directly Affecting Family Court Operations. A workshop demonstrating Family Court from the Clerk's Perspective was offered.

Computer applications and developments were also on the agenda. The applications of main frame computers for Foster Care and Child Support were discussed along with the benefits of the Integration of Automation with Respect to Statistical Reporting and other Required Procedures.

Surrogate's Court Chief Clerk's Association
Alexandria Bay, New York
September 6 - 8, 1989

Fifty-nine (59) participants attended this annual seminar which began with a series of workshops. It proved to be an educational experience for all who attended. The workshop topics, which were chosen by the participants, were "New Legislation/Uniform Rules," "Wrongful Deaths, Common Procedural Problems," and "Adoption". The workshops were conducted three times so that each participant was able to attend all three seminars. Presentations on Supervisor's Training, Records Management, and the Surrogate's Court Operations Manual were also available to the participants.

The Commissioners of Jurors Association
Buffalo, New York
September 13 - 15, 1989

Fifty-four (54) Commissioners of Jurors and/or their deputies, along with representatives of various units of the Office of Court Administration attended this annual seminar. The topics covered were Media Coverage in the Courts, Automated Jury Management, and Court Security.

Presentations on management issues were also given by the Office of Court Administration's Education and Training and Employee Relations Units. These units presented lectures on Stress Management and Supervisory Training, respectively, in order to aid the Commissioners in effectively handling their increasing workload.

City and District Courts Chief Clerk Association
Buffalo, New York
September 20 -28, 1989

Ninety-four people (94) gathered at this seminar to discuss pertinent matters concerning the city, police and traffic courts as well as to hear special updates. Presentations included matters concerning Default Judgments and Family Offenses, the Fine Line Between Civil Procedures and Legal Advice, and Child Witnesses. Updates were addressed by representatives from several units of the Office of Court Administration. The Office of Budget and Finance discussed Internal Controls, followed by a Legal Update from the Education and Training Unit, and an update concerning the City and District Criminal Case Operations Manual which was given by the Research and Special Projects Unit in order to familiarize the clerks with the manual.

3.3.2 Nonjudicial Training

In 1989 the major system-wide training initiative for nonjudicial employees continued to expand as more employees took advantage of the programs offered. New programs were also implemented in 1989 as the Education and Training Unit continues to tailor its course offerings to the actual needs of the Court System.

Executive Management Seminar
June 5 - 7 White Plains, New York
November 1 - 3, Saratoga Springs, New York

The same 36 people attended these two seminars. The first was held on June 5-7 in White Plains and the second was held on November 1-3, 1989, in Saratoga Springs. At these two conferences the New York City Chief Clerks, Executive Assistants and OCA Unit Heads gathered to increase their awareness of innovative management methods and approaches. Case studies, involving actual management dilemmas were used to strengthen the participating managers' problem analyses and problem solving skills. Application exercises and group discussions were employed in areas of leadership, decision making, and conflict management. This executive group began the enormous task of drafting a master plan for the UCS as well as individual three-year plans for their courts, districts, and units.

Middle Management Seminars
White Plains, New York
June 26 - 28, July 10 - 12,
July 25 - 27, August 28 - 30

A total of 120 middle managers attended these four individual seminars held in Stouffer's Westchester Hotel.

The participants met to discuss the culture of the UCS, to learn and apply management methods, and to develop a long and short-term training plan. The training methods incorporated in the seminar included role playing, case studies, and interactive discussion.

Mission and Organization

The purpose of this enterprising program is to explain the structure, function and workings of the various components of the Unified Court System. The objective is to have each employee recognize the breadth of the UCS and how his/her particular function acts as a decisive factor of the whole system. The employees are also briefed on the rights, duties and privileges of being a member of the UCS whose mission it is to deliver fair, impartial and timely judicial services to the public. Mission and Organization has been presented to over 230 UCS employees in 1989. This program is now primarily presented to new employees as an orientation to the Court System.

Working

One hundred and ninety two (192) participants attended "Working" classes in Bronx and New York Counties, while 335 participants attended classes in the districts outside New York City for a total of 527 in 1989; 5 new units were added to "Working" outside New York City. The new units are: Participating in Meetings, Keeping Your Boss Informed, Working Smarter, Dealing With Change, and Being a Team Player.

Frontline Leadership

One hundred and fifty one (151) participants attended FrontLine Leadership classes in Bronx and New York Counties. Eighty-eight (88) participants attended classes in the districts outside New York City, for a total of 239. In 1989, 6 new units were added to FrontLine Leadership outside New York City. The new units are: Developing Job Skills, Taking Corrective Action, Clarifying Team Roles and Responsibilities, Resolving Team Conflicts, Building a Constructive Relationship with your Manager, and Building a Collaborative Relationship with your Peers.

Train-The-Trainers

FrontLine Leadership/Working

A total of 12 UCS employees, two from New York City and the remainder from various parts of New York State worked with a consultant for five days in order to learn how to effectively train other employees in Working and FrontLine Leadership.

Operations Manuals

Additional programs were also initiated in regard to the Operations Manuals for Family Court, Lower Criminal Courts, Supreme and County Court (Civil and Criminal), and Surrogate's Court. Training for the instruction of the Operations Manuals for Family Court and the Lower Criminal Courts program occurred in two phases; the first phase commenced in January and the second phase in October. Twenty (20) people from Family Court are now capable of instructing others. In Lower Criminal Court, 22 people are capable of instructing their colleagues on the operations manual. Twenty (20) people were trained in the Surrogate's Court Operations Manuals and 45 people were trained in the Supreme and County Court Operations Manuals (25 Civil and 20 Criminal) for the same purpose. A total of 107 people were trained as operations manuals trainers.

Performance Management

A train-the-trainers seminar was also held on the subject of Performance Management. Sixty-one (61) supervisors were instructed on how to train their colleagues in evaluating newly appointed employees. These training seminars were held in Syracuse and West Point.

Computer Literacy

In 1989 Computer Literacy courses were held in Albany, Nassau, and New York City. A total of 357 people were trained. This represents our commitment in introducing basic computer instruction skills to UCS employees. Computer literacy is deemed crucial for the continued efficiency of the Court System. Advanced Lotus was introduced for the first time in March in order to enable employees to utilize their computers to the fullest extent. A Word Perfect seminar was also introduced and later incorporated into the "Introduction to Computers" course. Future courses are planned for the 8th, 9th, and 10th Districts. This program is being implemented at a minimum cost by utilizing community colleges throughout the state.

Microcomputer Networks Users Group

Advanced DBMaster

Eight (8) classes were held in 1989. One hundred and thirty six (136) people attended this training in Syracuse and Rochester. The curriculum covered Receiving Network Operations, Responsibilities of the Network Manager, Daily Operations, Using Advanced DBMaster in a Network, and Problems and Solutions.

Executive Secretarial Management

Albany, New York

Fifteen (15) secretaries to the Administrative Judges and Presiding Justices from throughout the state attended this two day seminar, which was specially designed to meet the particular needs of this group. The topics covered included Time Management, Stress Management Techniques, Active Listening, Assertiveness Skills, Affective Briefing Techniques, Decision-Making Techniques, Creative Problem Solving, and Constructive Conflict Resolution.

Court Interpreters Training

The Court Interpreters program was developed for the sole purpose of enhancing the professional skills of Court Interpreters. This one-half day workshop succeeded in focusing in on the training needs of 18 Court Interpreters throughout the system. Matters under discussion were

issues affecting Court Interpreters and Developments in Higher Education for Court Interpreters. Practical instruction involving memory training was also given.

Performance Management

The goal of this seminar was to instruct supervisors in evaluating newly appointed employees (both initial appointments and promotions). Under the Performance Management Review System new employees would get a full orientation of the duties and tasks required for their position. The Review System would also serve as a feedback mechanism for dialogue between the employee and supervisor. Five hundred and ninety four (594) supervisors were trained in Performance Management in 1989.

Court Reporters
July 11 & 18 New York City
July 13 & 20 Syracuse

Four (4) individual one-day training seminars were held for all Court Reporters in the UCS: two in New York City and two in Syracuse. A total of 687 court reporters attended this training. The main focus of the seminar was to acquaint the reporter with CAT (Computer Assisted Transcription) and to sharpen the skills of those reporters already using CAT. There was also a discussion and demonstration on "DNA - How to Write It" which was very well received.

Sexual Harassment

A Sexual Harassment component was added to Mission and Organization presentations around the state. Four hundred and forty one (441) people participated in this sexual harassment training outside New York City.

A sexual harassment component was also added to the training for new court officers attending the New York City Court Officer Academy. Sixty-five (65) new court officers received this training in 1989.

Hearing Impaired Program

In an effort to ensure that people who are hearing impaired have appropriate access to our legal system, a workshop for judges, attorneys and court administrators was implemented. Deaf and hearing professionals gave presentations based on their knowledge, experiences, and perceptions of deafness and legal proceedings. Three hundred (300) people attended this four-day seminar held at NYS Supreme Court—Queens County.

Family Court Hearing Examiners

Two one day seminars were held in September 1989 for the purpose of exposing hearing examiners to new child support guideline legislation pertaining to the law itself, policy considerations, forms and the impact the legislation will have on hearings. A total of 112 hearing examiners attended.

Legal Update

This program targeted all attorneys employed in the Legal Series of the Unified Court System and was held 15 times during 1989 across the state. Professors specializing in Civil Law, Criminal Law, Evidence, and Case Management were recruited to give the participants an overall update. Topics offered during 1989 included: Matrimonial Law, Equitable Distribution and the Valuation of assets, Civil Practice and Procedure, Criminal Law and Procedure, Family Offenses, Orders of Protection, Violations of Orders of Protection and Abuse and Neglect, Civil Practice and Procedure Update, CPLR Article 28 and SEQRA, the Rules Governing Conduct of Attorneys in the Unified Court System, Labor Law, Products Liability, Zoning and Land Use, Professional Malpractice, Recreational Torts, Custody, Visitation Post-Judgment Modifications and Family Court Practice, Media in the Courts, the Use of Remote Video and Other Trauma Reduction Methods Regarding Child Witnesses, Structured Verdicts, Landlord and Tenant Law, Condo and Co-op Conversions.

Pre-Retirement Seminar

The objective of this program was to provide information and lead potential retirees through basic planning steps, so that they might formulate a plan for their retirement; speakers included representatives from Social Security, New York State Retirement, the legal field and the health insurance field. A total of 262 people attended this seminar statewide in 1989.

Local Funds for Local Development

The Education and Training Unit recognizes that each district has its own particular training needs. Thus, this program was funded in order to provide support for the ideas submitted and implemented on the local level. A summary of the districts that applied for and received training dollars is as follows:

1. 6th District -

The first court exchange program between the 6th and 1st Judicial Districts was implemented in 1989. During the week of September 25, 1989, 6 chief and/or court clerks worked in NYS Supreme Court Criminal Term and New York City Criminal Court observing and participating in the daily tasks of their counterparts. In turn, 6 clerks from New York County worked in various courts throughout the 6th District during the week of October 16, 1989. The program succeeded in establishing formal communication lines between the two districts.

2. 7th District -

The 7th district held its annual Computerfest in December, 1989. The featured guest speaker was the author of Advanced DBMaster. Topics included Westlaw for Judges and Law Clerks, and Security Backups. Hands-on demonstrations included CAT (Computer Assisted Transcription), Automated Appeals Modification, Customizing Surrogate's Court Forms, Surcharge Collection Reports, and many more. A total of 120 people attended the Computerfest.

3. 10th District - Nassau

A cashier training program was held for three half-day sessions in March at District Court, Hempstead. A total of 128 people attended. Topics such as "Learning How to Handle Checks/Cash Properly" and "Basic Bookkeeping and Accounting Principles" were presented along with the importance of adhering to internal control regulations. The seminar concluded with basic in-service court/cashier operations for traffic, criminal, and civil courts.

4. 10th District - Suffolk

In 1989, Suffolk County continued its computer training program. Four DOS courses were given this year, training a total of 48 people. The DOS course led the students through an introduction to computer parts, computer terminology and DOS commands. An introduction to spreadsheets, database management, and word processing applications was also given. In addition, a course in Novell Netware was introduced this year. This training provided the system supervisor with the information required for maintenance and diagnostics of network hardware and software. Three Novell courses were offered with a total of 18 people attending.

5. 11th District - Queens

A course in Effective Memo Writing was presented to supervisors and department heads at Supreme Court Queens County by the faculty from Queens College. A total of 18 people attended. The curriculum addressed the purposes of a memo, how to generate ideas, and general format and organizational skills. The course concluded with each participant writing a work related memo.

6. New York City Criminal Court

The Narcotics Problem in New York City, a program presented to 140 Criminal Court judges, law assistants, and borough chief clerks in New York, Kings, Bronx, and Queens Counties, was held in May, 1989. This was presented by the Narcotics Division of the New York City Police Department. Discussions centered around how a police narcotics street operation is organized and how the police operate "Buy and Bust" situations. Also discussed was "Drug Trafficking from Columbia to New York City," "Understanding Street Language," and "A Hands-on Experience with Drug Paraphernalia" i.e.: glassine envelopes, pyramid paper, crack vials and pipes.

7. New York City Civil Court

In November the Video Department of the Education and Training Unit began production on "A Day in Civil Court". This is to be an orientation tape on the New York City Civil Court. It will cover the basic operation of the court's geographic, monetary and subject matter jurisdictions, as well as career, work place, and opportunities within the system for new employees.

3.3.2 Video Department

1989 represents the second year that the video department was in operation.

Recordings Now Included in the Tape Library

1989 Rochester Judicial Seminars - 37 new topics
1989 Orientation Program for New Judges - 6 new topics.
1989 Legal Update for Law Clerks/Assistants - 8 new topics

Recordings (Additional)

In March of 1989, we recorded a three day cashier training program for the Nassau County courts at the request of the Executive Assistant, Rita Byrne.

In May, at the request of Justice David Saxe, we recorded a symposium presented by the New York County Association of Lawyers on the new Rule 130.

In May, at the request of District Administrative Judge David S. Ritter, we recorded the dedication of the Westchester County Courthouse as the Richard J. Daronco Courthouse.

Also in May, at the request of Administrative Judge Katherine McDonald and the Committee to Implement the Recommendations of the Task Force on Men and Women in the Courts, we recorded a dramatization and discussion of the Battered Woman at the New York City Association of the Bar.

In July, at the request of the Curriculum Planning Committee for Town and Village Justice Training, we recorded various sessions of the programs at the St. Lawrence University Seminars that dealt with new V & T Legislation and the TSLED Program. These tapes were later edited, titled, and used to train the instructors that taught those programs during the Fall, 1989, Town and Village Justice Advanced Training Local Programs.

In September, we recorded a program on the new Child Support Standards Act at New York City Family Court.

Editing

In January, we edited from footage compiled from around the state dealing with camera coverage in various courtrooms, a tape entitled, "Media in the Courtroom." This tape was used as a part of the Spring 1989 Town and Village Justice Advanced Training Program.

In June using much of the same footage but with a slightly different overall intent, we edited a piece for Judge Patricia Marks called, "Cameras in the Courtroom." It was used as part of the presentation on Cameras in the Court presented at the July Judicial Seminars in Rochester.

In June, a piece of tape was edited for a general demonstration at the Court Reporter Training Showcase in New York City and Syracuse. The tape was displayed a total 32 hours focusing on the daily responsibilities of the Court Reporter.

In September, at the request of Judge Joseph Traficanti, we edited an actual case of a closed circuit television testimony of a child witness to be used at training seminars for court clerks.

Table 16
Education and Training Unit
Nonjudicial Training
January - December 1980

Program	*# Attended*	*# of Days*	*# Employee Days*
Executive Management Seminar	36	6	216
Middle Management Seminars	120	3	360
Mission and Organization	230	1	230
Working	527	3-4	1,916
Frontline Leadership	239	4-5	986
Train-The-Trainers (Frontline/Working)	12	5	60
Train-The-Trainers (Operations Manual)	107	3	321
Train-The-Trainers (Performance Management)	61	3	183
Computer Literacy	357	2.5	893
Microcomputer Networks	136	3	408
Executive Secretarial Management	15	2	30
Court Interpreters Training	18	0.5	9
Performance Management	594	2	1,188
Court Reporters	687	1	687
Sexual Harassment	506	0.5	253
Hearing Impaired Program	300	0.5	150
Family Court Hearing Examiners	112	1	112
Legal Update	627	1	627
Pre-retirement Seminar	262	2	524
Local Development Funding	484	———	629
Total	5,430	********	9,782

This is a refection of training funded by Maintenance and Undistributed funds only. Association meetings, and other OCA-funded programs are not included.

Other Audio-Visual Services

The Education and Training Unit provided public address set-ups, overhead projection capability, slides, flipcharts, and other A-V needs for many other programs sponsored by the Office of Court Administration throughout the state.

Chapter 4

Legislation and Rule 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.

Deputy Counsel staff 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 branch 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 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 branch 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 1989 legislative session, Counsel's Office, in conjunction with the advisory committees, prepared and submitted sixty-two measures for legislative consideration. Of those proposals, fifteen were ultimately enacted into law.

Also during the 1989 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 58 court-related measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on 156 measures.

The following is a summary of the measures submitted for introduction in the Legislature in 1989 at the request of the Office of Court Administration.

Measures Enacted Into Law in 1989

Chapter 28 (Senate bill 688). Amends section 1229-c of the Vehicle and Traffic Law to authorize the court to waive any fine for violation of such section, if the accused can prove that after such violation, but before the appearance date, he or she purchased or rented a child seating system. Eff. 4/6/89.

Chapter 44 (Senate bill 2855). Amends section 212 of the Judiciary Law to remove the requirement of prior legislative approval for gifts or grants to the Unified Court System not exceeding $5000. Eff. 4/14/89.

Chapter 47 (Assembly bill 3974). Amends section 1903 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act, which provide for the awarding of costs, to correct a cross-reference. Eff. 4/14/89.

Chapter 86 (Assembly bill 4474-A). Amends section 90 of the Judiciary Law to authorize the Appellate Division to order an attorney who, in disciplinary proceedings, is found to have willfully misapplied or misappropriated property in trust to provide monetary restitution to the victim. Eff. 5/11/89.

Chapter 119 (Senate bill 4047). Amends section 106 of the Uniform Justice Court Act to harmonize the provisions of subdivisions 3 and 4 thereof with subdivisions 1 and 2, which authorize the Chief Administrator to assign a town or village justice temporarily to another town or village. Eff. 6/2/89.

Chapter 124 (Assembly bill 3972). Amends section 5221 of the Civil Practice Law and Rules to empower all city courts outside New York City to hear proceedings for the enforcement of a judgment. Eff. 6/2/89.

Chapter 125 (Assembly bill 4821). Amends section 31 of the Public Officers Law to extend from 30 to 90 days the maximum time limit on prospective resignations by judges and justices of the Unified Court System. Eff. 6/2/89.

Chapter 261 (Senate bill 2856-A). Amends section 25 of the Judiciary Law to extend eligibility for special disability retirement benefits to all state-paid full-time judges

and to housing judges of the Civil Court of New York City. Eff. 8/6/89.

Chapter 274 (Senate bill 4868-A). Amends the Civil Practice Law and Rules and the various court acts to authorize service of process by mail. Eff. 1/1/90 [and deemed repealed on 1/1/92].

Chapter 461 (Senate bill 6068-A). Amends the Civil Practice Law and Rules to authorize the service of interlocutory papers by electronic means. Eff. 1/1/90.

Chapter 478 (Assembly bill 2114-A). Amends the Civil Practice Law and Rules to authorize the service of interlocutory papers upon a party or a party's attorney by means of an overnight delivery service. Eff. 1/1/90.

Chapter 488 (Assembly bill 3971). Amends section 8018 of the Civil Practice Law and Rules to provide that no index number fee need be paid upon an appeal to County Court from a judgment or order of a local court. Eff. 7/16/89.

Chapter 535 (Assembly bill 8520). Amends chapter 787 of the Laws of 1988 to implement a collective bargaining agreement between the New York State Court Officers Association and the Unified Court System. Eff. 7/16/89 [and deemed to have been in effect from 4/1/88].

Chapter 571 (Senate bill 3571). Amends section 35 of the Judiciary Law to provide that whenever the Supreme or Surrogate's Court appoints counsel for a minor to act as a law guardian such counsel shall be compensated by the State. Eff. 4/1/90.

Chapter 707 (Senate bill 4922-A). Amends the Domestic Relations Law to require that the petition in an agency adoption proceeding recite whether the adoptive parent or the infant is the subject of an indicated report in the statewide child abuse registry; and that the judge, prior to entering an order of adoption, inquire of the child abuse registry whether such adoptive parent or child is the subject of an indicated report. Eff. 7/24/89.

Measures Newly Introduced in 1989 and Not Enacted Into Law

Senate 1243/Assembly 1816. 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.

Senate 2857/Assembly 4055. This measure would amend 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 with respect to an information subpoena.

Senate 2930/Assembly 4248. This measure would amend section 7804 of the Civil Practice Law and Rules to clarify the process preliminary to transfer of an Article 78 proceeding to the Appellate Division.

Senate 3095/Assembly 6495-A. This measure would amend the Uniform City Court Act to authorize the mechanical recording of testimony in city courts in cities with a population of 50,000 or less.

Senate 3775/Assembly 8220. 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.

Senate 3785/Assembly 6462. This measure would amend section 115 of the Domestic Relations Law in relation to disclosure of medical histories of a child in private-placement adoptions.

Senate 4235/Assembly 7339. This measure would amend section 642-a of the Executive Law and section 165 of the Family Court Act in relation to reducing the trauma of child witnesses.

Senate 4336/Assembly 4823-A. This measure would amend the Civil Practice Law and Rules relating to offers to compromise and prejudgment interest.

Senate 5200/Assembly 6390. This measure would amend the Civil Practice Law and Rules and the Business Corporation Law to provide for an additional service of process on a corporate defendant before entry of a default judgment when the Secretary of State has accepted service.

Senate 5201/Assembly 6451. This measure would amend section 308 of the Civil Practice Law and Rules to provide that a good faith effort to make service under subdivisions 2 or 4 and a showing that the defendant received actual notice will be sufficient to sustain service.

Senate 5209/Assembly 4822. This measure would amend section 6313(a) of the Civil Practice Law and Rules to regularize the giving of notification to other parties upon application for a temporary restraining order.

Senate 5210/Assembly 6366. This measure would amend section 4102(a) of the Civil Practice Law and Rules to provide that a party may not withdraw a demand for trial by jury without the consent of other parties, even where another party had filed a note of issue without a jury demand.

Senate 5211-A/Assembly 6450-A. This measure would repeal section 2216 of the Civil Practice Law and Rules relating to default on a motion.

Senate 5212/Assembly 6391. This measure would amend the Civil Practice Law and Rules to amend the procedures governing the use of bills of particulars.

Senate 5213/Assembly 6388. This measure would amend the Civil Practice Law and Rules to permit law clerks to judges to be designated as referees for the purpose of supervising disclosure.

Senate 5268/Assembly 8210. 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.

Senate 5270/Assembly 8211. This measure would amend the Criminal Procedure Law to provide for verification of accusatory instruments and conversion of a misde-

meanor complaint to an information where the complainant is a child or a person suffering from mental disease or defect.

Senate 5297. This measure would amend section 270.25 of the Criminal Procedure Law to reduce the numbers of peremptory challenges allowed in criminal proceedings.

Senate 5319/Assembly 6387. This measure would amend the Civil Practice Law and Rules to increase the jurisdictional maximum for civil actions subject to mandatory arbitration thereunder.

Senate 5323/Assembly 8215. This measure would amend section 300.50 of the Criminal Procedure Law to permit a jury, in certain circumstances, to consider lesser included offenses prior to agreeing on the greatest offense.

Senate 5331/Assembly 8229. This measure would amend section 210.20 of the Criminal Procedure Law to provide that, upon motion of the defendant, the court may reduce a count of an indictment upon the ground that the evidence before the grand jury was not legally sufficient to establish defendant's commission of the offense charged, but was legally sufficient to establish commission of a lesser-included offense.

Senate 5332. This measure would amend section 3117 of the Civil Practice Law and Rules to clarify when an employee's deposition may be used.

Senate 5334/Assembly 8230. This measure would amend section 310.20 of the Criminal Procedure Law to authorize submission of certain written materials to the jury during deliberations.

Senate 5335/Assembly 8228-A. This measure would amend the Criminal Procedure Law and the Judiciary Law to permit the assignment of judicial hearing officers to arraignment parts in the New York City Criminal Court.

Senate 5357/Assembly 6630. This measure would amend the Civil Practice Law and Rules to delete the requirement that clerks of the Appellate Divisions transmit the names of attorneys admitted in their respective departments to the Court of Appeals and to clerks of Appellate Divisions in other departments.

Senate 5358/Assembly 8218. 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 30 days after imposition of sentence.

Senate 5496/Assembly 3973. This measure would amend section 8104 of the Civil Practice Law and Rules to provide that where an action is removed pursuant to section 325(d), costs shall be awarded as if the action had remained in the court from which it was removed, as limited by section 8102.

Senate 6026/Assembly 8217. This measure would amend the Criminal Procedure Law to provide that an order of protection may be entered in conjunction with a youthful offender adjudication.

Senate 6425/Assembly 6386. This measure would amend the Civil Practice Law and Rules to limit the appealability of interlocutory determinations, as of right, to the Appellate Division.

Senate 6453/Assembly 3961. This measure would amend section 1900 of the New York City Civil Court Act and the three Uniform Court Acts to update a cross-reference relating to the minimum amount of security for costs in the form of an undertaking.

Senate 6454/Assembly 6389. This measure would amend section 5519 of the Civil Practice Law and Rules to improve the provisions relating to a stay of enforcement pending appeal.

Senate 6455/Assembly 8221. This measure would add a new section 180.85 to the Criminal Procedure Law to provide a mechanism for dismissal of a felony complaint, after arraignment thereon, upon speedy trial grounds.

Senate 6456/Assembly 8219. This measure would amend section 210.40 of the Criminal Procedure Law to authorize a court to consider unjustifiable failure to proceed with the action when determining a motion to dismiss an indictment in the interest of justice.

Senate 6458/Assembly 4819. This measure would amend the Judiciary Law and the Civil Practice Law and Rules to eliminate the use of medical malpractice panels.

Senate 6460/Assembly 3960. This measure would amend the New York City Civil Court Act and the three Uniform Court Acts to require municipalities to pay a jury demand fee when seeking to have an action transferred from a small claims part.

Senate 6461/Assembly 8382. This measure would amend the Civil Practice Law and Rules to provide for a general revision of Article 31 concerning disclosure.

Senate 6491. This measure would amend the Mental Hygiene Law in relation to the civil service status of Mental Hygiene Legal Service personnel.

Senate 6495. This measure would amend section 102 of the Civil Practice Law and Rules to authorize the Chief Administrator to propose, amend or rescind the rules of the Civil Practice Law and Rules.

Assembly 4818. 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 4820. This measure would amend the Constitution to increase the term of office for District Court Judges from 6 to 10 years.

Assembly 6099. This measure would amend section 1204 of the Civil Practice Law and Rules to provide compensation for guardians ad litem appointed for children and adults in any civil proceeding.

Assembly 6549. This measure would amend the

Domestic Relations Law to require that available information comprising the medical history of a child's natural parent or parents be included in the agency schedule annexed to an adoption petition.

Assembly 6628. This measure would amend the Family Court Act and the Domestic Relations Law to enumerate guidelines and criteria to be considered by a court prior to making custody awards.

Assembly 6671. This measure would amend section 255 of the Family Court Act in relation to services of officials and organizations.

Assembly 7981. This measure would amend section 310.2 of the Family Court Act to close a gap in the speedy trial protections afforded juveniles.

In addition to the foregoing, the Chief Administrator sent to the Legislature four proposals that were not introduced including: a measure to amend section 310.10 of the Criminal Procedure Law to authorize a court to permit a deliberating jury to separate temporarily; a measure that would grant permanent civil service status to certain provisional employees of the Mental Hygiene Legal Service; a measure that would amend section 249 of the Family Court Act to authorize the appointment of law guardians in post-dispositional proceedings; and a measure that would amend section 236 of the Family Court Act and section 4406 of the Education Law to remove the remaining jurisdiction of the Family Court in proceedings relating to the education of children with handicapping conditions.

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 Judge

The following rules were adopted, amended or repealed by the Chief Judge during 1989:

Part 34 of the Rules of the Chief Judge (22 NYCRR Part 34) was adopted, effective October 19, 1989, to provide statewide maintenance and operation standards for court facilities.

Section 36.1(b) of the Rules of the Chief Judge (22 NYCRR 36.1(b)) was amended, effective June 29, 1989, to provide that no person serving as a judicial hearing officer pursuant to Part 122 of the Rules of the Chief Administrator (22 NYCRR Part 122) shall be appointed in actions or proceedings in a court in a county where he or she serves on a judicial hearing officer panel for such court.

Section 37.1(a) of the Rules of the Chief Judge (22 NYCRR 37.1(a)) was amended, effective December 1, 1989, to provide that the Chief Administrator shall adopt rules providing for the imposition of financial sanctions upon an attorney, who, without good cause, fails to appear at a time and date scheduled for an action or proceeding to be heard in the Family Court.

Part 38 of the Rules of the Chief Judge (22 NYCRR Part 38) was adopted, effective June 29, 1989, to provide for the retention and disposition of the records of the courts of the Unified Court System.

Rules of the Chief Administrator of the Courts

The following rules were adopted, amended or repealed by the Chief Administrator of the Courts during 1989:

Section 100.3(b)(5)(iv) of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (22 NYCRR 100.3(b)(5)(iv)), relating to the political activity of members of judges' staffs who are personal appointees of the judge, was amended, effective July 5, 1989, to update an obsolete cross-reference in the provision from a reference to section 25.43 to a reference to section 25.39 of the Rules of the Chief Judge.

Section 100.3(d) of the Rules Governing Judicial Conduct (22 NYCRR 100.3(d)), relating to the remittal of disqualification of judges, was amended to expand those situations where the procedure is made available for remitting a judge's disqualification on the consent of all parties, thereby permitting the judge to participate in a proceeding rather than requiring the judge's withdrawal from the proceeding.

Section 100.5(b)(a)(2) of the Rules Governing Judicial Conduct (22 NYCRR 100.5(b)(2)), relating to the participation of a judge in the activities of educational, religious, charitable, fraternal and civic organizations, was amended, effective April 4, 1989, to provide that nothing in the Rules of Judicial Conduct shall be deemed to prohibit a judge from being a speaker or guest of honor at a law school function.

Section 100.5(c)(2) of the Rules Governing Judicial Conduct (22 NYCRR 100.5(c)(2)), relating to the participation of judges in business enterprises, was amended, effective October 19, 1989, to provide that no "full-time judge" shall be a managing or active participant in any form of business enterprise organized for profit, and to make other conforming changes in the language of the paragraph. The purpose and effect of the amendment was to make applicable to full-time judges of city courts outside of the City of New York the same limitations on outside business activities that apply to the full-time judges of all other courts.

Section 100.5(c)(5) of the Rules Governing Judicial Conduct (22 NYCRR 100.5(c)(5)), relating to disclosure of the income of judges, was amended, effective January 1, 1991, to provide that a judge is not required to disclose his or her income, debts or investments, except as may be required by Part 40 of the Rules of the Chief Judge or by

statute and as provided in sections 100.3, 100.5 and 100.6 of the Rules Governing Judicial Conduct.

Sections 102.0(b)and 102.2(a) of the Rules of the Chief Administrator (22 NYCRR 102.0(b), 102.2(a)), relating to the reimbursement of judicial travel expenses, were amended, effective June 12, 1989, to update these provisions to reflect current travel allowances.

Former Part 104 of the Rules of the Chief Administrator was repealed, effective July 5, 1989, and new Part 104 of such Rules was adopted, also effective July 5, 1989, to provide for the retention and disposition of court records.

Section 118.1(e) of the Rules of the Chief Administrator (22 NYCRR 118.1(e)), relating to the registration of attorneys, was amended, effective October 19, 1989, to provide that the form of the registration statement shall include information as to the law school which granted a law degree to the attorney.

Section 126.1 of the Rules of the Chief Administrator (22 NYCRR 126.1), relating to the compensation of judges and justices temporarily assigned to a city court, was amended, effective June 23, 1989, to provide that such judge or justice shall receive a maximum of $250 per day for each day he or she performs such assigned judicial duties, but that a judge or justice who performs such judicial duties for one-half day or less shall receive $125 per day.

Section 128.8 and 128.9 of the Uniform Rules for the Jury System (22 NYCRR 128.8, 128.9), relating respectively to the duration of jury service and the frequency of jury service, were amended, effective April 1, 1989, to conform their provisions to the requirements of Chapter 473 of the Laws of 1988. Among other things, section 128.8 was amended to provide that the normal duration of jury service for a trial juror shall be five rather than ten days, and section 128.9 was amended to provide that the normal period of disqualification from jury service as a result of prior jury service shall be four rather than two years.

Section 130-2.1(a) of the Rules of the Chief Administrator (22 NYCRR 130-2.1(a)) was amended, and section 130-2.4 of such Rules (22 NYCRR 130-2.4) was adopted, both effective December 1, 1989, to provide for the imposition of financial sanctions for unjustified failure to attend a scheduled court appearance in a proceeding in Family Court.

Part 131 of the Rules of the Chief Administrator (22 NYCRR Part 131), which authorizes the audio-visual coverage of civil and criminal court proceedings, including trials, was continued on an interim basis, effective June 1, 1989, in light of the amendment to section 218 of the Judiciary Law by Chapter 115 of the Laws of 1989, to the extent not inconsistent with that amendment, until the provisions of Part 131 could be amended in conformance with the statute. Subsequently, Part 131 was amended extensively, effective October 11, 1989, to conform to the statutory amendments enacted by Chapter 115 of the Laws of 1989. The amendments provided, inter alia, that no coverage of any arraignment or suppression hearing shall be permitted without the prior consent of counsel to all parties to the proceeding, that counsel shall notify the presiding judge of any concerns or objections to coverage on the part of a witness to be called on trial, and also provided for extensive and detailed reports and evaluations with respect to proceedings where coverage occurred. These provisions also were extended through May 31, 1991.

Section 202.6 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.6), relating to proceedings subject to the requirements for filing requests for judicial intervention (RJIs), was amended, effective August 30, 1989, to clarify which filings of applications or other initial papers with the court do not require the simultaneous filing of an RJI and the payment of the RJI fee required by CPLR 8020(a).

Section 202.13 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.13) was amended, effective February 2, 1989, to provide for the removal of actions without consent of the parties (1) from the County Court of Nassau County to the District Court of Nassau County, and to the city courts within that county, and (2) from the County Court of Suffolk County to the District Court of Suffolk County.

Section 202.18 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.18) was adopted, effective March 20, 1989, to provide that in any action or proceeding tried without a jury to which section 237 of the Domestic Relations Law applies (matrimonial actions and proceedings), the court may appoint a psychiatrist, psychologist, social worker or other appropriate expert to give testimony with respect to custody or visitation, and may appoint an accountant, appraiser, actuary or other appropriate expert to give testimony with respect to equitable distribution or a distributive award, and that the cost of such expert witness shall be paid by a party or parties as the court shall direct.

Section 202.58 of the Uniform Civil Rules for the Supreme and County Court (22 NYCRR 202.58) was amended, effective July 1, 1989, to simplify procedures governing small claims tax assessment review proceedings and to provide that no small claims tax assessment review hearing officer may use letterhead or business cards bearing the title of hearing officer, except in direct connection with such person's official duties as hearing officer.

Section 202.61 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.61), relating to appraisal reports in eminent domain proceedings, was amended, effective April 1, 1989, to provide for rebuttal, amended and supplementary reports, and to provide for the appraisal of fixtures.

Section 205.4 of the Uniform Rules for the Family Court (22 NYCRR 205.4) was amended, effective August 30, 1989, to provide guidelines for the exercise of judicial discretion by Family Court judges with respect to access to Family Court proceedings.

New section 205.57 of the Uniform Family Court Rules (22 NYCRR 205.57) and new section 207.58 of the

Uniform Surrogate's Court Rules (22 NYCRR 207.58) were adopted, effective March 20, 1989, to provide for the monitoring of the filing of adoption petitions. Simultaneously, former section 205.57 of the Uniform Family Court Rules and former section 207.58 of the Uniform Surrogate's Court Rules, as well as succeeding sections of both Rules, were renumbered accordingly.

Section 205.81 of the Uniform Family Court Rules (22 NYCRR 205.81), relating to action by a child protective agency or the appropriate person designated by the court when informed that there has been an emergency removal of a child without a court order, was repealed, effective February 2, 1989.

Sections 208.41 of the Uniform Rules for the Civil Court (22 NYCRR 208.41), 210.41 of the Uniform Civil Rules for the City Courts (22 NYCRR 210.41) and 212.41 of the Uniform Civil Rules for the District Courts (22 NYCRR 212.41), respectively, were amended, effective January 1, 1989, to make several technical changes in those provisions, and to provide that the hearing of a small claim shall be scheduled by the clerk of the court as soon as practicable after the action is commenced.

New sections 210.415 of the Uniform Civil Rules for the City Courts (22 NYCRR 210.415) and 212.415 of the Uniform Civil Rules for the District Courts (22 NYCRR 212.415) were adopted, effective January 1, 1989, to provide procedures for commercial claims proceedings commenced in those Courts.

1990 Report

of the

Advisory Committee on Civil Practice

to the

Chief Administrative Judge of the Courts

of the

State of New York

December, 1989

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 its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning civil procedure.

In this 1990 Report the Advisory Committee recommends a total of 19 bills for enactment by the 1990 Legislature. Of these bills, 12 bills previously have been endorsed in substantially the same form, while of the seven remaining bills, five are new and two are modified measures.

Part II of this Report sets forth and summarizes each of the measures previously submitted and endorsed in substantially the same form as last year and explains the purpose in each instance.

Part III sets forth and summarizes new measures and measures previously submitted but proposed in 1990 in substantially modified form.

The new measures submitted this year would (1) require that type used on summonses and other papers served in an action be at least a minimum size, (2) clarify that both parties may state their estimate of the amount of damages in summation in medical malpractice actions and in actions against municipalities, (3) synchronize CPLR provisions relating to itemized verdicts with CPLR provisions relating to the periodic payment of judgments, (4) provide for court discretion in setting the compensation for receivers appointed to sell real property in any kind of action, and (5) eliminate an inconsistency in the numbering of CPLR 2103(b) occasioned by the separate enactment in 1989 of Chapters 461 and 478 of the Laws of 1989.

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 1989:

1. Chapter 47 of the Laws of 1989 amended the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act, in relation to revising a cross-reference relating to costs.

2. Chapter 274 of the Laws of 1989 amended the CPLR, the New York City Civil Court Act, the Uniform District Court Act, the Uniform City Court Act and the Uniform Justice Court Act to provide for an optional method of service of process by mail.

3. Chapter 461 of the Laws of 1989 amended the CPLR to provide for service of interlocutory papers on an attorney by use of electronic means, including facsimile machine.

4. Chapter 478 of the Laws of 1989 amended the CPLR to provide for service of interlocutory papers on an attorney by overnight courier service.

The Committee has omitted from its 1990 Report a proposal made in its 1989 Report for a measure (not introduced in 1989 in either house of the Legislature) to amend CPLR 102(a) to provide, consistent with section 30 of Article VI of the Constitution, that the Chief Administrator, with the advice and consent of the Administrative Board of the Courts, may propose the amendment, rescission or adoption of CPLR rules, which, if not disapproved by the Legislature, would take effect on the succeeding January 1. Such authority was vested with excellent results in the State Judicial Conference before 1978. The Committee withdraws this proposal in deference to the evident legislative judgment that the time is not ripe for its consideration. The Committee assures the bench, the bar and the legal academic community of its continued support for this proposal, and expresses hope that it will receive favorable consideration by the Legislature at a future time.

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 by adding 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). In that wrongful death action, the plaintiff-widow, having failed, after a diligent attempt, to comply with the service requirement of CPLR 308(2) (deliver and mail), was relegated to, and with due diligence tried unsuccessfully to comply with, subdivision 4 thereof (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 because, 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 will correctly 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 three hundred eight of the civil practice law and rules, as amended by chapter one hundred twenty-five of the laws of nineteen hundred eighty-eight, is amended by adding, at the end thereof a new undesignated paragraph, to read as follows:

If a good faith effort has been undertaken to make service pursuant to subdivision two, or subdivision four 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 becomes a law.

2. Appearance on Motion; Submission of Motion Papers; Default (CPLR 2216; repeal)

The Committee recommends the repeal of CPLR 2216 (default on a motion), because the subject matter of the section now is governed adequately by the Uniform Civil Rules for the Trial Courts, and because the section long has been misleading and confusing.

CPLR 2216 provides:

a. In a city having a population of one million or more, where a party demanding relief fails to appear, relief demanded by him shall be denied.

b. Outside a city having a population of one million or more, where a party demanding relief fails to appear, but submits the moving papers to the court, relief demanded by him may be granted.

Read together, these two subdivisions appear to provide that all motions may be submitted without oral argument upstate, but must be orally argued in the courts in New York City. This reading would foreclose the practice authorized by the Uniform Civil Rules for the Trial Courts of permitting motions to be submitted without oral argument. The somewhat bizarre history of this provision does not support such a restrictive reading.

As Professor David D. Siegel points out in his Practice Commentaries to CPLR 2216, the provision originally consisted of what is now subdivision (a), with no geographical limitation. Cognizant that long-standing court rules throughout the state permitted submission of motions, Professor Siegel wrote:

> CPLR 2216's requirement to "appear" relates only to the manifesting of an intent to participate in the contested motion; "appear" as used in 2216 does not necessarily mean "attend", and unless the individual rules of court say contra, a party should be able to "appear" just by timely submission of his papers.

However, the former language of 2216 was so ambiguous that the Legislature moved to protect upstate courts from what it may have perceived as a requirement against any submission of motions. Subdivision (b), added in 1973, provided, in effect, that whatever subdivision (a) meant, it should not apply outside of New York City. Professor Siegel concludes:

> All this, if subdivision (a) says what the draftsman of subdivision (b) thinks it says. But since subdivision (a) does not say that at all, subdivision (b) is really unnecessary.
>
> Whatever the individual rules of court may do in a given instance, nothing in CPLR 2216 should be construed to preclude a party from submitting on papers rather than arguing a motion.

An attempt by the Judicial Conference in 1974 to clarify this provision led Professor Siegel to comment:

> This writer has spoken to dozens of practitioners about this provision. The Society of Those Who Are Baffled by CPLR 2216 could become a formidable political force in New York.

In sum, it is the Committee's opinion that CPLR Rule 2216(a) should not be read as foreclosing the submissions of motions without oral argument in all circumstances in all courts in New York City, and it never has been applied to do that. Court rules and practice from time immemorial to the present have authorized submissions in many differ-

ent circumstances, as it makes no practical sense to have a blanket prohibition. *See* 22 NYCRR 202.8(a) (Supreme and County Courts), 206.8(c) (Court of Claims), 207.7(g) (Surrogate's Court), 208.111(b)(3) (Civil Court of the City of New York), 210.9(c) (City Courts) and 212.11(b)(3) (District Courts).

In order to reflect the law in this area as it appears to be universally understood by bench and bar alike, the Committee recommends that CPLR 2216 be repealed in its entirety. Whether courts should require oral argument on motions is a matter appropriately left to court rule.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the repeal of rule 2216 thereof, relating to default on a motion

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

Section 1. Rule twenty-two sixteen of the civil practice law and rules in hereby REPEALED.

§2. This act shall take effect immediately.

NOTE: The subject matter of Rule 2216 is governed by various sections of the Uniform Rules for the Trial Courts.

3. 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 should be 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.

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, and would conform Rule 3132 to Rule 3106 by removing the clause permitting a party to obtain special priority through an *ex parte* motion.

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 Judiciary Law, section 212(2)(d). (*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 thirty-one hundred one of the civil practice law and rules, as paragraph three of subdivision (a) was amended by chapter two hundred sixty-eight of the laws of nineteen hundred seventy-nine, and as paragraph four of subdivision (a) was amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, 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, *or by a person entitled to assert the privilege,* privileged matter shall not be obtainable.

§2. Section thirty-one hundred one of such 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 rule thirty-one hundred two of such 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 thirty-one hundred two of such law and rules, as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, 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 admission].

§5. Subdivision (a) of section thirty-one hundred three of such 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] *or 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 two of subdivision (a) of rule thirty-one hundred thirteen of such 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 thirty-one hundred sixteen of such law and rules, as amended by chapter two hundred ninety-two of the laws of nineteen hundred seventy-eight, 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 thirty-one hundred twenty of such law and rules, as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, 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 thirty-one hundred twenty-two of such law and rules, as amended by chapter eighty of the laws of nineteen hundred seventy-nine, 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, and such withholding is based upon privilege or another legal reason justifying such withholding, 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 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 thirty-one hundred twenty-four of such law and rules is REPEALED, and a new rule thirty-one hundred twenty-four 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 thirty-one hundred twenty-six of such law and rules, as amended by chapter forty-two of the laws of nineteen hundred seventy-eight, 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 dismissing the action or any part thereof, or rendering a judgment by default against the disobedient party.

§12. Rule thirty-one hundred thirty-two of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, is amended to read as follows:

Rule 3132. [Service] *Priority* 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] *on motion with notice.* A copy of the interrogatories and of any order made under this rule shall be served on each party.

§13. Rule thirty-one hundred thirty-three of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, 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. Objections to interrogatories shall be signed by the attorney for the party making them.

(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 thirty-one hundred thirty-four of such law and rules is REPEALED.

§15. Section thirty-one hundred forty of such law and rules, as added by chapter six hundred forty of the laws of nineteen hundred sixty-seven, 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 becomes a law.

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.

4. 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 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 pretrial 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.

The amendment therefore alters the construction given the rule by *Rodriguez,* and adopts the common and 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 two of subdivision (a) of rule thirty-one hundred seventeen of the civil practice law and rules, as amended by judicial conference proposal number two for the year nineteen hundred seventy-seven, 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.

5. Additional Service of Process on Corporation When Secretary of State Has Received Service (CPLR 3125(f)(4) (new); Business Corporation Law §306(b))

The Association of Supreme Court Justices of the State of New York and the Advisory Committee on Civil Practice recommend that the Business Corporation Law and the CPLR be amended to provide for an additional service by mail to a corporate defendant before a default judgment may be entered against the defendant in instances where service has been made by serving the office of the Secretary of State as agent. Section 306(b) of the BCL would be amended to make a cross-reference to new paragraph 4 of CPLR 3215(f), to be added to that CPLR section to provide that default judgment may be sought against such a defendant by submission of an affidavit that an additional service of summons was made by first class mail posted to the last known address of the defendant's principal place of business. Such service would not be jurisdictional. Failure of the defendant corporation to answer would not preclude entry of default judgment. The new provision would not apply to Small Claims Court or summary proceedings involving possession or actions involving title to real property, where other considerations prevail.

It is the experience of many members of the Association of Supreme Court Justices that far too many inconveniences and abuses to parties and to the courts are occasioned by the existing provisions, because often a corporation does not receive process because of its failure to inform the office of the Secretary of State of a change in its post office address. The corporation learns of the service when a default judgment is entered. The corporation then usually moves in the Supreme Court to vacate the judgment, occasioning unnecessary and avoidable motion practice.

The Advisory Committee and the Association of Supreme Court Justices believe that the proposed legislation will prevent or greatly reduce the present inconvenience to parties and burden on the courts arising from delay in service of process occasioned by failure of corporations to report changes of address to the office of the Secretary of State. By permitting a party who has served a corporation through service on the Secretary of State to serve an additional summons, which would not be jurisdictional, on such defendant at the last known address of its principal place of business, and by requiring such additional service for the purpose of taking a default, the proposal would reduce the number of such cases that now clutter the courts with defendants' motions to vacate default judgments.

Proposal

AN ACT

to amend the business corporation law and the civil practice law and rules, in relation to additional service of process on domestic or authorized foreign corporation when secretary of state has received service

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

Section 1. Subdivision (b) of section three hundred six of the business corporation law, as amended by chapter seventeen of the laws of nineteen hundred sixty-seven, is amended to read as follows:

(b)(1) Service of process on the secretary of state as agent of a domestic or authorized foreign corporation shall be made by personally delivering to and leaving with [him or his] *the secretary of state or a* deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic or authorized corporation has no such address on file in the department of state, the secretary of state shall so mail such copy, in the case of a domestic corporation, in care of any director named in its certificate of incorporation at [his] *the director's* address stated therein or, in the case of an authorized foreign corporation, to such corporation at the address of its office within this state on file in the department.

2. An additional service of the summons may be made pursuant to paragraph four of subdivision (f) of section thirty-two hundred fifteen of the civil practice law and rules.

§2. Subdivision (f) of section thirty-two hundred fifteen of the civil practice law and rules, as amended by chapter seventy-seven of the laws of nineteen hundred eighty-six, is amended by adding a new paragraph four, to read as follows:

4. (i) When a default judgment based upon non-appearance is sought against a domestic or authorized foreign corporation which has been served pursuant to paragraphs 1 and 2 of subdivision (b) of section three hundred six of the business corporation law, an affidavit shall be submitted that an additional service of the summons by first class mail has been made upon the defendant corporation at the last known address at least twenty days before the entry of judgment.

(ii) The additional service of the summons by mail authorized by paragraph 2 of subdivision (b) of section three hundred six of the business corporation law may be made simultaneously with or after the service of the summons on the defendant corporation pursuant to paragraph 1 of subdivision (b) of that section, and shall be accompanied by a notice to the corporation that service is being made or has been made pursuant to that provision. An affidavit of mailing pursuant to this paragraph shall be executed by the person mailing the summons and shall be filed with the judgment. Where there has been compliance with the requirements of this paragraph, failure of the defendant corporation to receive the additional service of summons and notice provided for by this paragraph shall not preclude the entry of default judgment.

(iii) This requirement shall not apply to cases in the small claims part or commercial claims part of any court, or to any summary proceeding to recover possession of real property, or to actions affecting title to real property.

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

6. Withdrawal of Demand for Trial by Jury (CPLR 4102(a))

The Committee recommends that CPLR 4102(a) be amended to provide that a party may not withdraw a demand for trial by jury without the consent of other parties, even where another party had filed a note of issue without a jury demand.

It has been brought to the attention of the Committee that there are occasions where a plaintiff files a note of issue without demanding a jury and, thereupon, the defendant files a jury demand. In some such instances the defendant later may withdraw that demand, perhaps on the eve of trial or even after a jury panel has been selected. Thus, a defendant may secure the benefit of substantial delay occasioned by the jury demand and wait until the last minute to decide whether trial by jury is likely to be beneficial to him, retaining until that time a unilateral right to keep or disband a jury.

While CPLR 4102(a) nominally would seem to preclude this tactic by requiring the consent of all parties to the withdrawal of a jury demand, the courts have carved an exception to the consent requirement. In *Gonzalez* v. *Concourse Plaza Syndicates, Inc.*, 41 N.Y.2d 414 (1977), the Court of Appeals held that the consent of a party to the withdrawal of a jury demand is not required where that party previously had filed a note of issue waiving the right to trial by jury.

The courts have criticized the tactic permitted by the interpretation of CPLR 4102(a) in the *Gonzalez* case. In *Wright* v. *Centurion Investigations,* 113 Misc.2d 150 (App. Term, 2d Dept., 1982), the Appellate Term refused to allow a plaintiff to file a jury demand *nunc pro tunc,* where the plaintiff had not demanded a jury in the note of issue and the defendant had thereafter filed and later withdrew a jury demand. The concurring opinion in that case stated, at p.151, as follows:

> I concur with the result based upon the present state of the law. However, I deplore the "gamesmanship" practiced by defendants-appellants.... Appellants filed a jury demand, thereby delaying the trial of the action. Thereafter, as the matter was about to be tried and the jury selection process had begun, appellants sought to withdraw their jury demand over plaintiff's objections. Permitting a defendant to withdraw the demand at that point places a plaintiff at a decided disadvantage. Defendant, if satisfied with the prospective panel, will proceed to a trial by jury, whereas if he is not satisfied all he need do is withdraw his demand and obtain a nonjury trial. Plaintiff, however, has no such option. Such tactics should not be countenanced and it is suggested legislation be enacted to remedy the situation.

The Committee recommends that the statute be revised to provide that a party may not withdraw a demand for trial by jury without the consent of the other parties, regardless of whether another party previously filed a note of issue without a demand for trial by jury.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the withdrawal of a demand for trial by jury

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

Section 1. Subdivision (a) of section forty-one hundred two of the civil practice law and rules, as amended by chapter nineteen of the laws of nineteen hundred sixty-eight, is amended to read as follows:

(a) Demand. Any party may demand a trial by jury of any issue of fact triable of right by a jury, by serving upon all other parties and filing a note of issue containing a demand for trial by jury. Any party served with a note of issue not containing such a demand may demand a trial by jury by serving upon each party a demand for a trial by jury and filing such demand in the office where the note of issue was filed within fifteen days after service of the note of issue. A demand shall not be accepted for filing unless a note of issue is filed in the action. If no party shall demand a trial by jury as provided herein, the right to trial by jury shall be deemed waived by all parties. A party may not withdraw a demand for trial by jury without the consent of the other parties, *regardless of whether another party previously filed a note of issue without a demand for trial by jury.*

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

7. Stay of Enforcement on Appeal (CPLR 5519(a)(e))

The Court of Appeals and the Advisory Committee recommend that the provisions governing the automatic stay of enforcement pending appeal be improved by necessary additions, appropriate detail and fuller integration.

The proposal would amend CPLR 5519 (a) (Stay without court order) and CPLR 5519(e) (Continuation of stay), to complete, integrate and otherwise improve the provisions on stay of enforcement pending appeal, without court order, through successive tiers of appellate courts. Although intended to mesh with each other in spelling out a continuing process marked by symmetry, precision and clear and necessary detail, the present provisions fall short of the mark, calling for correction. This bill would start by striking the second and third sentences of CPLR 5519(e), clearing the way for an improved text as described hereafter.

First, the proper balance would be effected as between CPLR 5519(a) and CPLR 5519(e), by naming in each the full array of procedures by which the stay of enforcement on appeal is initiated and then continued. CPLR 5519(a) provides for initiation of the stay by service of a notice of appeal or an affidavit of intention to move for permission to appeal on the adverse party. It would be amended to add the motion for permission to appeal. CPLR 5519(e), which fails to designate the affidavit of intention to move as a device for continuing the stay, would be completed by striking the second sentence and adding a new one naming all three devices, the notice of appeal, the motion for permission to appeal and the affidavit of intention to move for permission to appeal. Left intact is the first sentence of CPLR 5519(e) which states the general rule that the stay continues for five days after service upon the appellant of the order of affirmance or modification with notice of entry in the court to which appeal was taken.

Second, continuing from where the first sentence leaves off, the existing provisions of the second and third sentences of CPLR 5519(e) would be clarified, integrated and completed in the proposed new second, third and fourth sentences to elaborate as follows: (a) the stay, where appeal is pursued through first level and successive appellate levels, continues until five days after service of the order determining the appeal, or denying the motion for permission to appeal, with notice of entry; and where the motion is granted, the stay shall continue until five days after service of the order determining the appeal with notice of entry; (b) the court may provide otherwise than as prescribed with respect to the duration of the continued stay in all the above instances, a proposal which would allow a practical measure of flexibility. A new fifth sentence would provide that where the appeal, whether as of right or by leave, is one determined by the Court of Appeals, such stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal, thereby giving notice to unique Court of Appeals practice where a remittitur rather than an order is issued.

Third, to lay to rest a recurring argument on appeal that an appellant loses any right to a stay initiated under CPLR 5519(a) when he or she subsequently fails to take the required action under CPLR 5519(e) to continue such stay, a new sixth sentence would be added to CPLR 5519(e) expressly to clarify that the automatic stay originally obtained under CPLR 5519(a), on first-level appeal, may still be resurrected, on further appeal, by taking timely and appropriate action under CPLR 5119(a).

Fourth, since neither CPLR 5519(a) nor CPLR 5519(e) establishes the time at which the stay expires when an affidavit of intention to move for permission to appeal is served, but no motion for permission to appeal is made, a new seventh sentence, harmonizing with CPLR 5519(b), would be added to subdivision (e), and therein made applicable also to subdivision (a), to provide that where such affidavit is served, but no such motion made, the stay will expire at the close of the thirtieth day after the order sought to be appealed from with notice of entry is served.

The foregoing proposals would better integrate CPLR 5519(a) and CPLR 5519(e), as well as add the clarity, economy, cohesion, and detail required for full effectiveness.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to stay on appeal

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

Section 1. The opening paragraph of subdivision (a) of section fifty-five hundred nineteen of the civil practice law and rules is amended to read as follows:

Service upon the adverse party of a notice of appeal, *a motion for permission to appeal* or an affidavit of intention to move for permission to appeal stays all proceedings to enforce the judgment or order appealed from pending the appeal or determination on the motion for permission to appeal where:

§2. Subdivision (e) of section fifty-five hundred nineteen of such law and rules, as amended by chapter two hundred thirty-nine of the laws of nineteen hundred seventy-nine, is amended to read as follows:

(e) Continuation of stay. If the judgment or order appealed from is affirmed or modified, the stay shall continue for five days after service upon the appellant of the order of affirmance or modification with notice of its entry in the court to which the appeal was taken. If [an appeal is taken, or a motion is made for permission to appeal, from such an order before the expiration of the five days, the stay shall continue until five days after service of notice of the entry of the order determining such appeal or motion. When a motion for permission to appeal is involved, the stay, or any other stay granted pending determination of the

motion for permission to appeal, shall:

(i) if the motion is granted, continue until five days after the appeal is determined; or

(ii) if the motion is denied, continue until five days after the movant is served with the order of denial with notice of its entry] *a notice of appeal, or a motion for permission to appeal, or an affidavit of intention to move for permission to appeal from such order is served upon the adverse party before the expiration of the five days, the stay shall continue, unless the order determining the appeal or motion otherwise provides, until five days after service with notice of entry of the order determining the appeal or denying the motion. Where a successive appeal or motion for permission to appeal is available and notice of that appeal or motion or affidavit of intention to move for permission to appeal is served on the adverse party within such latter five-day period, the stay shall continue as provided above. Where the motion is granted, the stay shall continue until five days after service with notice of entry of the order determining the appeal unless that order otherwise provides. Where the appeal, whether as of right or by leave, is one determined by the court of appeals, the stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal. The failure of a party possessing an automatic stay under subdivision (a) of this section to obtain a continuation of such stay pursuant to this subdivision shall not preclude that party from thereafter obtaining a new stay by again complying with the applicable provisions of subdivision (a) of this section. If, after serving an affidavit of intention to move for permission to appeal, under this subdivision or subdivision (a) of this section, the party who seeks permission does not serve and file such motion within thirty days after service with notice of entry upon that party of the order sought to be appealed from, the stay shall expire at the close of such thirtieth day.*

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

8. Notification of Application for Temporary Restraining Order (CPLR 6313(a))

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.

This measure is designed to expedite the entire procedure for obtaining a TRO while providing for notification to other parties. Prior notification should be regarded as the norm, thereby avoiding a two-step procedure under which notification is not given until ordered by the court, and the application must 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 current practice of allowing applications for TROs against public entities but to require prior notification to the public entity that a TRO is being requested.

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 sixty-three hundred thirteen of the civil practice law and rules, as amended by chapter two hundred thirty-five of the laws of nineteen hundred eighty-two, 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[,]. *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. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

9. Hearing and Determination of Article 78 Proceeding (CPLR 7804(g))

The Committee recommends that CPLR 7804(g) be amended to make it clear that only those issues which could terminate the case upon their being resolved before the substantial evidence issue is reached shall be decided by the Supreme Court before the case can be transferred, when not dismissed, to the Appellate Division for consideration of the substantial evidence question.

This bill would amend subdivision (g) of section 7804 of the CPLR, which provides that an Article 78 proceeding involving the question whether an administrative determination is supported by substantial evidence shall be transferred from the Supreme Court to the Appellate Division. It also provides, however, that the Supreme Court may pass "on objections in point of law." Just what questions are to be passed upon under this ambiguous provision has long been a subject of disagreement.

This measure would amend subdivision (g) to eliminate the reference to "objections in point of law" and to clarify the process preliminary to transfer of an Article 78 proceeding to the Appellate Division. As the law now stands, where a substantial evidence issue is not raised, the Supreme Court would dispose of all the issues in the proceeding. Under this measure, however, where a substantial evidence issue is raised, the Supreme Court first would dispose of "such other objections as could terminate the proceeding without reaching the substantial evidence issue" — *e.g.*, lack of jurisdiction, statute of limitations and res judicata. If disposition of these objections does not terminate the proceeding, the Supreme Court must then transfer the proceeding to the Appellate Division. *See Hop-Wah* v. *Coughlin,* 118 A.D.2d 275, 504 N.Y.S.2d 806 (Third Dept. 1986).

This distribution of jurisdiction over Article 78 proceedings is salutary. The substantial evidence rule is an adjunct to the old writ of *certiorari,* which was available only where a litigant sought review of a determination following a full-fledged, quasi-judicial administrative hearing. Transfer of substantial evidence cases to the Appellate Division is premised on the fact that in such cases there has already been a plenary hearing before an administrative agency, giving rise to a full record, and that review of that record should be the responsibility of an appellate-level court. Likewise, authorizing trial courts first to screen substantial evidence cases, and in the process weeding out those with fatal defects unrelated to substantial evidence issues, is clearly consistent with the role of *nisi prius* at the Supreme Court level. Moreover, this procedural arrangement is desirable from the standpoint of effective court administration and judicial economy. There is little reason to involve a trial court in review of substantial evidence issues because: (1) the record to be reviewed was established at the agency level and is complete; and (2) to permit such review would merely be duplicative of the review to follow in the Appellate Division. Filtering substantial evidence cases through the trial courts, however, to permit the early disposition of those with fatal defects, will provide some relief for already congested Appellate Division calendars.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the hearing and determination of an article seventy-eight proceeding

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

Section 1. Subdivision (g) of section seventy-eight hundred four of the civil practice law and rules is amended to read as follows:

(g) Hearing and determination; transfer to appellate division. Where [an] *the substantial evidence* issue specified in question four of section 7803 is not raised, the court in which the proceeding is commenced shall itself dispose of the issues in the proceeding. Where such an issue is raised, the court shall *first dispose of such other objections as could terminate the proceeding, including, but not limited to, lack of jurisdiction, statute of limitations and res judicata, without reaching the substantial evidence issue. If the determination of the other objections does not terminate the proceeding, the court shall* make an order directing that [the proceeding] it be transferred for disposition to a term of the appellate division held within the judicial department embracing the county in which the proceeding was commenced [; the court may, however, itself pass on objections in point of law]. When the proceeding comes before it, whether by appeal or transfer, the appellate division shall dispose of all issues in the proceeding, or, if the papers are insufficient, it may remit the proceeding.

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

10. Costs in Removed Actions (CPLR 8104)

The Committee recommends that CPLR 8104 (Costs on consolidated, severed or removed actions) be amended to provide that where an action is removed pursuant to CPLR 325(d) (without consent to court of limited jurisdiction), costs shall be awarded as if the action has remained in the court from which it was removed, as limited by CPLR 8102. This new provision of CPLR 8104 would be an exception to the present general provision that costs shall be awarded as if the action had been instituted in the

court to which the action was removed unless the order of removal otherwise provides, which general provision will remain applicable, for example, to removals pursuant to CPLR 325(a) (mistake in choice of court), CPLR 325(b) (from court of limited jurisdiction), and CPLR 325(c) (on consent to court of limited jurisdiction).

The proposed exception is justified on the ground that, while reduction of costs clearly is appropriate in most instances of removal, such a procedure is inequitable in the instances to which CPLR 325(d) applies, and Supreme or County Court costs should be available in such instances, provided that the non-consensual removal results in a recovery in excess of the $6,000 figure cited in CPLR 8102. The proposed amendment would redress this inequity while clearly establishing the applicable limitation.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to costs in removed action.

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

Section 1. Section eighty-one hundred four of the civil practice law and rules is amended to read as follows:

§8104. Costs in consolidated, severed or removed action. Where two or more actions are consolidated, costs shall be awarded in the consolidated action as if it had been instituted as a single action, unless the order of consolidation otherwise provides. Where an action is severed into two or more actions, costs shall be awarded in each such action as if it had been instituted as a separate action, unless the order of severance otherwise provides. Where an action is removed, *except pursuant to subdivision (d) of section 325,* costs in the action shall be awarded as if it had been instituted in the court to which it is removed, unless the order of removal otherwise provides *and as limited by section 8102. Where an action is removed pursuant to subdivision (d) of section 325, costs in the action shall be awarded as if it had remained in the court from which it was removed, as limited by section 8102.*

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

11. Security for Costs in Courts of Limited Jurisdiction (NYCCCA §1900, UDCA §1900, UCCA §1900, UJCA §1900)

The Committee recommends that section 1900 of the New York City Civil Court Act (NYCCCA), the Uniform District Court Act (UDCA), the Uniform City Court Act (UCCA) and the Uniform Justice Court Act (UJCA) be amended to update an obsolete cross-reference in that provision to CPLR 8503, relating to the minimum amount of security for costs in the form of an undertaking, where an undertaking is required. In addition, since costs in the Civil Court, District Courts and City Courts were increased by Chapter 308 of the Laws of 1988, the Committee recommends a modest increase in the minimum amount of an undertaking as security for costs in those courts, but not in the Town and Village Courts, where general costs were not increased.

Section 1900 of the NYCCCA, the UCCA and the UDCA provide that "Article 85 of the CPLR, entitled 'security for costs,' shall apply in this court, except that the minimum undertaking of CPLR 8503 shall be $150 rather than $250 as therein provided." UJCA section 1900 is identical, except that it provides for $50 rather than $150. However, CPLR 8503, since 1972, has provided: "Security for costs shall be given by an undertaking in an amount of five hundred dollars in counties within the City of New York, and two hundred fifty dollars in all other counties...." It is clear that the cross-reference to the amount of $250 in section 1900 of the Civil Court Act is obsolete, as that amount was raised to $500 years ago in CPLR 8503.

The Committee recommends that the references in the several court acts to CPLR 8503 be updated. The Committee also believes that, in order to avoid amending the Civil Court Act and Uniform Acts whenever CPLR 8503 is amended, those acts should refer merely to the amount specified by CPLR 8503, without citing a specific figure. In light of the increase in costs enacted last year, the $150 minimum for security for those costs provided for in the Civil Court Act, the Uniform District Court Act and the Uniform City Court Act would be increased to $200.

Proposal

AN ACT

to amend the New York city civil court act, the uniform district court act, the uniform city court act and the uniform justice court act, in relation to security for costs.

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

Section 1. Section nineteen hundred of the New York city civil court act is amended to read as follows:

§1900. Security for costs. Article 85 of the CPLR, entitled "security for costs", shall apply in this court, except that the minimum undertaking of CPLR [§]8503 shall be [$150] *$200* rather than [$250 as] *the amount* therein provided.

§2. Section nineteen hundred of the uniform district court act is amended to read as follows:

§1900. Security for costs. Article 85 of the CPLR, entitled "security for costs", shall apply in this court, except that the minimum undertaking of CPLR [§]8503 shall be [$150] *$200* rather than [$250 as] *the amount* therein provided.

§3. Section nineteen hundred of the uniform city court act is amended to read as follows:

§1900. Security for costs. Article 85 of the CPLR, entitled "security for costs", shall apply in this court, except that the minimum undertaking of CPLR [§]8503

shall be [$150] *$200* rather than [$250 as] *the amount* therein provided.

§4. Section nineteen hundred of the uniform justice court act is amended to read as follows:

§1900. Security for costs. Article 85 of the CPLR, entitled "security for costs", shall apply in this court, except that the minimum undertaking of CPLR [§]8503 shall be $50 rather than [$250 as] *the amount* therein provided.

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

12. No Exemption from Payment of Jury Demand Fee in Certain Circumstances (NYCCCA §1912-a (new); UDCA §1912-a (new); UCCA §1912-a (new); UJCA §1912-a (new))

The Committee recommends that the New York City Civil Court Act and the three Uniform Court Acts be amended by inserting therein a new section 1912-a to preclude exemption of any municipality sued by a claimant in a small claims action from payment of a jury demand fee.

This measure would make it clear, in new section 1912-a to be inserted in the New York City Civil Court Act, the Uniform District Court Act, the Uniform City Court Act and the Uniform Justice Court Act, that, notwithstanding any other provision of law, there shall be no exemption of New York City, or of any other municipality, as the case may be, or agencies or officers thereof, from payment of the prescribed clerk's fee upon demand for a jury trial. It is at present the practice of the clerks in the courts of limited jurisdiction to grant an exemption from payment of the jury demand fee by a municipality involved in litigation in such courts (*see* CPLR 8019(d), NYCCCA §1912(b), UDCA §1912(b), and 1977 Op. Atty. Gen., pp.64-66).

The proposal is intended to discourage an inequitable practice that has arisen with respect to small claims procedures in the New York City Civil Court, and to discourage or prevent any such inequity elsewhere. The Advisory Committee has been informed that the City of New York, a frequent defendant in Small Claims Night Part of the New York City Civil Court, in order to avoid appearing in Night Court, regularly demands a jury trial, thereby forcing the claimant in a small claim action, usually not represented by counsel, into the confusing arena of a jury part in Day Court, during his or her working hours, sometimes to be compelled by lack of expertise and press of time to settle the claim before commencement of trial, usually for a sum less than that demanded. Such inequity to claimants in small claims actions in New York City Civil Court might be minimized if not eliminated by the proposed abolition of the exemption from paying the jury demand fee. The proposal also would eliminate, if need be, any similar inequity in the courts of limited jurisdiction other than the New York City Civil Court, or, if no such inequity exists, would tend to prevent such inequity from arising.

Proposal

AN ACT

to amend the New York City civil court act, the uniform district court act, the uniform city court act and the uniform justice court act, in relation to fee for jury demand

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

§1. A new section, to be section nineteen hundred twelve-a of the New York city civil court act, is enacted, to read as follows:

§1912-a. No exemption of city from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of the city of New York, or any department, board or officer thereof, from payment of the fee prescribed by §1911(h) of this act upon demand for a trial by jury.

§2. A new section, to be section 1912-a of the uniform district court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(6) of this act upon demand for a trial by jury.

§3. A new section, to be section nineteen hundred twelve-a of the uniform city court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(8) of this act upon demand for a trial by jury.

§4. A new section, to be section nineteen hundred twelve-a of the uniform justice court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(7) of this act upon demand for a trial by jury.

§5. This act shall take effect immediately.

III. New or Modified Measures

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

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 ten-point 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 to the bar sufficient time to make any necessary preparation to implement this provision, it would not take effect until January 1, 1992.

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 twenty-one hundred one of the civil practice law and rules, as amended by proposal number one of nineteen hundred seventy-four of the Judicial Conference, is amended 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 or print 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 the first day of January, nineteen hundred and ninety-two.

2. Service of Papers (CPLR 2103)(new measure)

The Committee recommends that the inconsistent numbering of paragraphs and other technical inconsistencies in CPLR 2103 (Service of papers) that were occasioned by the separate enactment in 1989 of Chapters 461 and 478 of the Laws of 1989 be eliminated and the provisions amended by those acts be harmonized. Chapter 461 of the Laws of 1989 amended CPLR 2103 to provide for service of interlocutory papers upon attorneys by electronic transmission (including "fax"), and Chapter 478 amended the same provisions to authorize service of interlocutory papers upon attorneys by overnight courier services, both acts effective on January 1,1990. Since these enactments were made without reference to one another, they resulted in some structural inconsistencies in the section, including the two different paragraphs both numbered paragraph 5. Clarification is desirable to avoid confusion; no substantive change is intended or made.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to making technical changes to rule 2103 concerning the service of interlocutory papers

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

Section 1. Rule twenty-one hundred three of the civil practice law and rules, as separately amended by chapters four hundred sixty-one and four hundred seventy-eight of the laws of nineteen hundred eighty-nine, is amended to read as follows:

Rule 2103. Service of papers. (a) Who can serve. Except where otherwise prescribed by law or order of court, papers may be served by any person not a party of the age of eighteen years or over.

(b) Upon an attorney. Except where otherwise prescribed by law or order of court, papers to be served upon a

party in a pending action shall be served upon the party's attorney. Where the same attorney appears for two or more parties, only one copy need be served upon the attorney. Such service upon an attorney shall be made:

1. by delivering the paper to the attorney personally; or

2. by mailing the paper to the attorney at the address designated by that attorney for that purpose or, if none is designated, at [that] the attorney's last known address; service by mail shall be complete upon mailing; where a period of time prescribed by law is measured from the service of the paper and service is by mail, five days shall be added to the prescribed period; or

3. if the attorney's office is open, by leaving the paper with a person in charge, or if no person is in charge, by leaving it in a conspicuous place; or if the attorney's office is not open, by depositing the paper, enclosed in a sealed wrapper directed to the attorney, in the attorney's office letter drop or box; or

4. by leaving it at the attorney's residence within the state with a person of suitable age and discretion. Service upon an attorney shall not be made at the attorney's residence unless service at the attorney's office cannot be made; or

5. by transmitting the paper to the attorney by electronic means, provided that a telephone number or other station or other limitation, if any, is designated by the attorney for that purpose. Service by electronic means shall be complete upon the receipt by the sender of a signal from the equipment of the attorney served indicating that the transmission was received, and the mailing of a copy of the paper to that attorney. The designation of a telephone number or other station for service by electronic means in the address block subscribed on a paper served or filed in the course of an action or proceeding shall constitute consent to service by electronic means in accordance with this subdivision. An attorney may change or rescind a number or address designated for service of documents by serving a notice on the other parties[.]; *or*

[5] *6.* by dispatching the paper to the attorney by overnight delivery service at the address designated by the attorney for that purpose or, if none is designated, at the attorney's last known address. Service by overnight delivery service shall be complete upon deposit of the paper enclosed in a properly addressed wrapper into the custody of the overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery. Where a period of time prescribed by law is measured from the service of a paper and service is by overnight delivery, one business day shall be added to the prescribed period. "Overnight delivery service" means any delivery service which regularly accepts items for overnight delivery to any address in the state.

(c) Upon a party. If a party has not appeared by an attorney or the party's attorney cannot be served, service shall be upon the party by a method specified in paragraph one, two, four, [or] five *or six* of subdivision (b) of this rule.

(d) Filing. If a paper cannot be served by any of the methods specified in subdivisions (b) and (c), service may be made by filing the paper as if it were a paper required to be filed.

(e) Parties to be served. Each paper served on any party shall be served on every other party who has appeared, except as otherwise may be provided by court order or as provided in section 3012 or in subdivision (f) of section 3215. Upon demand by a party, the plaintiff shall supply that party with a list of those who have appeared and the names and addresses of their attorneys.

(f) Definitions. For the purposes of this rule:

1. "Mailing" means the deposit of a paper enclosed in a first class postpaid wrapper, addressed to the address designated by a person for that purpose or, if none is designated, at that person's last known address, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the state;

2. "Electronic means" means any method of transmission of information between two machines designed for the purpose of sending and receiving such transmissions, and which results in the fixation of the information transmitted in a tangible medium of expression.

§2. This act shall take effect immediately.

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

The Committee recommends 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, a restriction 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.

The Court of Appeals recently, 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 clarify the legislative intent and thereby 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 and would resolve any residual uncertainty.

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 thirty-hundred seventeen of the civil practice law and rules, as amended by chapter four hundred forty-two of the laws of nineteen hundred eighty-nine, 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 becomes a law.

4. Bill of Particulars (CPLR 3041, 3042) (modified measure)

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 extension of time to 30 days to move to modify or vacate the demand, together with the potential for automatic preclusion, should substantially reduce the number of motions required with respect to bills of particulars, and significantly 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 thirty hundred forty-one 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 thirty hundred forty-two of such law and rules, subdivision (a) as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, subdivision (g) as amended by chapter two hundred ninety-seven of the laws of nineteen hundred seventy-eight and subdivision (h) as relettered by chapter two hundred ninety-six of the laws of nineteen hundred seventy-eight, 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)] *(b)* 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)] *(c)* [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] *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 merits and the bill.*

[(e)] *(d)* [Conditional order of preclusion. A preclusion order may provide that it will be effective unless a proper bill is served within a specified time] *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)] *(e)* [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)] 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. Prejudgment Interest after Offers to Compromise and in Personal Injury Actions (CPLR 3221, 5001(a)(b)) (modified measure)

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) and 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 helping to expedite cases to 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 thirty-two hundred twenty-one 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 fifty hundred one of such 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] *in an action based on personal injury,* [a breach of performance of a] 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 becomes 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.

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

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. Subdivision (d) of rule forty-one hundred eleven of the civil practice law and rules, as amended by chapter six hundred eighty-two of the laws of nineteen hundred eighty-six, is 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.

§2. Subdivision (f) of rule forty-one hundred eleven of such law and rules, as amended by chapter six hundred eighty-two of the laws of nineteen hundred eighty-six, is amended to read as follows:

(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.

§3. This act shall take effect immediately.

7. Compensation of Referees Appointed to Sell Real Property (CPLR 8003(b)) (new measure)

The Committee has been made aware of an odd disparity incorporated in CPLR 8003(b), which, as construed (*see Schorner* v. *Schorner,* 128 Misc.2d 415 (1985)) 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 has been made aware of archaic limitations on the compensation of referees appointed to sell real property, not increased since 1976, which should be eliminated. The Committee is advised that it has become increasingly difficult to attract lawyers willing to undertake such appointments at 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 eighty hundred three of the civil practice law and rules, as amended by chapter seven hundred of the laws of nineteen hundred seventy-six, 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 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 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.

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 postjudgment 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. The Committee, on recommendation of members of the bench and bar, is reviewing the operation of CPLR 3101(d), which provides for pretrial disclosure of expert testimony. Inequitable results in the actual implementation of this provision have been pointed out to the Committee, which intends to formulate proposals for the improvement of the provision.

4. 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.

5. The Subcommittee on Matrimonial Procedures is reviewing several proposals for legislation in that area, some in conjunction with the Family Court Advisory and Rules Committee.

6. The Subcommittee on Periodic Payment of Judgments and Itemized Verdicts is formulating recommendations for statutory amendments to resolve a large number of ambiguities and difficulties being experienced by bench and bar in this area of law, in addition to the recommendation contained in Part III of this Report.

7. The Committee will examine all provisions of the CPLR which establish a 20-day or 30-day time limitation, to consider whether greater uniformity in these provisions is desirable.

8. The Committee is considering the formulation of a legislative solution to resolve a long-standing, troublesome question concerning the appropriate procedure when an issue of title is raised in a summary proceeding to recover possession of real property in a court that has jurisdiction over the summary proceeding but does not have jurisdiction to determine title.

The following 22 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, Peter J. Walsh, Esq.

Subcommittee on Liability Insurance and Tort Law
Chair, Professor George F. Carpinello

Subcommittee on Sanctions
Chair, Thomas F. Gleason, Esq.

Subcommittee on Substitution of Judgment in Applications for Conservatees and Incompetents
Chair, Robert M. Blum, Esq.

Subcommittee on Procedures for Specialized Type 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 Time Limits in the CPLR
Chair, Peter J. Walsh, 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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Edward C. Cosgrove, Esq.
Myrna Felder, Esq.
John T. Frizzell, Esq.
Thomas F. Gleason, Esq.
Jeffrey E. Glen, Esq.
James J. Harrington, Esq.
Marjorie E. Karowe, Esq.
Harold A. Kurland, Esq.
Richard B. Long, Esq.
Lauretta E. Murdock, Esq.
Thomas R. Newman, Esq.
Nancy L. Pontius, Esq.
Richard Rifkin, Esq.
Professor David D. Siegel
Ira P. Sloane, Esq.
Irene A. Sullivan, Esq.
Peter J. Walsh, Esq.
John F. Werner, Esq.
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William A. Bulman, Esq.
John P. Brosnan, Esq.
M. Joe Landry, Esq.
Counsel

December, 1989

1990 Report

of the

Advisory Committtee on Criminal Law and Procedure

to the

Chief Administrator of the Courts

of the

State of New York

December, 1989

Contents

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 1990 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts, the Committee recommends a total of 17 bills for enactment by the 1990 Legislature. Of these, 12 bills previously have been endorsed and five are new measures. The new measures are proposals to: 1) effect broad reform of discovery in criminal proceedings; 2) permit a jury to be selected anonymously in an appropriate case; 3) require the court to condition an order dismissing an indictment for failure to provide defendant with notice of his or her right to testify before the grand jury on defendant's testifying before the grand jury to which the charges are to be submitted or resubmitted; 4) increase the maximum number of alternate jurors from four to six; and 5) authorize the Court of Appeals to hear an appeal by permission 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.

Part II of this Report summarizes each of the measures previously submitted and explains its purpose. Part III summarizes the measures being submitted for the first time this year. In both parts II and III, individual summaries are followed by drafts of appropriate legislation.

II. Previously Endorsed Measures

1. 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 $1,800,000 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 two hundred fourteen of the laws of nineteen hundred seventy-four, 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.

2. 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 representation 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 two hundred five 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 ninety days after it shall have become a law.

3. 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 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 to add a new subdivision ten 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 one and two of section 450.50 of such law are amended to read as follows:

1. In taking an appeal, pursuant to subdivisions 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 thirty days after it shall have become a law.

4. Entering Order of Protection in Conjunction with Youthful Offender Adjudication (CPL 530.12, 530.13)

The Committee recommends that sections 530.12 and 530.13 of the Criminal Procedure Law be amended to provide that an order of protection may be entered in conjunction with a youthful offender adjudication. Section 530.12(5) now permits an order of protection to be entered "[u]pon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household." Section 530.13(4) similarly provides for entry of an order of protection "[u]pon conviction of any offense." Because, however, a youthful offender adjudication is not a conviction (CPL §720.35(1)), sections 530.12 and 530.13 do not permit an order of protection to be entered when a conviction is replaced by a youthful offender finding. This measure would correct this apparent legislative oversight and would ensure that courts have the power to protect victims and their families where defendant is adjudicated a youthful offender.

Proposal

AN ACT

to amend the criminal procedure law, in relation to entering order of protection in conjunction with youthful offender adjudication

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

Section 1. The first unlettered paragraph of subdivision five of section 530.12 of the criminal procedure law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

5. Upon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household, the court may in addition to any other disposition, including a conditional discharge *or youthful offender adjudication,* enter an order of protection. The duration of such an order shall be fixed by the court and, in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. *For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.* In

addition to any other conditions, such an order may require the defendant:

§2. The first unlettered paragraph of subdivision four of section 530.13 of such law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

4. Upon conviction of any offense, where the court has not issued an order of protection pursuant to section 530.12 of this article, the court may, in addition to any other disposition, including a conditional discharge *or youthful offender adjudication,* enter an order of protection. The duration of such an order shall be fixed by the court and in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. *For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.* In addition to any other conditions such an order may require that the defendant:

§3. This act shall take effect thirty days after it shall have become a law.

5. 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 one 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 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 thirty days after it shall have become a law.

6. 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 two and three 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 sixty days after it shall have become a law.

7. Motion to Reduce Indictment (CPL 30.30, 100.10, 210.20, 210.30, 450.20, 450.55, 460.40)

The Committee recommends that section 210.20 of the Criminal Procedure Law be amended to provide that upon motion of the defendant, the court may reduce an indictment or any count of such indictment upon the ground that the evidence before the grand jury was not legally sufficient to establish defendant's commission of the offense charged, but was legally sufficient to establish the commission of a lesser included offense. The Committee further proposes that a new section 450.55 be added to the Criminal Procedure Law to provide for the taking of an expedited appeal by the People from an order reducing a count of an indictment, that section 460.40 of the Criminal Procedure Law be amended to provide for the stay of any such order pending an appeal, and that conforming amendments be made to sections 30.30, 100.10, 210.30 and 450.20 of the Criminal Procedure Law.

Under present law, the court must sustain an indictment if the evidence before the grand jury legally was sufficient to establish the offense charged or any lesser included offense (CPL §210.20(1)(v)). Where the court finds that the evidence before the grand jury supports only a lesser included offense, it has no power to reduce the indictment to conform to the evidence presented to the grand jury. The result of this rule is that defendants often

are prosecuted on charges not supported by the evidence. Such overcharging places defendant at a disadvantage in plea negotiations, and inflates the number of peremptory challenges to which the parties are entitled (*see* CPL §270.25).

This measure would remedy the problem of overcharging by empowering the court to reduce an indictment where the evidence before the grand jury supports only a lesser included offense of the count charged. In order to preserve prosecutorial prerogatives, however, the People are given three options following entry of an order reducing an indictment. First, they may represent the case to the same or a different grand jury without having to obtain leave of court (*compare* CPL §210.20(4), which requires court permission to resubmit an indictment dismissed for insufficiency). Second, they may accept the reduction and amend the indictment accordingly. Third, they may appeal from an order reducing an indictment. The measure further provides for a stay of an order reducing an indictment, pending an appeal by the People from such order.

This proposed change in the law was recommended by the New York State Committee on Sentencing Guidelines and was included in the Governor's bill to codify the recommendations of that Committee (S.6595 of 1985).

Proposal

AN ACT

to amend the criminal procedure law, in relation to motion to reduce indictment

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

Section 1. Subdivision five of section 30.30 of the criminal procedure law is amended to add new paragraphs (e) and (f) to read as follows:

(e) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and an amended indictment or a prosecutor's information is filed pursuant to subdivisions two and six of section 210.20, the period applicable for the purposes of subdivision one of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds six months, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed;

(f) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and an amended indictment or a prosecutor's information is filed pursuant to subdivisions two and six of section 210.20, the period applicable for the purposes of subdivision two of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds ninety days, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed.

§2. Subdivision three of section 100.10 of such law is amended to read as follows:

3. A "prosecutor's information" is a written accusation by a district attorney, filed with a local criminal court, either (a) at the direction of a grand jury pursuant to section 190.70, or (b) at the direction of a local criminal court pursuant to section 180.50 or 180.70, or (c) at the district attorney's own instance pursuant to subdivision two of section 100.50, *or (d) at the direction of a superior court pursuant to subdivision two of section 210.20,* charging one or more persons with the commission of one or more offenses, none of which is a felony. It serves as a basis for the prosecution of a criminal action, but it commences a criminal action only where it results from a grand jury direction issued in a case not previously commenced in a local criminal court.

§3. The section heading of section 210.20 of the criminal procedure law is amended to read as follows:

§210.20. Motion to dismiss *or reduce* indictment.

§4. Subdivisions two, three, four and five of section 210.20 of the criminal procedure law, subdivision two as amended by chapter seven hundred sixty-three of the laws of nineteen hundred seventy-four, subdivision four as amended by chapter four hundred sixty-seven of the laws of nineteen hundred seventy-four and subdivision five as added by chapter one hundred thirty-six of the laws of nineteen hundred eighty, are renumbered three, four, five and seven, and new subdivisions two and six are added to read as follows:

2. *After arraignment upon an indictment, if the superior court, upon motion of the defendant, finds that the evidence before the grand jury was not legally sufficient to establish the commission by the defendant of the offense charged, but was legally sufficient to establish the commission of a lesser included offense, it shall order the count or counts of the indictment with respect to which the finding is made reduced to allege the most serious lesser included offense with respect to which the evidence before the grand jury was sufficient, except that where the most serious lesser included offense thus found is a petty offense, and the court does not find evidence of the commission of any crime, it shall order the indictment dismissed and a prosecutor's information charging the petty offense filed in the appropriate local criminal court.*

* * *

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 five days following the entry of such order. On or before the conclusion of such five-day period, the people shall exercise one of the following options:

(a) Accept the court's order by filing an amended indictment or by dismissing the indictment and filing a prosecutor's information, as appropriate;

(b) Resubmit the subject count or counts to the same or a different grand jury, within 30 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 two 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 to which the count or counts are resubmitted;

(c) Appeal the order pursuant to subdivision two of section 450.20, within the time limits set forth in section 450.55. Where the people exercise this option, the effectiveness of the order further shall be stayed in accordance with the provisions of section 460.40.

§5. The section heading and subdivision one of section 210.30 of such law are amended to read as follows:

§210.30. Motion to dismiss *or reduce* indictment on ground of insufficiency of grand jury evidence; motion to inspect grand jury minutes.

1. A motion to dismiss an indictment or a count thereof [, based upon the ground that the evidence before the grand jury was not legally sufficient to establish the commission by the defendant of the offense charged or any lesser included offense,] *pursuant to paragraph (b) of subdivision one of section 210.20 or a motion to reduce a count or counts of an indictment pursuant to subdivision two of section 210.20* must be preceded or accompanied by a motion to inspect the grand jury minutes, as prescribed in subdivision two *of this section.*

§6. Subdivisions two, three, four, five, six, seven, eight and nine of section 450.20 of such law, subdivision two as amended by chapter one hundred seventy of the laws of nineteen hundred eighty-three and subdivision nine as added by chapter five hundred sixteen of the laws of nineteen hundred eighty-six, are renumbered three, four, five, six, seven, eight, nine and ten, and a new subdivision two is added to read as follows:

2. an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, entered pursuant to section 210.20;

§7. A new section 450.55 is added to such law to read as follows:

§450.55. Appeal by people from order reducing a count of an indictment or directing the filing of a prosecutor's information. In taking an appeal to an intermediate appellate court pursuant to subdivision two of section 450.20, the people shall within five days following entry of an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, file a notice of intent to appeal and shall perfect such appeal within twenty days thereafter, excluding any period of delay caused or sought by or on behalf of the defendant. Failure to perfect such appeal as provided herein shall automatically vacate the stay provided by subdivision two of section 460.40.

§8. Section 460.40 of such law is amended to read as follows:

1. The taking of an appeal by the defendant directly to the court of appeals, pursuant to subdivision one of section 450.70, from a superior court judgment including a sentence of death stays the execution of such sentence. [In] *Except as provided in subdivision two of this section, in* no other case does the taking of an appeal, by either party, in and of itself stay the execution of any judgment, sentence or order of either a criminal court or an intermediate appellate court.

2. The taking of an appeal by the people to an intermediate appellate court, pursuant to subdivision two of section 450.20, from an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, stays the effect of such order. Such stay shall be vacated automatically upon failure of the people to perfect such appeal as provided by section 450.55.

§9. This act shall take effect ninety 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. A new subdivision three is added to section 100.30 of the criminal procedure law 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 one of section 100.40 of such 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 one of section 170.65 of such 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 thirty days after it shall have become a law.

9. 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. 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.

§2. Subdivision one of section 30.30 of such 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:

§3. This act shall take effect thirty days after it shall have become a law.

10. 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 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.

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 one of section 210.40 of the criminal procedure law, as added by chapter two hundred sixteen of the laws of nineteen hundred seventy-nine, 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 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 thirty days after it shall have become a law.

11. Written Submissions to the Jury (CPL 310.20)

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 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. *Compare 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 containing the elements of the offenses charged and of defenses thereto. 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. By conditioning the submission of the accusatory instrument or court's charge upon the parties' consent, this measure strikes the appropriate balance between these interests. Consent would not be required, however, to submission of a sheet summarizing the elements of the crimes charged and the defenses thereto.

Proposal

AN ACT

to amend the criminal procedure law, in relation to submission of written materials to the jury during deliberations

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 of exhibits and other material.

Upon retiring to deliberate, the jurors may take with them:

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 summarizing the elements of the offenses submitted to the jury by the court in its charge and the defenses thereto. Such a sheet may be made part of the list described in subdivision two.

4. A copy of so much of the accusatory instrument as contains the counts submitted to the jury by the court in its charge.

5. A copy of the court's charge to the jury.

The materials specified in subdivisions four and five may not be submitted to the jury without the parties' consent.

§2. This act shall take effect thirty days after it shall have become a law.

12. Jury Consideration of Lesser Included Offenses (CPL 300.50)

The Committee recommends that section 300.50 of the Criminal Procedure Law be amended to provide that whenever the court submits two or more offenses in the alternative to the jury, it may instruct the jury that if the jury has deliberated for an extensive period of time without agreeing upon a verdict with respect to the greatest offense and it appears that such agreement is unlikely within a reasonable time, it may go on to 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 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 supercede *Boettcher* by amending section 300.50 of the Criminal Procedure Law to permit the court to instruct the jury that it may consider lesser included offenses without reaching unanimity on the top count. In conformity with the federal rule, the jury would be allowed to turn to such lesser offenses only after engaging in extensive deliberations on the highest charge. 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 five of section 300.50 of the criminal procedure law, as added by chapter four hundred eighty-one of the laws of nineteen hundred seventy-eight, is renumbered subdivision six and a new subdivision five is added to read as follows:

5. Whenever the court submits two or more offenses in the alternative pursuant to this section, it may instruct the jury that if the jury has deliberated for an extensive period of time without agreeing upon a verdict with respect to the greatest offense, and it appears that such agreement is unlikely within a reasonable time, the jury may go on to consider any lesser included offenses of that count. If the court so instructs the jury, it must also instruct the jury that if defendant is convicted of any such lesser offense, defendant cannot be retried for the greatest offense.

§2. This act shall take effect thirty days after it shall have become a law.

III. New 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 pros-

ecutor 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 four of section 30.30 of the criminal procedure law, as amended by chapter five hundred fifty-eight of the laws of nineteen hundred eighty-two, 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 four hundred twelve of the laws of nineteen hundred seventy-nine, 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. A new section 240.15 is added to such law, 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 such law, as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, the opening paragraph of subdivision one as amended by chapter three hundred seventeen of the laws of nineteen hundred eighty-three, paragraphs (c) and (d) of subdivision one as amended by chapter five hundred fifty-eight of the laws of nineteen hundred eighty-two, paragraph (e) as added and paragraphs (f), (g), (h) and (i) of subdivision one as relettered by chapter seven hundred ninety-five of the laws of nineteen hundred eighty-four and paragraph (j) of subdivision one as added by chapter five hundred fourteen of the laws of nineteen hundred eighty-six, 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;

(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;

[(g)] *(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 [.] ;

(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.

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 such law, the opening unlettered paragraph of subdivision one as amended by chapter three hundred seventeen of the laws of nineteen hundred eighty-three and subdivision two as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, 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;

(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 such law, as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, 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 one and two of section 240.40 of such law, subdivision one as amended by chapter three hundred seventeen of the laws of nineteen hundred eighty-three and subdivision two as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, 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. A new section 240.42 is added to such law 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 such law, the opening paragraph as added by chapter five hundred fifty-eight of the laws of nineteen hundred eighty-two, 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] *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.]

§10. Section 240.45 of such law, as amended by chapter five hundred fifty-eight of the laws of nineteen hundred eighty-two, paragraph (a) of subdivision one as amended by chapter eight hundred four of the laws of nineteen hundred eighty-four, 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 *to the extent not previously disclosed* [:

(a) Any] 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 related 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.]

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)] 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 is known by the defendant to exist.]

§11. Section 240.60 of such law, as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, 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 one of section 240.70 of such law, as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, 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 one as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine and subdivisions two and three as amended by chapter five hundred fifty-

eight of the laws of nineteen hundred eighty-two, 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] *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.*

[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.]

§14. Section 250.10 of such law, as amended by chapter five hundred forty-eight of the laws of nineteen hundred eighty, subdivision one as amended by chapter five hundred fifty-eight of the laws of nineteen hundred eighty-two and paragraph (a) of subdivision one and subdivision five as amended by chapter six hundred sixty-eight of the laws of nineteen hundred eighty-four, 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 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. *After the conclusion of the examination, the psychiatrist or psychologist must prepare a written report of his or her findings and evaluation and make such report available to the prosecutor.* [4. After the conclusion of the examination, the psychiatrist or psychologist must promptly prepare a written report of his 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. Any transcript or recording of an examination of defendant pursuant to subdivisions four or five 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, 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 make 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.

[5.] 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 one of section 255.20 of such law, as amended by chapter three hundred sixty-nine of the laws of nineteen hundred eighty-two, 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 pretrial 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 one and two of section 710.30 of such law, subdivision one as amended by chapter eight of the laws of nineteen hundred seventy-six and subdivision two as amended by chapter one hundred ninety-four of the laws of nineteen hundred seventy-six, 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 ninety days after it shall have become a law.

2. Anonymous Jury (CPL 270.15, 270.17)

This measure is being introduced at the request of the Chief Administrator of the Courts, upon the recommendation of the Advisory Committee on Criminal Law and Procedure. It would repeal subdivision 1-a of section 270.15 of the Criminal Procedure Law and add a new section 270.17, permitting 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 and a motion for an anonymous jury is *sub judice* in the case of *People* v. *John Gotti* (New York County Ind. No. 358/89). 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,* ___ U.S. ___, 109 S.C. 263 (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, 108 S.C. 1995 (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 witnessess 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 one of section 270.15 of the criminal procedure law, as amended by chapter four hundred sixty-seven of the laws of nineteen hundred eighty-five, 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 one-a of section 270.15 of such law is REPEALED.

§3. A new section 270.17 is added to such law 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 thirty days after it shall have become a law.

3. Motion to Dismiss Indictment for Failure to Notify Defendant of Right to Testify before Grand Jury (CPL 210.20(1)(c))

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 defendant notice of his or her right to testify before the grand jury shall be conditioned upon defendant's 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 of felony complaint that a grand jury proceeding against defendant is pending and to afford 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 defendant's 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 defendant's 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 defendant does not intend to take advantage of the right to testify when the case is re-presented 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's 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 190.50 to provide that an order dismissing an indictment for the People's failure to accord defendant an opportunity to appear before the grand jury shall be conditioned upon defendant's exercising his or her right to testify before the grand jury to which the charges are to be submitted or resubmitted. Such an amendment would protect defendant's right to testify before the grand jury, but would avoid the burden of re-presenting cases to the grand jury where 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 one 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's testifying before the grand jury to which the charge or charges are to be submitted or resubmitted; or*

§2. This act shall take effect sixty days after it shall have become a law.

4. 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 a maximum of four jurors to be selected as 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 two hundred sixty-seven of the laws of nineteen hundred seventy-nine, 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 thirty days after it shall have become a law.

5. 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 order granting or denying motion to set aside order of an appellate court on ground of ineffective assistance of appellate counsel

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

Section 1. Subdivision one of section 450.90 of the criminal procedure law, as amended by chapter six hundred seventy-one of the laws of nineteen hundred seventy-one, 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 judgement, sentence or order appealed from, and is adverse to the party who was the respondent in such court when it reverses the judgement, sentence or order appealed from. An appellate court order which modifies a judgement or order appealed from is partially adverse to each party.

§2. This act shall take effect thirty days after it shall have become law.

IV. 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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Ilene Bergman, Esq.
Paul J. Cambria, Jr., Esq.
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Hon. D. Bruce Crew, III
Hon. Thomas A. Demakos
Hon. William C. Donnino
James F. Downs, Esq.
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Anthony J. Girese, Esq.
Hon. Michael R. Juviler
Hon. Robert G. M. Keating
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Hon. Juanita Bing Newton
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1990 Report

of the

Family Court Advisory and Rules Committee

to the

Chief Administrator of the Courts

of the

State of New York

December, 1989

Contents

I. Introduction

The Family Court Advisory and Rules Committee, 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, annually recommends to the Chief Administrator legislative proposals in the areas of Family Court procedure and family law 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 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 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.

In this 1990 Report, the Committee recommends a total of ten bills for enactment by the Legislature. Nine of these have been previously endorsed by the Committee; although one is a measure that has been somewhat modified. Another is a measure previously endorsed but withdrawn pending the outcome of a United States Supreme Court decision. One is entirely new, drafted at the direction of the Chief Administrator of the Courts. Part II of this Report sets forth and summarizes each of the measures previously submitted and endorsed in the same form as last year, and explains the purpose in each instance. Part III sets forth and summarizes each of those measures new, previously submitted but proposed in 1990 in a modified form, or restored to the legislative program.

The new measure authorizes a Family Court Judge to order a social services official to provide funds for housing in cases where a child's removal from foster care is prevented solely by a lack of adequate housing.

The modified measure would list factors to be considered by a judge in making custody awards.

One measure recommended in the 1989 Report of the Family Court Advisory and Rules Committee to the Chief Administrator was enacted by the Legislature in 1989:

Chapter 707 (S.4922-A) - amended section 112 of the Domestic Relations Law to require court inquiry to the Child Abuse Registry in adoptions proceedings.

Two measures recommended in the 1989 Report of the Committee are not being included in this year's Report, because their purposes were accomplished by legislation enacting other bills. S. 3785 - A.6462, a bill drafted and recommended by the Committee, required disclosure of the adoptive child's medical history to the adoptive parents. A. 6549, a bill drafted and recommended by the Committee, required inclusion of the medical history of the natural parents of the adoptive child. Both of these purposes were accomplished by Chapter 751 of the laws of 1989.

In addition to its 1989 Report on family law and Family Court practice, the Committee during the past year also (1) reviewed and drafted, with the cooperation of Judges of the Surrogate's Court, a proposed Appellate Division rule pertaining to conduct of attorneys in adoption proceedings; and (2) reviewed and revised section 205.4 of the Uniform Family Court Rules pertaining to access to Family Court proceedings.

Part IV 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 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. Compensation out of Public Funds for Guardians Ad Litem Appointed for Children and Adults in Any Civil Proceeding. (CPLR 1204)

This measure amends section 1204 of the Civil Practice Law and Rules to provide compensation for guardians ad litem appointed for children and adults in any civil proceeding. It is also supported by the Advisory Committee on Civil Practice.

There are a number of instances in proceedings where children and adults are deemed by judges to require the additional protection afforded by the appointment of a guardian ad litem. For example, in Family Court there is often a need to appoint a guardian ad litem for the child where the respondent in a child protective proceeding (the parent of the child who is the subject of the proceeding) is under 18 years of age, or in a family offense proceeding where the respondent is the one said to have committed the family offense against the parent, or in a PINS case where the parents are the petitioners. There is often also a need to appoint a guardian ad litem for a child who is subject of a custody proceeding in Supreme Court. Instances involving adults may arise where the parent's mental illness forms the basis for a proceeding to terminate parental rights.

At the present time, while judges have the authority to make these appointments, they are reluctant to do so because they cannot assume 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.

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 one thousand two hundred and four 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 two 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 amount 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.

2. 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 provides guidelines for treatment of child victims, to make it explicit that interviews of child witnesses as well as child victims fall within the concern expressed by the Legislature. In addition, the measure provides that in proceedings involving child abuse and neglect, audio- or videotaping 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, which is the section pertaining to procedure in all Family Court proceedings, to provide that, except in proceedings under Article 3 of the Act, a child's testimony may be taken by the use of closed-circuit television in the discretion of the judge hearing the case.

In May, 1988, the Chief Administrative Judge of the Courts, 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.

It is the view of this Committee that rules, guidelines and practices geared to the reduction of trauma to children in the courts should apply to all children at whatever age and in all Family Court proceedings whether the child is a victim or a witness. The appropriateness of the treatment by the court or counsel should be left to the discretion of the judge. The Legislature has by Chapter 331 of the Laws of 1988 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 six hundred forty-two-a of the executive law is amended to read as follows:

§642-a. Guidelines for fair treatment of child victims [as] *and* 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.

[1]2. To minimize the number of times a child victim *or 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 any [alleged] child victim *or 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. A new subdivision (c) is added to section one hundred sixty-five of the family court act 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.

3. Clarification of Time when Family Court Speedy Trial Protection Attaches in Juvenile Delinquency Proceeding Removed from Supreme Court (FCA §310.2)

Family Court Act section 310.2 provides that "a respondent is entitled to a speedy fact-finding hearing", although it does not prescribe specific time periods to satisfy this requirement.[1] However, for juveniles who are the subjects of a complaint brought in Supreme Court and subsequently removed to Family Court pursuant to CPL Article 725, it has become apparent that there is a gap in this speedy trial protection. *Matter of David G.,* 120 A.D.2d 997 (1st Dept., 1986) *lv. den.,* 68 N.Y.2d 608 (1986). Section 311.1(7) of the Family Court Act provides that the date a removal order is filed with the Clerk of the Family Court is the date upon which a petition is deemed to be filed in that court, and thus is the date at which the speedy trial protection in the Family Court Act attaches. Consequently, any period of time that may elapse between the issuance of an order of removal and its filing with the Clerk of the Family Court is not considered in determining whether a respondent has been denied a "speedy fact-finding hearing". In the above-cited case, a period of eight months passed between the date of entry of the order of removal and its filing in the Family Court.

The proposed amendment closes this gap by making the critical date the one on which the removal order is signed. Moreover, it reinforces the responsibility of the District Attorney to ensure a prompt transfer of the proceeding from the Supreme Court to Family Court. Enactment of this measure will enable the speedy hearing provisions of the Family Court Act to apply as of the time the order of removal is entered.

Proposal

AN ACT

to amend the family court act, in relation to speedy trial

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

Section 1. Section 310.2 of the family court act is amended to reads as follows:

§310.2 Speedy trial

After a petition has been filed, *or upon the signing of an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law,* the respondent is entitled to a speedy fact-finding hearing. *If an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law is signed, the district attorney shall notify the presentment agency of the signing of the order of removal within twenty-four hours, and the presentment agency shall file the order of removal or a petition in the family court no later than seventy-two hours after the order is signed, or the next day the court is in session, whichever is sooner, if the respondent is detained, or within ten days after the order of removal is signed, if the respondent is not detained.*

§2. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to all proceedings initiated after that date.

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[1] Article three of the Act, in a number of other sections, delineates precise time limitations for each stage of a delinquency proceeding from arrest through disposition. Juvenile offenders brought to trial in adult criminal courts are protected under a panoply of speedy trial protections contained in section 30.30 of the Criminal Procedure Law.

4. Authority of a Family Court Judge to Order Services (FCA §255)

Section 255 of the Family Court Act supplements the Family Court's dispositional powers in all of its proceedings and, in hortatory language, allows the court: (1) to order any state, county, municipal and school district officer and employee "to render such assistance and cooperation as shall be within his legal authority, as may be required, to further the objects..." of the Family Court Act, with certain exceptions for the school district and board of education, and (2) to "seek the cooperation of ...all societies and organizations, public or private, having for their object the protection or aid of children or families".

Because it was clear that the Family Court was given a unique role requiring it, to an extent not characteristic of any other court in the unified court system, to obtain services provided by public or voluntary agencies for parties to its proceedings, the statute purported to grant the court the power to obtain those services. An amendment in 1972 was calculated "to enable the court to cut through the bureaucracy, fragmentation and lack of coordination which so inhibits the provision of services for families and children before the Court". *In re Edward M.*, 76 Misc.2d 781, 785 (Family Court, St. Lawrence Co., 1974); *In re Murcray,* 45 A.D.2d 906 (3d Dept. 1974).

However, over the years, the precise scope of the Court's authority to order services has been the subject of continuous litigation with rather uneven results. Judges, faced with changing community conditions requiring agency services for children and families, have been struggling with some frustration and discouragement to fashion dispositional orders addressed to the complex problems involved. Many have resorted to innovative solutions to do so. Nevertheless, the cases continue to indicate that, in spite of what appears to be a broad intention, section 255 falls short of granting the Family Court judge a clear, unambiguous authority, both in language and applicability. In *Matter of Enrique R.,* 126 A.D.2d 837 (1st Dept. 1987), a case which involved an order directing the New York City Commissioner of Social Services to assist the proposed caretaker of a child to acquire adequate housing, the Court, citing *New York Housing Auth.* v. *Miller,* 60 A.D.2d 823 (1st Dept. 1978), stated:

> Although Family Court Act §255 does authorize an order directing "assistance and cooperation", as Justice Fein observed in *Miller,* the meaning and scope of the quoted phrase is not set forth in the statute and the Legislature has not seen fit to further address the issue in terms of the Family Court's power, albeit almost ten years has elapsed since the Miller decision. While we agree that legislative attention ought to be directed to clarify the situation, clearly, the statute as it exists today does not authorize the type of order entered here. (underscoring ours.)

In recent years, this failure has become increasingly significant. Because of public and legislative attention to the shortcomings of foster care as a sound method of providing care to children and relief to families and a concern about its rising cost, the Child Welfare Reform Act and its progeny have focused increased attention on preventive services and permanency planning. Accompanying this legislative direction has been an increase in judicial responsibility for assuring the provision of these services and for tightening the review of judicial foster care. A natural outcome, therefore, is a needed review of the court's authority to fashion orders appropriate to the individual circumstances of each case and to enforce such orders, once made.

With this as background, the proposed measure accomplishes the following purposes:

- It removes the precatory language in the present section and casts the grant of authority in traditional terms.
- It continues to make clear that, like the present section, it is not a free-standing provision inviting applications for article 78-like determinations, but authorizes the judge "in any proceeding under this act" to enter an appropriate order.
- It allows the judge to exercise the power upon a application of any party or upon the judge's own motion.
- It requires notice to affected parties or agencies and an opportunity to be heard.
- It applies to public and private agencies, including those not originally before the court.
- It confines the scope of the order to the legal and fiscal authority of the officer or agency and must "be required to further the purposes of this act".
- It permits the judge to by-pass administrative procedures where they would not be "appropriate under the circumstances of the case", in which event the judge would be required to state on the record the reasons therefor.

Proposal

AN ACT

to amend the family court act, in relation to services of officials and organizations

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

Section 1. Section two hundred fifty-five of the Family Court Act is REPEALED and the following section is enacted in its place:

§255. Services of officials and organizations

In the course of any proceeding under this act, a family court judge, upon application of any party or on the judge's own motion, and upon notice to all parties and persons or agencies who may be affected and an opportunity to be heard, may order any state, county, municipal, school district or public authority officer and employee, and any private agency, institution, society or organization having for its object the protection or aid of children or families and receiving public funds, to perform any act within his,

her or its legal authority or responsibility and within amounts appropriated by state or local authorities, as may be required to further the purposes of this act, where the judge finds that adequate administrative procedures are not available or would not be appropriate under the circumstances of the case. The judge shall state on the record the reasons therefor. With respect to a school district, an order made pursuant to this section shall be limited to requiring the performance of the duties imposed upon the school district and board of education or trustees thereof pursuant to sections four thousand five, forty-four hundred two and forty-four hundred four of the education law to review, evaluate, recommend and determine the appropriate special services or programs necessary to meet the needs of a handicapped child, but shall not require the provisions of a specific special service or program.

§2. This shall take effect immediately.

5. 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.

The present proposal is somewhat modified from the one recommended heretofore and reflects legislative changes in Family Court jurisdiction resulting from the enactment of Chapter 683 of the Laws of 1986. That measure removed the Family Court's jurisdiction over proceedings involving summer programs for handicapped children over 5 years of age, leaving the Family Court with jurisdiction over proceedings involving children under 5 years of age for services during the school year and the summer months. Chapter 243 of the laws of 1989 reduced the level of Family Court jurisdiction further so that at the present time the Court's jurisdiction covers children under the age of 3 years.

This measure would repeal section 236 of the Family Court Act, which authorizes the court to enter orders for special education for children under 3 years of age, and correspondingly would 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 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.

In 1976, the Legislature, recognizing the undesirability of the Family Court having jurisdiction over education for handicapped children, removed most of this responsibility from that court, setting up a regional administrative structure in its place. Left unchanged, however, was the need for a Family Court order to cover special services for children under the age of 5 years during the school year and for all children during the summer months when school is not in session. In the 1986 legislative session, the need for a Family Court order to cover children over the age of 5 for services during the summer months was eliminated. In 1989, the Legislature in compliance with the provisions of P.L. 94-142, Education of All Handicapped Children Act of 1975, again reduced the Family Court jurisdiction further, leaving it with jurisdiction over children under 3 years of age.

It has been the position of this Committee and the Office of Court Administration that full 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 who presently 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 two hundred thirty-six of the family court act and section forty-four hundred six 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 two hundred thirty-two of the family court act, as amended by chapter six hundred fifty-four of the laws of nineteen hundred eighty-six, 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 two hundred thirty-six of such act is REPEALED.

§3. Subdivision one of section forty-four hundred one of the education law, as amended by chapter fifty-three of the laws of nineteen hundred eighty-six, 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 forty-four hundred six of such 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 two hundred thirty-six 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 forty-four hundred six 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.

6. Appointment of a Law Guardian for the Child in Foster Care Review Proceedings (FCA §249)

The Committee continues to recommend amending the Family Court Act to extend mandated assignment of law guardians for children in foster care review proceedings. This measure amends section 249 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.

As a result of the Child Welfare Reform Act of 1979 (chapter 610 of the laws of 1979) and subsequent amendments to sections 358-a and 392 of the Social Services Law, the sections governing foster care review, the legislature has mandated strongly enhanced procedures complicating the steps to be taken in foster care review proceedings and increasing the significance of the judicial review in these cases.

Based on years of experience in these proceedings, it is increasingly 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 earnest intent of the Legislature to protect children in foster care and 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. That, plus the increased likelihood that effective legal representation, especially at the early review stages, will result in earlier and increased returns of children to permanent arrangements, thereby reducing the much larger expense of continued foster care, is good reason for passage of this measure.

The modification to this measure by this year's report results from a technical correction made by Chapter 321 of the laws of 1989 to this statute.

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 two hundred forty-nine of the family court act, as amended by chapter three hundred twenty-one of the laws of nineteen hundred eighty-nine is amended to read as follows:

§249. Appointment of law guardian

(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 of the social services law, or under* 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,] 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 pro-

ceeding 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.

7. Post-Dispositional Appointment of Law Guardian in Family Court (FCA §249)

This measure has the recommendation of the Departmental Directors of the law guardian panels in the four Judicial Departments.

It amends section 249 of the Family Court Act relating to the appointment of law guardians in Family Court proceedings to authorize the appointment of a law guardian after the entry of a dispositional order to report to the court on the implementation of the order or initiate any proceedings necessary to protect the rights of the child. The law guardian so appointed may be the one originally assigned in the proceeding, or another. The measure also makes the section gender neutral.

At the present time, a law guardian's responsibility to the child is deemed to end with the entry of the dispositional order. It has become clear that it would be useful and important to allow for the appointment of a law guardian post-disposition, since there are circumstances under which some form of continuing responsibility on the part of a law guardian should exist to safeguard the interests of the child and to provide the child with a means of access to the court even after disposition. This amendment would provide authority for such appointment. Compensation for law guardians so appointed would be covered pursuant to section 245 of the Family Court Act by separate voucher submitted for such post-dispositional services as are actually performed.

The need for such law guardian representation has been recognized for some time and, in fact, this role is being routinely fulfilled by the Juvenile Rights Division of the Legal Aid Society for the children it serves in New York City. The 1984 report of the New York State Bar Association entitled "Law Guardians in New York State: A Study of the Legal Representation of Children" refers to a post-dispositional role for law guardians as an important ingredient of effective representation.

The modification to this measure by this year's report results from a technical correction made by Chapter 321 of the laws of 1989 to this statute.

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 two hundred forty-nine of the family court act, as amended by chapter three hundred twenty-one of the laws of nineteen hundred eighty-nine is amended to read as follows:

§249. Appointment of law guardians

(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 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, 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. *The family court may also, on its own motion, or upon the request of the law guardian or child appoint a law guardian to report to the court on the implementation of the court's dispositional order; a law guardian, so appointed, may initiate such proceedings as are necessary to protect the rights of the child.*

§2. This act shall take effect immediately.

III. New or Modified 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 §§392,358-a; FCA §1055)

This is a new measure drafted at the direction of the Chief Administrator of the Courts and endorsed by the Committee.

This measure amends sections 392 and 358-a 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 up to 50% of the cost it would otherwise require to keep the child in foster care.

It has been apparent for some time that in addition to the life-threatening reasons leading to the placement of children in foster care, a substantial number of children placed or continued in foster care are there solely because of a lack of adequate housing. Some of the families are receiving public assistance and others are not, but because of the housing crisis and the cost of available housing, there are instances where the lack of adequate housing becomes the only reason some families are compelled to place their children in foster care or prevented from accepting them when other adverse circumstances are 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 of 50% of the sum which 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 remaining at 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.

Apart from the salutary effect passage of this measure would have on keeping families together, it is fiscally sound since the rising cost of foster care and the increase in the number of children being placed would be lessened by its impact, with a resulting cost savings to the State.

This measure would take effect immediately.

Proposal

AN ACT

to amend the social services 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 three hundred ninety-two of the social services law is amended to read as follows:

12. 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 which would be expended were the child to be in foster care during a period designated in said order.

§2. Subdivision three of section three hundred fifty-eight-a of the 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 for the removal of the child from home or 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 which would be expended were the child to be in foster care during a period designated in said order.

§3 Subdivision (c) of section one thousand fifty-five of the family court act, as amended by chapter two hundred and twenty of the laws of nineteen hundred seventy-five, 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 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. *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 which 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. Factors to be Considered by a Court in Making an Award of Custody between Parents (DRL §§70, 240; FCA §§447, 467, 549, 651, 652)

The Committee continues to recommend the amendment of pertinent sections of the Domestic Relations Law and the Family Court Act to list relevant factors to be considered by a court in making an award of custody where the issue arises between parents in a matrimonial proceeding or in an independent custody proceeding. The measure, with respect to its procedural aspects, also has the approval of the Advisory Committee on Civil Practice. It has been modified in this year's report by the addition of a factor requiring consideration of evidence of domestic violence committed upon the child, a sibling or a spouse.

This measure would amend sections 70 and 240 of the Domestic Relations Law, which relate to an award of custody between parents in a proceeding in Supreme Court, to list guidelines and criteria now scattered in case law. The measure also would add a provision to these sections requiring the court, where the issue of custody is contested, to state in writing the factors considered in making custody awards and the reasons for the decision. Finally, this measure also would amend sections 447, 467, 549, 651 and 652 of the Family Court Act, by incorporating in these provisions a reference to section 240 of the Domestic Relations Law and thereby adding this codification of guidelines to the Family Court Act for Family Court proceedings involving custody.

Under present law, the court has the ultimate authority and responsibility to determine which parent shall have custody of a child based upon what it conceives to be the best interest of the child. Factors considered relevant in making these determinations appear in a number of cases. *Friederwitzer* v. *Friederwitzer,* 55 N.Y.2d 89 (1982); *Eschbach* v. *Eschbach,* 56 N.Y.2d 167 (1982). Nevertheless, custody determinations, especially where contested, continue to be complicated and time-consuming, and the resultant delay and trauma for the child has been a matter of concern to the Committee. In its view, a legislative codification culled from case law would be of benefit to the judges and counsel and should help bench and bar shape the proceeding more expeditiously. This should result in the narrowing of issues, greater speed in the disposition of the case, and a clear record upon which an appeal can effectively be disposed of.

Proposal

AN ACT

to amend the domestic relations law and the family court act, in relation to child custody

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

Section 1. Subdivision (b) of section seventy of the domestic relations law, as amended by chapter four hundred fifty-seven of the laws of nineteen hundred eighty-eight, is relettered (d) and two new subdivisions (b) and (c) are added to read as follows

(b) In awarding custody between the parties, the court shall consider and evaluate all relevant factors, which may include:

1. the child's emotional, physical, and educational needs, including adjustment in school, home and the community, and need for stability;

2. the wishes of the child's parent or parents with respect to the child's custody;

3. the interrelationship and interaction of the child with the parent;

4. the interaction and interrelationship of the child with siblings and others who may significantly affect the child's best interests;

5. the commitment of the parent to the care, supervision and guidance of the child;

6. the mental and physical health of the individuals involved;

7. the preference of the child, if the court deems the child competent to express a preference;

8. the custodial plans for the child's siblings;

9. the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

10. evidence of domestic violence committed upon the child, a sibling or a spouse;

11. any other factor considered by the court to be relevant in the determination of custody in the particular case.

(c) In any decision made pursuant to subdivision (b) of this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel.

§2. Subdivision one of section two hundred forty of such law, as amended by chapter five hundred sixty-seven of the laws of nineteen hundred eighty-nine, is amended to read as follows:

1. *(a)* 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, 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.

(b) In any decision made pursuant to this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel. The court shall consider and evaluate all relevant factors, which may include:

(1) the child's emotional, physical, and educational needs, including adjustment in school and the community, and need for stability;

(2) the wishes of the child's parent or parents with respect to the child's custody;

(3) the interrelationship and interaction of the child with the parent;

(4) the interaction and interrelationship of the child with siblings and others who may significantly affect the child's best interests;

(5) the commitment of the parent to the care, supervision and guidance of the child;

(6) the mental and physical health of the individuals involved;

(7) the preference of the child, if the court deems the child competent to express a preference;

(8) the custodial plans for the child's siblings;

(9) the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

(10) evidence of domestic violence committed upon the child, a sibling or a spouse;

(11) any other factor considered by the court to be relevant in the determination of custody in the particular case.

(c) In all cases there shall be no prima facie right to the custody of the child in either parent. Such direction may 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. 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. 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 support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary 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. 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 chapter, 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 support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid.

§3. Subdivision (a) of section four hundred forty-seven of the family court act is amended to read as follows:

(a) In the absence of an order of custody or of visitation entered by the supreme court, the court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law,* requiring one parent to permit the other to visit the children at stated periods without an order of protection, even where the parents are divorced and the support order is for a child only.

§4. Subdivision (c) of section four hundred sixty-seven of such act, as amended by chapter forty of the laws of nineteen hundred eighty-one, is amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law,* with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court appealable only under article eleven of this act.

§5. Subdivision (a) of section five hundred forty-nine of such act, as added by chapter nine hundred fifty-two of the laws of nineteen hundred seventy-one, is amended to read as follows:

(a) If an order of filiation is made or if a paternity agreement or compromise is approved by the court, in the absence of an order of custody or of visitation entered by the supreme court the family court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law,* requiring one parent to permit the other to visit the child or children at stated periods.

§6. Subdivisions (a) and (b) of section six hundred fifty-one of such act, subdivision (a) as amended by chapter two hundred fifty of the laws of nineteen hundred eighty-three and subdivision (b) as amended by chapter four hundred fifty-seven of the laws of nineteen hundred eighty-eight is amended to read as follows:

(a) When referred from the supreme court or county court to the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

(b) When initiated in the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors, including applications by a grandparent or grandparents for visitation rights pursuant to section seventy-two or two hundred forty of the domestic relations law.

§7. Subdivision (c) of section six hundred fifty-two of such act, as added by chapter forty of the laws of nineteen hundred eighty-one, is amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court appealable only under article eleven of this act.

§8. This act shall take effect immediately.

3. 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.

It is the view of the Committee that this section is no longer needed or justified because of the significant 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.

Section 516, enacted in 1962 but derived from the old Domestic Relations Law, served two purposes. One was to encourage putative fathers to settle paternity claims, thereby reducing the necessity for legal proceedings. The agreement offered the putative father certainty and a limitation on the father's future support obligation, and the interests of the child and mother were protected by the requirement for judicial review. The second was that 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).

However, a number of events have taken place that moved the Committee to recommend the repeal of this section. While blood grouping test have been in use in paternity proceedings for some time, they were admissible under section 532 of the Family Court Act only for the purposes of excluding the respondent as father. As a result of scientific advances in the field, the Legislature, impressed by the accuracy of the tests, recently amended section 532 to require 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); *Department of Social Services* v. *Thomas J.S.,* 100 A.D.2d 119 (2d Dept., 1984); *Matter of Abwilda W.,* 122 A.D.2d 950 (2d Dept., 1984).

In addition to blood testing having advanced so that it establishes paternity with greater certitude, recent legislation requires expedited support proceedings and expands enforcement options, thus making support more readily attainable. Finally, 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.

Additionally, there is some question about the constitutionality of this section in light of several recent United States Supreme Court decisions. In *Clark* v. *Jeter,* 108 S. Ct. 1910 (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, reaching the United States Supreme Court on a writ of certiorari, 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 no longer obtain. 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 five hundred sixteen of the family court act is REPEALED.

§2 This act shall take effect immediately.

REPEAL NOTE — Section five hundred sixteen 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.

IV. Pending and Future Matters

The Committee is in the process of or about to undertake consideration of several projects with a view towards recommending legislation, rules or forms as may be deemed appropriate or desirable.

1. It will draft legislative recommendations geared to address problems caused by the passage of Chapter 722 of the Laws of 1989. This enactment, drawn to reflect a legislative perception of the need to add protections to the execution of consents in private-placement adoptions, has resulted in significant problems of interpretation and implementation. The new provisions require consents to adoption executed by a person in foster care, and surrenders of children in foster care, to be executed before a judge of the Family Court.

The Committee has raised the following questions:

(a) What procedure is contemplated by the words "executed before" a judge of the Family Court?

(b) Is the judge acting merely as a notary or is some form of allocution or inquiry contemplated?

(c) What is the legal effect of such "execution" upon the right of revocation?

(d) What is the relationship between this amendment and present SSL §384(4), left untouched by the legislature?

(e) What if the surrendering mother is in foster care? This is not mentioned in the legislation.

(f) Must, or should, assigned counsel be appointed for the natural mother?

2. It is in the process of drafting legislation to address the problem of the detention of absconding runaways who now may be held only in nonsecure facilities.

3. It is reviewing the advisability of reintroducing a bill drafted earlier to eliminate any nonjudicial consents in adoptions.

4. It is discussing the feasibility of a study of the facilities and services provided by the Executive Branch agencies responsible for offering services to children and families involved in Family Court proceedings.

5. It will continue to examine problems in interstate adoptions, particularly the role of the Interstate Compact Administrator.

6. It will review the experience and opportunities for use of facsimile machines in Family Court proceedings.

7. It will continue to focus upon problems surrounding termination of parental rights involving one of two parents with special focus on section 384-b of the Social Services Law as presently drawn.

8. It will collaborate with the Advisory Committee on Civil Practice on the desirability of an amendment to the Civil Procedure Law and Rules addressing the reduction of trauma to child witnesses in civil proceedings generally.

Respectfully submitted,

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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* 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 113,693 retainer statements were filed with the Office of Court Administration in 1989. This is virtually unchanged from the number of statements filed the previous year.

Table A-2 gives the breakdown of actions which were terminated during 1989 by court and dollar values of settlements and judgements. The majority of claims closed resulted in at least some monetary recovery. There were 28,504 recoveries in the $1 to $9,999 category; 23,267 in the $10,000 to $29,999 category; 5,164 in the $30,000 to $49,999 category; 5,718 in the $50,000 to $99,999 category; and 3,916 recoveries in excess of $100,000. There were 6,695 actions filed in 1989 which involved no monetary recovery for the plaintiffs; approximately 10% of the total actions terminated in 1989.

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 1989, a total of 5,599 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 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.

*At present, there is no filing rule for the Third Judicial District.

Every person 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, 1989 there were 6,185 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 6,185 applications filed from April 1, 1986 through December 31, 1989. It also shows the Distribution of 780 applications filed from January 1, 1989 through December 31, 1989. The number of statements of appointments filed with the Chief Administrator of the Courts for the period January 1, 1989 through December 31, 1989 was 4,788. 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 accompnaying fee of $100.00 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 1986 to refine the definition of attorneys retired from the practice of law to apply only "...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 1989, approximately 123,639 attorneys were registered with the Office of Court Administration. During calendar year 1989, approximately 39,863 registrations were processed and $3,690,300 in registration fees were recorded. Half of these fees are paid over to the Client Security Fund as prescribed by the Judiciary Law.

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 1989, 5,894 adoption affidavits were filed with the Office of Court Administration.

TABLE A-1
RETAINER STATEMENT FILINGS BY MONTH
January 1, 1989 - December 31, 1989

Month	*Number of Statements*
January	7,135
February	8,212
March	9,269
April	10,212
May	7,925
June	8,223
July	9,817
August	13,541
September	9,778
October	8,809
November	12,160
December	8,612
Total	113,693

Table A-2
COURT AND MONETARY BREAKDOWN OF CLOSING STATEMENTS
January 1, 1989 through December 31, 1989

Amount of Recovery	Supreme Court		U.S. District Court		Court of Claims*		County Court	
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment
1-499	220	18	21	2	2	...	...	...
10500-999	147	3	4	...	...	...	...	...
1,000-1,999	607	11	19	...	2	...	...	...
2,000-2,999	993	14	12	...	2	...	3	...
3,000-3,999	1,337	6	11	...	4	...	2	...
4,000-4,999	1,329	3	11	...	...	...	1	...
5,000-5,999	2,153	7	17	...	9	...	...	...
6,000-6,999	1,930	8	7	2	6	1	1	...
7,000-7,999	2,969	13	13	...	4	1	2	...
8,000-8,999	1,733	10	11	2	4	...	4	...
9,000-9,999	1,864	9	15	...	1	2	1	...
10,000-14,999	7,531	46	66	1	8	2	2	1
15,000-19,999	4,192	20	39	1	5	2	...	...
20,000-24,999	2,710	14	38	...	7	3	...	...
25,000-29,999	2,213	14	37	...	6	1	...	...
30,000-34,999	1,456	10	29	...	5	...	...	...
35,000-49,999	2,882	24	46	1	10	3	...	...
50,000-99,999	4,376	55	120	5	10	2	...	...
100,000-up	3,354	78	186	8	17	3	...	...
Total with Recovery	43,946	363	707	22	102	20	16	1
No Recovery	1,245		34		20		...	

Amount of Recovery	Civil Court		City Courts		District Court		Justice Court		All Courts		No Action**
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled
1-499	10	...	...	...	...	...	...	...	253	20	63
10500-999	40	1	1	...	5	...	...	...	197	4	246
1,000-1,999	103	2	5	...	6	...	...	...	742	13	845
2,000-2,999	189	...	2	1	2	...	...	...	1,203	15	984
3,000-3,999	187	...	1	...	4	...	...	...	1,547	6	1,357
4,000-4,999	173	1	1	...	7	1	...	...	1,522	5	1,176
5,000-5,999	205	...	...	...	...	1	...	...	2,384	8	1,530
6,000-6,999	166	1	...	...	2	...	...	...	2,112	12	1,448
7,000-7,999	197	1	...	...	1	...	...	...	1,171	15	1,819
8,000-8,999	92	...	...	...	...	...	...	...	1,144	12	984
9,000-9,999	95	...	...	...	...	...	...	...	1,976	11	960
10,000-14,999	209	3	...	...	...	...	...	...	7,816	53	3,695
15,000-19,999	61	1	...	...	...	...	...	...	4,297	24	1,153
20,000-24,999	22	1	...	...	...	...	...	...	1,777	18	703
25,000-29,999	22	1	...	...	...	...	...	...	1,278	16	437
30,000-34,999	13	...	...	...	...	...	...	...	1,503	10	247
35,000-49,999	10	...	...	...	...	...	...	...	2,948	28	428
50,000-99,999	12	1	...	...	...	...	...	...	4,518	63	537
100,000-up	2	2	...	...	...	...	...	...	3,559	91	266
Total with Recovery	1808	15	10	1	27	2	...	...	46,667	424	18,878
No Recovery	101		...		6		...		1406		5,289

NOTE: Whenever individual closing statements were filed by attorneys acting tly in a case, each statement received was included in these tabulations Thus, the number of statements somewhat exceeds the totalmber of cases closed.

* Includes condemnation as well as tort matters.

** Item 3 of the closing statement requires that the court and date indicated if an action was commenced. This category includesose statements in which this item is left blank.

Table A-3
APPOINTMENT OF FIDUCIARIES
Applications by County
As of 12/31/89

Location	*Individuals* Filed 01/01/89 12/31/89	*Individuals* Filed 04/01/86 12/31/89	*Institutions* Filed 01/01/89 12/31/89	*Institutions* Filed 04/01/86 12/31/89	*Total** Filed 01/01/89 12/31/89	*Total** Filed 04/01/86 12/31/89
Albany	26	148	...	1	26	149
Allegany	5	70	...	2	5	72
Bronx	162	887	...	5	162	892
Broome	17	213	...	3	17	216
Cattaraugus	17	129	...	1	17	130
Cayuga	7	67	...	1	7	68
Chautauqua	18	156	...	1	18	157
Chemung	2	47	...	2	2	49
Chenango	6	82	...	3	6	85
Clinton	2	28	...	1	2	29
Columbia	12	58	...	1	12	59
Cortland	8	63	...	2	8	65
Delaware	5	51	...	3	5	54
Dutchess	30	228	...	2	30	230
Erie	135	608	...	3	135	611
Essex	5	38	...	1	5	39
Franklin	2	29	...	1	2	30
Fulton	4	32	...	1	4	33
Genesee	22	165	...	1	22	166
Greene	11	40	...	2	11	42
Hamilton	2	14	...	1	2	15
Herkimer	5	55	...	1	5	56
Jefferson	1	16	...	1	1	17
Kings	235	1,247	...	5	235	1,252
Lewis	1	12	...	1	1	13
Livingston	11	151	...	3	11	154
Madison	11	96	...	2	11	98
Monroe	42	494	...	4	42	498
Montgomery	8	41	...	1	8	42
Nassau	215	1,066	...	4	215	1,070
New York	300	1,525	...	5	300	1,530
Niagara	67	346	...	1	67	347
Oneida	11	123	...	2	11	125
Onondaga	27	171	...	1	27	172
Ontario	12	225	...	2	12	227
Orange	29	168	...	1	29	169
Orleans	10	89	...	1	10	90
Oswego	5	56	...	1	5	57
Otsego	5	48	...	2	5	50
Putnam	34	238	...	2	34	240
Queens	232	1,196	...	5	232	1,201
Rensselaer	22	107	...	1	22	108
Richmond	62	410	...	4	62	414
Rockland	55	316	...	2	55	318
St.Lawrence	2	23	...	1	2	24
Saratoga	28	139	...	1	28	140
Schenectady	17	133	...	1	17	134
Schoharie	...	18	...	2	...	20
Schuyler	1	23	...	1	1	24
Seneca	2	33	...	2	2	35
Steuben	3	88	...	3	3	91
Suffolk	138	663	...	4	138	667
Sullivan	6	44	...	2	5	46
Tioga	9	91	...	3	9	94
Tompkins	2	43	...	2	2	45
Ulster	19	143	...	1	19	144
Warren	12	48	...	1	12	49
Washington	12	49	...	1	12	50
Wayne	11	185	...	2	11	187
Westchester	149	791	...	3	149	794
Wyoming	13	101	...	1	13	102
Yates	2	41	...	2	2	43
Total	2,324	14,005		123	2,324	14,128

*Applicants may list more than one county. The total for January 1, 1989 through December 31, 1989 represents the distribution of 780 applications. The total for April 1, 1986 through December 31, 1989 represents 6,185 applications. Deletions may have also occurred.

Table A-4
APPOINTMENT OF FIDUCIARIES
Appointments Reported By County
January 1, 1989 through December 31, 1989

Location	*Total*	*Location*	*Total*
Albany	107	Oneida	54
Allegany	4	Onondaga	113
Bronx	225	Ontario	...
Broome	72	Orange	75
Cattaraugus	36	Orleans	12
Cayuga	26	Oswego	7
Chautauqua	34	Otsego	33
Chemung	39	Putnam	17
Chenango	8	Queens	514
Clinton	15	Rensselaer	44
Columbia	...	Richmond	79
Cortland	7	Rockland	68
Delaware	18	St.Lawrence	43
Dutchess	62	Saratoga	9
Erie	328	Schenectady	50
Essex	5	Schoharie	11
Franklin	12	Schuyler	5
Fulton	16	Seneca	16
Genesee	35	Steuben	17
Greene	...	Suffolk	375
Hamilton	1	Sullivan	8
Herkimer	5	Tioga	11
Jefferson	47	Tompkins	12
Kings	559	Ulster	21
Lewis	1	Warren	25
Livingston	...	Washington	19
Madison	12	Wayne	6
Monroe	190	Westchester	298
Montgomery	18	Wyoming	1
Nassau	470	Yates	10
New York	429		
Niagara	54		
Total New York State			4,788

Table A-5
ATTORNEY REGISTRATION BY LOCATION
COUNTY OF BUSINESS
1989

Location	*Total*	*Location*	*Total*
Albany	2,811	Otsego	80
Allegany	46	Putnam	154
Bronx	1,632	Queens	3,361
Broome	533	Rensselaer	281
Cattaraugus	91	Richmond	672
Cayuga	88	Rockland	804
Chautauqua	190	St. Lawrence	91
Chemung	150	Saratoga	227
Chenango	66	Schenectady	351
Clinton	95	Schoharie	35
Columbia	104	Schuyler	19
Cortland	51	Seneca	37
Delaware	73	Steuben	122
Dutchess	585	Suffolk	3,235
Erie	3,244	Sullivan	176
Essex	75	Tioga	44
Franklin	56	Tompkins	221
Fulton	61	Ulster	293
Genesee	75	Warren	169
Greene	65	Washington	55
Hamilton	6	Wayne	85
Herkimer	76	Westchester	4,931
Jefferson	145	Wyoming	32
Kings	4,698	Yates	17
Lewis	15	Outside New York	
Livingston	55	State	23,741
Madison	78	Missing County	4,511
Monroe	2,430		
Montgomery	73		
Nassau	8,019	Total	123,639
New York	50,876		
Niagara	310		
Oneida	454	First Department	52,508
Onondaga	1,728	Second Department	27,069
Ontario	119	Third Department	6,339
Orange	610	Fourth Department	9,471
Orleans	25	Outside New York	
Oswego	87	State	23,741
		Missing County	4,511
		Total	123,639

Table A-6
ATTORNEY REGISTRATION
By Date of Birth
1989

Date of Birth	*Total*
After 1967	2
1963-1967	2,951
1958-1962	18,943
1953-1957	22,478
1948-1952	20,266
1943-1947	15,783
1938-1942	9,711
1933-1937	6,904
1928-1932	7,450
1923-1927	5,539
1918-1922	3,865
Before 1918	9,057
Missing Dates	690
Total	123,639

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
1989

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	23954	937	612	552	894	9223	5041	1620	243	22	4810
Total New York City	15513	619	375	318	546	7306	3689	930	99	8	1623
New York	5825	281	97	127	181	2852	1446	344	21	...	476
Kings	5495	129	93	66	175	2743	1252	266	12	5	754
Queens	2646	134	141	97	133	1044	544	239	61	1	252
Bronx	1227	44	30	22	47	550	360	69	5	2	98
Richmond	320	31	14	6	10	117	87	12	...	...	43
Total Upstate	8441	318	237	234	348	1917	1352	690	144	14	3187
Albany	168	...	1	1	2	19	5	6	...	...	134
Allegany	66	...	2	1	1	11	6	1	...	...	44
Broome	133	18	7	1	3	46	25	6	5	...	22
Cattaraugus	146	5	7	...	3	28	22	21	6	...	54
Cayuga	12	2	...	...	...	1	2	2	...	...	5
Chautauqua	109	7	1	4	6	6	11	10	...	...	64
Chemung	149	4	25	16	11	53	8	9	1	...	22
Chenango	15	1	...	1	...	7	5	...	...	...	1
Clinton	50	3	...	...	...	27	9	...	...	...	11
Columbia	21	...	...	3	...	7	1	...	...	...	10
Cortland	58	...	...	2	3	9	15	10	...	...	19
Delaware	45	2	6	...	5	7	10	...	...	...	15
Dutchess	330	3	5	4	16	30	62	91	23	4	92
Erie	962	73	59	45	58	304	177	55	30	...	161
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	53	8	...	...	4	15	4	...	...	...	22
Fulton	66	2	4	19	3	17	6	...	...	...	15
Genessee	12	...	...	...	...	6	...	3	...	...	3
Greene	14	...	...	...	...	...	3	2	1	...	8
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	8	...	3	...	...	...	...	1	...	...	4
Jefferson	150	...	...	...	...	55	32	33	...	...	30
Lewis	14	...	...	2	3	2	7	...	...	...	...
Livingston	93	2	...	6	9	4	12	6	...	1	53
Madison	75	3	...	...	...	16	11	1	...	...	44
Monroe	992	5	4	30	35	284	149	67	20	...	398
Montgomery	41	...	...	2	2	14	1	...	...	...	22
Nassau	370	45	25	12	22	102	93	17	7	5	42
Niagara	136	3	9	12	25	21	23	11	...	...	32
Oneida	311	1	...	8	2	69	98	44	...	...	89
Onondaga	694	30	12	6	22	163	91	30	2	...	338
Ontario	65	5	4	14	2	17	10	7	...	...	6
Orange	569	14	11	10	15	145	81	37	5	...	251
Orleans	10	...	...	...	...	5	1	3	...	...	1
Oswego	118	...	1	2	1	14	13	18	2	...	67
Otsego	60	...	1	...	...	28	26	...	...	...	5
Putman	16	...	...	...	1	5	...	...	...	...	10
Rensselaer	97	...	...	1	11	19	7	11	1	...	47
Rockland	191	20	3	9	7	39	52	12	3	...	46
St. Lawrence	63	...	...	1	...	22	19	19	...	...	2
Saratoga	194	...	1	3	16	53	23	15	6	...	77
Schenectady	253	15	12	1	11	67	32	5	...	...	110
Schoharie	23	...	...	...	...	13	...	...	...	...	10
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	15	...	...	...	...	...	5	4	...	...	6
Steuben	53	...	...	7	1	13	14	3	2	...	13
Suffolk	284	8	2	6	6	28	15	6	2	...	211
Sullivan	96	6	9	...	4	6	23	13	...	...	35
Tioga	36	...	...	...	...	9	14	5	2	...	6
Tompkins	91	3	4	2	...	10	15	7	...	...	50
Ulster	379	10	...	2	8	18	44	40	10	...	247
Warren	17	1	...	...	3	2	1	6	1	...	3
Washington	54	2	...	...	21	13	7	...	...	...	11
Wayne	64	3	7	...	3	17	4	9	1	1	19
Westchester	325	14	12	1	3	46	50	32	8	1	158
Wyoming	54	...	...	...	...	2	5	12	6	2	27
Yates	21	...	...	...	...	3	3	...	...	...	15

* 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
1989

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	2871	87	52	45	58	620	639	456	127	8	779
Total New York City	1005	21	27	25	9	215	268	205	45	1	189
New York	276	4	...	...	...	49	113	76	...	...	34
Kings	336	7	6	6	1	79	88	34	1	...	114
Queens	370	10	21	19	8	85	59	89	44	1	34
Bronx	15	...	...	...	...	...	5	5	...	...	5
Richmond	8	...	...	...	...	2	3	1	...	...	2
Total Upstate	1866	66	25	20	49	405	371	251	82	7	590
Albany	21	...	...	...	...	1	3	3	...	...	14
Allegany	21	...	...	1	...	3	4	...	...	...	13
Broome	28	3	3	...	...	8	4	5	...	...	5
Cattaraugus	14	1	1	...	...	...	1	4	3	...	4
Cayuga	3	1	...	...	...	1	1	...	...	...	...
Chautauqua	15	2	...	...	...	1	1	1	...	...	10
Chemung	15	...	...	4	...	1	4	6	...	...	...
Chenango	4	...	...	...	...	...	4	...	...	...	...
Clinton	23	3	...	...	...	13	2	...	...	...	5
Columbia	2	...	...	...	...	...	1	...	...	...	1
Cortland	5	...	...	1	...	1	...	2	...	...	1
Delaware	26	1	5	...	4	6	6	...	...	...	4
Dutchess	100	1	...	...	10	...	25	29	17	4	14
Erie	222	14	4	2	10	63	45	30	22	...	32
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	7	...	...	...	...	1	3	...	...	...	3
Fulton	10	1	1	...	2	1	1	...	...	...	4
Genessee	7	...	...	...	...	2	...	3	...	...	2
Greene	2	...	...	...	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	3	...	...	...	...	...	...	1	...	...	2
Jefferson	32	...	...	...	...	4	5	6	...	...	17
Lewis	9	...	...	1	...	1	7	...	...	...	...
Livingston	49	...	...	...	3	4	10	6	...	1	25
Madison	21	3	...	...	...	5	7	...	...	...	6
Monroe	215	...	...	...	3	73	49	22	11	...	57
Montgomery	15	...	...	...	...	12	1	...	...	...	2
Nassau	24	...	...	...	...	9	4	4	7	...	...
Niagara	20	2	4	...	2	...	5	5	...	...	2
Oneida	74	...	...	2	2	23	26	5	...	...	16
Onondaga	138	4	...	...	3	36	27	10	2	...	56
Ontario	25	1	...	...	...	9	8	7	...	...	...
Orange	76	5	...	2	1	13	20	7	...	...	28
Orleans	2	...	...	...	...	...	1	...	...	...	1
Oswego	37	...	...	...	1	8	3	15	2	...	8
Otsego	13	...	...	...	...	4	9	...	...	...	...
Putman	3	...	...	...	1	1	...	...	...	...	1
Rensselaer	49	...	...	1	...	17	1	7	...	...	23
Rockland	29	2	2	...	...	4	8	9	1	...	3
St. Lawrence	27	...	...	1	...	4	10	11	...	...	1
Saratoga	31	...	...	2	...	10	2	5	1	...	11
Schenectady	99	8	...	...	...	21	11	1	...	...	58
Schoharie	6	...	...	...	...	1	...	...	...	...	5
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	...	...	...	...	1
Steuben	21	...	...	1	1	5	5	3	1	...	5
Suffolk	37	2	...	...	...	6	4	...	...	...	25
Sullivan	19	2	4	...	...	...	5	8	...	...	...
Tioga	16	...	...	...	...	...	10	2	2	...	2
Tompkins	22	3	...	2	...	3	5	...	...	...	9
Ulster	113	4	...	...	2	5	9	9	3	...	81
Warren	10	...	...	...	3	2	1	3	...	...	1
Washington	1	1	...	...	...	...	...	...	...	...	...
Wayne	18	...	1	...	...	8	2	4	...	...	3
Westchester	59	2	...	...	1	13	9	14	4	...	16
Wyoming	24	...	...	...	...	1	...	4	6	2	11
Yates	3	...	...	...	...	1	2	...	...	...	...

* 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
1989

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	23954	6461	157	172	245	8379	2901	721	94	14	4810
Total New York City	15513	3153	49	64	113	7537	2451	479	40	4	1623
New York	5825	903	27	27	71	3317	869	118	13	4	476
Kings	5495	1221	12	27	14	2550	787	116	14	...	754
Queens	2646	748	5	8	21	899	533	172	8	...	252
Bronx	1227	202	1	2	5	646	212	58	3	...	98
Richmond	320	79	4	...	2	125	50	15	2	...	43
Total Upstate	8441	3308	108	108	132	842	450	242	54	10	3187
Albany	168	29	...	2	...	2	1	...	...	...	134
Allegany	66	13	...	...	...	5	3	1	...	...	44
Broome	133	75	...	4	5	19	6	2	...	...	22
Cattaraugus	146	63	...	1	...	17	9	2	...	...	54
Cayuga	12	4	...	...	...	1	2	...	...	...	5
Chautauqua	109	22	4	4	5	6	...	4	...	...	64
Chemung	149	41	19	23	4	36	4	...	...	...	22
Chenango	15	13	...	...	...	1	...	...	...	...	1
Clinton	50	33	...	...	3	1	2	...	...	...	11
Columbia	21	11	...	...	...	...	...	...	...	...	10
Cortland	58	34	2	...	...	2	1	...	...	...	19
Delaware	45	16	...	...	...	13	1	...	...	...	15
Dutchess	330	185	8	...	13	11	14	7	...	...	92
Erie	962	637	33	20	25	42	22	20	2	...	161
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	53	30	...	...	...	1	...	...	...	...	22
Fulton	66	30	12	...	1	4	1	3	...	...	15
Genessee	12	1	1	...	2	1	4	...	...	...	3
Greene	14	3	...	...	1	1	...	...	1	...	8
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	8	4	...	...	...	...	...	...	...	...	4
Jefferson	150	120	...	...	...	...	...	...	...	...	30
Lewis	14	11	...	...	...	...	...	...	3	...	...
Livingston	93	34	...	...	...	3	3	...	...	...	53
Madison	75	20	...	...	3	2	6	...	...	...	44
Monroe	992	496	6	10	30	32	12	7	1	...	398
Montgomery	41	11	...	...	...	5	3	...	...	...	22
Nassau	370	31	2	5	...	83	135	58	7	7	42
Niagara	136	80	...	6	...	10	3	5	...	...	32
Oneida	311	32	...	...	2	144	39	5	...	...	89
Onondaga	694	232	...	...	4	83	20	17	...	...	338
Ontario	65	32	...	...	...	7	1	5	14	...	6
Orange	569	212	...	7	12	51	21	12	3	...	251
Orleans	10	...	2	...	...	1	6	...	...	...	1
Oswego	118	37	...	...	...	10	4	...	...	...	67
Otsego	60	4	...	...	...	36	11	4	...	...	5
Putman	16	2	...	...	...	4	...	...	...	...	10
Rensselaer	97	24	3	...	...	14	1	8	...	...	47
Rockland	191	96	4	3	6	9	25	2	...	...	46
St. Lawrence	63	2	...	...	2	45	11	1	...	...	2
Saratoga	194	60	...	...	...	17	6	26	8	...	77
Schenectady	253	116	...	10	4	10	1	...	2	...	110
Schoharie	23	11	...	1	...	1	...	...	...	...	10
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	15	3	...	...	...	4	2	...	...	...	6
Steuben	53	36	...	1	2	1	...	...	...	...	13
Suffolk	284	42	3	...	...	4	1	18	5	...	211
Sullivan	96	16	7	1	2	24	11	...	...	...	35
Tioga	36	19	...	...	...	...	9	2	...	...	6
Tompkins	91	21	...	4	1	3	9	3	...	...	50
Ulster	379	74	...	5	1	13	17	13	6	3	247
Warren	17	14	...	...	...	...	...	...	...	...	3
Washington	54	42	...	...	1	...	...	...	...	...	11
Wayne	64	18	...	...	3	23	1	...	...	...	19
Westchester	325	93	2	1	...	34	21	14	2	...	158
Wyoming	54	19	...	...	...	6	...	2	...	...	27
Yates	21	4	...	...	...	...	1	1	...	...	15

* 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
1989

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	2871	928	32	33	37	512	389	151	10	...	779
Total New York City	1005	175	10	2	...	255	264	108	2	...	189
New York	276	25	5	2	...	129	58	23	...	...	34
Kings	336	55	4	...	...	79	72	12	...	...	114
Queens	370	89	1	...	...	43	128	73	2	...	34
Bronx	15	5	...	...	...	1	4	...	...	...	5
Richmond	8	1	...	...	...	3	2	...	...	...	2
Total Upstate	1866	753	22	31	37	257	125	43	8	...	590
Albany	21	6	...	...	...	1	...	...	...	...	14
Allegany	21	2	...	...	...	3	2	1	...	...	13
Broome	28	13	...	...	1	5	3	1	...	...	5
Cattaraugus	14	3	...	...	...	2	4	1	...	...	4
Cayuga	3	2	...	...	...	...	1	...	...	...	...
Chautauqua	15	2	...	2	1	...	...	...	...	...	10
Chemung	15	7	...	7	...	1	...	...	...	...	...
Chenango	4	4	...	...	...	...	...	...	...	...	...
Clinton	23	13	...	...	3	...	2	...	...	...	5
Columbia	2	1	...	...	...	...	...	...	...	...	1
Cortland	5	4	...	...	...	...	...	...	...	...	1
Delaware	26	15	...	...	...	7	...	...	...	...	4
Dutchess	100	61	8	...	4	1	9	3	...	...	14
Erie	222	138	2	9	2	22	14	3	...	...	32
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	7	4	...	...	...	...	...	...	...	...	3
Fulton	10	2	2	...	...	1	1	...	...	...	4
Genessee	7	...	1	...	2	1	1	...	...	...	2
Greene	2	...	...	...	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	3	1	...	...	...	...	...	...	...	...	2
Jefferson	32	15	...	...	...	...	...	...	...	...	17
Lewis	9	9	...	...	...	...	...	...	...	...	...
Livingston	49	18	...	...	...	3	3	...	...	...	25
Madison	21	7	...	...	3	1	4	...	...	...	6
Monroe	215	107	4	8	15	20	4	...	...	...	57
Montgomery	15	5	...	...	...	5	3	...	...	...	2
Nassau	24	6	...	...	...	6	8	3	1	...	...
Niagara	20	13	...	...	...	2	1	2	...	...	2
Oneida	74	4	...	...	...	42	12	...	...	...	16
Onondaga	138	47	...	...	...	25	9	1	...	...	56
Ontario	25	14	...	...	...	6	...	5	...	...	...
Orange	76	25	...	1	1	14	5	1	1	...	28
Orleans	2	...	...	...	...	1	...	...	...	...	1
Oswego	37	22	...	...	...	3	4	...	...	...	8
Otsego	13	2	...	...	...	8	2	1	...	...	...
Putman	3	2	...	...	...	...	...	...	...	...	1
Rensselaer	49	7	3	...	...	12	1	3	...	...	23
Rockland	29	20	...	...	1	4	1	...	...	...	3
St. Lawrence	27	2	...	...	...	18	6	...	...	...	1
Saratoga	31	10	...	...	...	3	1	3	3	...	11
Schenectady	99	38	...	...	...	2	1	...	...	...	58
Schoharie	6	1	...	...	...	...	...	...	...	...	5
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	...	...	...	...	1
Steuben	21	13	...	...	2	1	...	...	...	...	5
Suffolk	37	8	...	...	...	2	1	1	...	...	25
Sullivan	19	7	...	...	1	9	2	...	...	...	...
Tioga	16	10	...	...	...	...	2	2	...	...	2
Tompkins	22	6	...	3	...	2	2	...	...	...	9
Ulster	113	10	...	1	1	4	7	6	3	...	81
Warren	10	9	...	...	...	...	...	...	...	...	1
Washington	1	1	...	...	...	...	...	...	...	...	...
Wayne	18	9	...	...	...	5	1	...	...	...	3
Westchester	59	20	2	...	...	9	7	5	...	...	16
Wyoming	24	7	...	...	...	6	...	...	...	...	11
Yates	3	1	...	...	...	...	1	1	...	...	...

* Disposed before Fact-Finding

Table A-11
FAMILY COURT
Original Dispositions of Child Protective Petitions
Type of Petition
1989

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted for JO Petition	Petition Substituted for FO Petition	Other Petition
Total New York State	23954	3052	20856	1	5	...	40
Total New York City	15513	1221	14275	1	2	...	14
New York	5825	366	5457	...	2	...	...
Kings	5495	399	5090	...	...	...	6
Queens	2646	396	2241	1	...	...	8
Bronx	1227	44	1183	...	...	...	...
Richmond	320	16	304	...	...	...	...
Total Upstate	8441	1831	6581	...	3	...	26
Albany	168	23	144	...	...	...	1
Allegany	66	21	45	...	...	...	...
Broome	133	21	112	...	...	...	...
Cattaraugus	146	15	131	...	...	...	...
Cayuga	12	2	10	...	...	...	...
Chautauqua	109	15	94	...	...	...	...
Chemung	149	16	133	...	...	...	...
Chenango	15	5	10	...	...	...	...
Clinton	50	24	26	...	...	...	...
Columbia	21	2	19	...	...	...	...
Cortland	58	5	53	...	...	...	...
Delaware	45	25	18	...	...	...	2
Dutchess	330	97	233	...	...	...	...
Erie	962	222	740	...	...	...	...
Essex	...	...	...	...	...	...	...
Franklin	53	7	46	...	...	...	...
Fulton	66	16	50	...	...	...	...
Genessee	12	7	5	...	...	...	...
Greene	14	2	12	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	8	3	5	...	...	...	...
Jefferson	150	30	120	...	...	...	...
Lewis	14	9	5	...	...	...	...
Livingston	93	50	43	...	...	...	...
Madison	75	21	54	...	...	...	...
Monroe	992	214	771	...	3	...	4
Montgomery	41	16	25	...	...	...	...
Nassau	370	32	338	...	...	...	...
Niagara	136	26	110	...	...	...	...
Oneida	311	76	235	...	...	...	...
Onondaga	694	148	544	...	...	...	2
Ontario	65	25	39	...	...	...	1
Orange	569	77	492	...	...	...	...
Orleans	10	2	8	...	...	...	...
Oswego	118	35	83	...	...	...	...
Otsego	60	13	47	...	...	...	...
Putman	16	3	13	...	...	...	...
Rensselaer	97	49	48	...	...	...	...
Rockland	191	29	162	...	...	...	...
St. Lawrence	63	27	36	...	...	...	...
Saratoga	194	30	164	...	...	...	...
Schenectady	253	101	152	...	...	...	...
Schoharie	23	6	17	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	15	1	14	...	...	...	...
Steuben	53	21	32	...	...	...	...
Suffolk	284	34	240	...	...	...	10
Sullivan	96	18	78	...	...	...	...
Tioga	36	17	19	...	...	...	...
Tompkins	91	21	67	...	...	...	3
Ulster	379	75	304	...	...	...	...
Warren	17	10	7	...	...	...	...
Washington	54	1	53	...	...	...	...
Wayne	64	21	43	...	...	...	...
Westchester	325	38	284	...	...	...	3
Wyoming	54	24	30	...	...	...	...
Yates	21	3	18	...	...	...	...

Table A-12
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Type of Petition
1989

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted for JO Petition	Petition Substituted for FO Petition	Other Petition
Total New York State	2871	2718	150	...	...	...	3
Total New York City	1005	974	30	...	...	...	1
New York	276	269	7	...	...	...	...
Kings	336	324	12	...	...	...	...
Queens	370	359	10	...	...	...	1
Bronx	15	14	1	...	...	...	...
Richmond	8	8	...	...	...	...	...
Total Upstate	1866	1744	120	...	...	...	2
Albany	21	21	...	...	...	...	...
Allegany	21	21	...	...	...	...	...
Broome	28	15	13	...	...	...	...
Cattaraugus	14	14	...	...	...	...	...
Cayuga	3	2	1	...	...	...	...
Chautauqua	15	15	...	...	...	...	...
Chemung	15	15	...	...	...	...	...
Chenango	4	4	...	...	...	...	...
Clinton	23	23	...	...	...	...	...
Columbia	2	2	...	...	...	...	...
Cortland	5	5	...	...	...	...	...
Delaware	26	24	...	...	...	...	2
Dutchess	100	90	10	...	...	...	...
Erie	222	221	1	...	...	...	...
Essex	...	...	...	...	...	...	...
Franklin	7	7	...	...	...	...	...
Fulton	10	10	...	...	...	...	...
Genessee	7	7	...	...	...	...	...
Greene	2	2	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	3	3	...	...	...	...	...
Jefferson	32	30	2	...	...	...	...
Lewis	9	9	...	...	...	...	...
Livingston	49	49	...	...	...	...	...
Madison	21	21	...	...	...	...	...
Monroe	215	209	6	...	...	...	...
Montgomery	15	15	...	...	...	...	...
Nassau	24	24	...	...	...	...	...
Niagara	20	20	...	...	...	...	...
Oneida	74	72	2	...	...	...	...
Onondaga	138	136	2	...	...	...	...
Ontario	25	25	...	...	...	...	...
Orange	76	76	...	...	...	...	...
Orleans	2	2	...	...	...	...	...
Oswego	37	34	3	...	...	...	...
Otsego	13	13	...	...	...	...	...
Putman	3	3	...	...	...	...	...
Rensselaer	49	49	...	...	...	...	...
Rockland	29	29	...	...	...	...	...
St. Lawrence	27	27	...	...	...	...	...
Saratoga	31	30	1	...	...	...	...
Schenectady	99	97	2	...	...	...	...
Schoharie	6	6	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	1	1	...	...	...	...	...
Steuben	21	21	...	...	...	...	...
Suffolk	37	34	3	...	...	...	...
Sullivan	19	18	1	...	...	...	...
Tioga	16	16	...	...	...	...	...
Tompkins	22	20	2	...	...	...	...
Ulster	113	69	44	...	...	...	...
Warren	10	10	...	...	...	...	...
Washington	1	1	...	...	...	...	...
Wayne	18	17	1	...	...	...	...
Westchester	59	33	26	...	...	...	...
Wyoming	24	24	...	...	...	...	...
Yates	3	3	...	...	...	...	...

Table A-13
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Outcome of Fact-Finding
1989

Location	Total	Abuse/Neglect Established after FF	Abuse/Neglect Established by Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	23954	7892	10897	355	4810
Total New York City	15513	6999	6736	155	1623
New York	5825	2962	2290	97	476
Kings	5495	2585	2123	33	754
Queens	2646	869	1503	22	252
Bronx	1227	455	672	2	98
Richmond	320	128	148	1	43
Total Upstate	8441	893	4161	200	3187
Albany	168	...	30	4	134
Allegany	66	...	22	...	44
Broome	133	19	91	1	22
Cattaraugus	146	9	83	...	54
Cayuga	12	1	5	1	5
Chautauqua	109	9	36	...	64
Chemung	149	11	111	5	22
Chenango	15	4	10	...	1
Clinton	50	5	34	...	11
Columbia	21	...	11	...	10
Cortland	58	4	30	5	19
Delaware	45	5	17	8	15
Dutchess	330	79	158	1	92
Erie	962	122	657	22	161
Essex	...	...	...	...	...
Franklin	53	...	31	...	22
Fulton	66	5	46	...	15
Genessee	12	2	6	1	3
Greene	14	1	5	...	8
Hamilton	...	...	...	...	...
Herkimer	8	...	4	...	4
Jefferson	150	...	120	...	30
Lewis	14	...	14	...	...
Livingston	93	6	34	...	53
Madison	75	3	28	...	44
Monroe	992	80	495	19	398
Montgomery	41	3	16	...	22
Nassau	370	43	276	9	42
Niagara	136	18	81	5	32
Oneida	311	47	161	14	89
Onondaga	694	88	252	16	338
Ontario	65	14	26	19	6
Orange	569	83	217	18	251
Orleans	10	3	3	3	1
Oswego	118	1	50	...	67
Otsego	60	36	15	4	5
Putman	16	...	6	...	10
Rensselaer	97	15	35	...	47
Rockland	191	24	110	11	46
St. Lawrence	63	1	60	...	2
Saratoga	194	13	104	...	77
Schenectady	253	14	125	4	110
Schoharie	23	1	11	1	10
Schuyler	...	...	...	...	...
Seneca	15	...	9	...	6
Steuben	53	2	38	...	13
Suffolk	284	3	67	3	211
Sullivan	96	29	22	10	35
Tioga	36	2	28	...	6
Tompkins	91	7	34	...	50
Ulster	379	29	94	9	247
Warren	17	...	14	...	3
Washington	54	1	42	...	11
Wayne	64	6	39	...	19
Westchester	325	34	127	6	158
Wyoming	54	11	15	1	27
Yates	21	...	6	...	15

* Disposed Before FF: [Withdrawn, Consol, Trans., Dism.]

Table A-14
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Outcome of Fact-Finding
1989

Location	Total	Abuse/Neglect Established after FF	Abuse/Neglect Established by Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	2871	722	1279	91	779
Total New York City	1005	398	404	14	189
New York	276	162	77	3	34
Kings	336	69	143	10	114
Queens	370	154	181	1	34
Bronx	15	10	...	...	5
Richmond	8	3	3	...	2
Total Upstate	1866	324	875	77	590
Albany	21	...	7	...	14
Allegany	21	...	8	...	13
Broome	28	5	18	...	5
Cattaraugus	14	3	7	...	4
Cayuga	3	...	2	1	...
Chautauqua	15	1	4	...	10
Chemung	15	2	13	...	...
Chenango	4	1	3	...	...
Clinton	23	5	13	...	5
Columbia	2	...	1	...	1
Cortland	5	...	2	2	1
Delaware	26	3	14	5	4
Dutchess	100	41	44	1	14
Erie	222	43	134	13	32
Essex	...	...	...	...	...
Franklin	7	...	4	...	3
Fulton	10	1	5	...	4
Genessee	7	2	3	...	2
Greene	2	...	...	...	2
Hamilton	...	...	...	...	...
Herkimer	3	...	1	...	2
Jefferson	32	...	15	...	17
Lewis	9	...	9	...	...
Livingston	49	6	18	...	25
Madison	21	3	12	...	6
Monroe	215	39	106	13	57
Montgomery	15	3	10	...	2
Nassau	24	6	16	2	...
Niagara	20	4	13	1	2
Oneida	74	17	39	2	16
Onondaga	138	25	47	10	56
Ontario	25	9	11	5	...
Orange	76	16	24	8	28
Orleans	2	...	1	...	1
Oswego	37	1	28	...	8
Otsego	13	7	2	4	...
Putman	3	...	2	...	1
Rensselaer	49	11	15	...	23
Rockland	29	5	17	4	3
St. Lawrence	27	1	25	...	1
Saratoga	31	4	16	...	11
Schenectady	99	8	33	...	58
Schoharie	6	...	1	...	5
Schuyler	...	...	...	...	...
Seneca	1	...	...	...	1
Steuben	21	1	15	...	5
Suffolk	37	1	11	...	25
Sullivan	19	9	9	1	...
Tioga	16	2	12	...	2
Tompkins	22	5	8	...	9
Ulster	113	8	20	4	81
Warren	10	...	9	...	1
Washington	1	...	1	...	...
Wayne	18	2	13	...	3
Westchester	59	18	24	1	16
Wyoming	24	6	7	...	11
Yates	3	...	3	...	...

* DisposedBefore FF: [Withdrawn, Consol, Trans., Dism.]

Table A-15
FAMILY COURT
Original Dispositions of Child Protective Petitions: Breakdown of Dispositions (Allegations Not Established)
1989

Location	Total	Dispositions — Allegations Not Established						
		With-drawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	23954	1525	29	73	2588	244	525	18970
Total New York City	15513	705	6	15	801	135	204	13647
New York	5825	163	2	13	232	86	81	5248
Kings	5495	342	...	1	367	31	75	4679
Queens	2646	122	4	1	157	18	24	2320
Bronx	1227	57	...	...	23	...	23	1124
Richmond	320	21	...	...	22	...	1	276
Total Upstate	8441	820	23	58	1787	109	321	5323
Albany	168	11	1	...	86	...	35	35
Allegany	66	9	2	2	9	...	1	43
Broome	133	1	...	...	3	...	...	129
Cattaraugus	146	5	...	...	39	...	7	95
Cayuga	12	2	...	...	...	1	1	8
Chautauqua	109	8	...	...	23	...	11	67
Chemung	149	3	...	3	7	...	...	136
Chenango	15	...	...	...	1	...	...	14
Clinton	50	1	...	...	6	...	...	43
Columbia	21	4	...	1	2	...	...	14
Cortland	58	6	...	...	14	2	1	35
Delaware	45	...	...	6	1	8	8	22
Dutchess	330	17	1	4	85	1	9	213
Erie	962	13	...	5	112	6	63	763
Essex	...	...	...	...	...	...	...	...
Franklin	53	5	...	...	13	...	2	33
Fulton	66	2	...	...	13	...	...	51
Genessee	12	3	...	...	1	...	...	8
Greene	14	3	...	...	4	...	1	6
Hamilton	...	...	...	...	...	...	...	...
Herkimer	8	3	...	...	...	...	1	4
Jefferson	150	11	...	1	12	...	6	120
Lewis	14	...	...	...	...	...	...	14
Livingston	93	4	...	3	43	...	...	43
Madison	75	9	...	10	21	...	1	34
Monroe	992	92	5	3	285	25	20	562
Montgomery	41	4	...	...	21	...	3	13
Nassau	370	19	6	...	16	...	2	327
Niagara	136	13	...	...	22	...	5	96
Oneida	311	60	...	...	22	16	7	206
Onondaga	694	126	...	5	17	16	35	495
Ontario	65	1	...	1	23	2	1	37
Orange	569	9	...	2	220	9	8	321
Orleans	10	...	...	...	...	...	4	6
Oswego	118	4	...	...	55	...	4	55
Otsego	60	...	...	...	1	6	...	53
Putman	16	6	...	...	4	...	...	6
Rensselaer	97	7	2	...	41	...	...	47
Rockland	191	12	...	...	40	...	1	138
St. Lawrence	63	...	...	...	...	...	2	61
Saratoga	194	20	...	2	78	...	15	79
Schenectady	253	40	6	...	43	6	13	145
Schoharie	23	...	...	...	4	1	4	14
Schuyler	...	...	...	...	...	...	...	...
Seneca	15	1	...	...	2	...	3	9
Steuben	53	4	...	...	4	...	4	41
Suffolk	284	101	...	...	108	1	26	48
Sullivan	96	5	...	4	34	4	...	49
Tioga	36	...	...	...	3	...	2	31
Tompkins	91	7	...	2	37	...	2	43
Ulster	379	94	...	...	134	2	5	144
Warren	17	...	...	...	6	...	...	11
Washington	54	4	...	...	7	...	...	43
Wayne	64	2	...	...	10	...	...	52
Westchester	325	61	...	...	26	2	3	233
Wyoming	54	2	...	4	25	1	...	22
Yates	21	6	...	...	4	...	5	6

Table A-16
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Not Established)
1989

Location	Total	Dispositions — Allegations Not Established						
		With-drawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	2871	289	5	11	390	65	107	2004
Total New York City	1005	93	...	2	126	10	10	764
New York	276	8	...	2	21	5	2	238
Kings	336	64	...	...	63	4	3	202
Queens	370	17	...	...	42	1	2	308
Bronx	15	2	...	...	...	...	3	10
Richmond	8	2	...	...	...	...	...	6
Total Upstate	1866	196	5	9	264	55	97	1240
Albany	21	1	...	...	10	...	2	8
Allegany	21	1	2	2	5	...	...	11
Broome	28	...	...	...	...	...	...	28
Cattaraugus	14	...	...	...	4	...	...	10
Cayuga	3	...	...	...	...	1	...	2
Chautauqua	15	2	...	...	...	...	6	7
Chemung	15	...	...	...	...	...	...	15
Chenango	4	...	...	...	...	...	...	4
Clinton	23	...	...	...	1	...	...	22
Columbia	2	1	...	...	...	...	...	1
Cortland	5	1	...	...	...	2	...	2
Delaware	26	...	...	...	...	5	4	17
Dutchess	100	4	...	2	10	1	1	82
Erie	222	...	...	...	20	5	24	173
Essex	...	...	...	...	...	...	...	...
Franklin	7	2	...	...	1	...	...	4
Fulton	10	...	...	...	4	...	...	6
Genessee	7	2	...	...	...	...	...	5
Greene	2	2	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	3	1	...	...	...	...	1	1
Jefferson	32	3	...	...	8	...	6	15
Lewis	9	...	...	...	...	...	...	9
Livingston	49	4	...	...	18	...	...	27
Madison	21	3	...	...	2	...	1	15
Monroe	215	24	2	2	28	12	7	140
Montgomery	15	2	...	...	4	...	...	9
Nassau	24	1	1	...	...	...	...	22
Niagara	20	1	...	...	2	...	...	17
Oneida	74	10	...	...	6	2	...	56
Onondaga	138	20	...	...	4	11	9	94
Ontario	25	...	...	...	5	2	...	18
Orange	76	1	...	...	21	7	1	46
Orleans	2	...	...	...	...	...	1	1
Oswego	37	...	...	...	4	...	4	29
Otsego	13	...	...	...	...	4	...	9
Putman	3	1	...	...	...	...	...	2
Rensselaer	49	6	...	...	17	...	...	26
Rockland	29	1	...	...	6	...	...	22
St. Lawrence	27	...	...	...	...	...	1	26
Saratoga	31	7	...	1	6	...	3	14
Schenectady	99	26	...	...	17	...	10	46
Schoharie	6	...	...	...	2	...	3	1
Schuyler	...	...	...	...	...	...	...	...
Seneca	1	1	...	...	...	...	...	...
Steuben	21	2	...	...	...	...	3	16
Suffolk	37	7	...	...	14	...	5	11
Sullivan	19	...	...	...	2	1	...	16
Tioga	16	...	...	...	2	...	...	14
Tompkins	22	...	...	1	...	...	1	20
Ulster	113	44	...	...	26	...	4	39
Warren	10	...	...	...	2	...	...	8
Washington	1	...	...	...	...	...	...	1
Wayne	18	1	...	...	2	...	...	15
Westchester	59	13	...	...	1	2	...	43
Wyoming	24	1	...	1	10	...	...	12
Yates	3	...	...	...	...	...	...	3

Table A-17
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Breakdown of Dispositions (Allegations Established)
1989

Location	Total	Judgement Suspended	Released to Parent or Responsible Person	Released to Parent or Responsible Person Under Supervision	Discharged to Social Services for Adoption	Placement		
						Reliable or Suitable Person	Comm. of Social Services	Other Authorized Agency
Total New York State	18970	87	891	4588	56	921	12404	23
Total New York City	13647	10	536	2434	35	643	9973	16
New York	5248	6	165	1052	2	114	3905	4
Kings	4679	1	215	658	33	263	3501	8
Queens	2320	3	122	459	...	251	1482	3
Bronx	1124	...	18	209	...	12	884	1
Richmond	276	...	16	56	...	3	201	...
Total Upstate	5323	77	355	2154	21	278	2431	7
Albany	35	11	...	15	2	1	6	...
Allegany	43	...	9	16	4	2	12	...
Broome	129	...	1	14	...	27	87	...
Cattaraugus	95	...	4	36	1	2	52	...
Cayuga	8	1	...	3	...	...	4	...
Chautauqua	67	...	2	30	...	2	33	...
Chemung	136	...	...	59	...	10	67	...
Chenango	14	...	...	6	...	4	4	...
Clinton	43	...	2	17	...	7	17	...
Columbia	14	...	1	8	...	3	2	...
Cortland	35	...	2	6	...	3	24	...
Delaware	22	1	14	4	...	...	3	...
Dutchess	213	4	8	41	...	7	153	...
Erie	763	1	22	273	...	...	467	...
Essex	...	...	...	...	...	...	...	...
Franklin	33	...	5	4	...	7	17	...
Fulton	51	...	2	38	...	...	11	...
Genessee	8	...	...	5	...	3	...	...
Greene	6	...	1	...	...	...	5	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	4	...	1	2	...	...	1	...
Jefferson	120	...	1	64	...	...	55	...
Lewis	14	...	...	...	...	...	14	...
Livingston	43	...	16	19	...	...	8	...
Madison	34	...	...	18	...	9	7	...
Monroe	562	...	17	411	...	...	134	...
Montgomery	13	...	...	2	...	...	11	...
Nassau	327	...	43	184	2	30	67	1
Niagara	96	...	3	69	...	14	10	...
Oneida	206	...	21	14	...	3	168	...
Onondaga	495	10	26	217	...	48	194	...
Ontario	37	...	...	13	...	...	24	...
Orange	321	...	23	97	1	5	195	...
Orleans	6	...	5	1	...	...	...	...
Oswego	55	...	1	42	...	1	11	...
Otsego	53	...	...	11	...	1	41	...
Putman	6	...	1	...	...	1	4	...
Rensselaer	47	7	2	15	...	5	18	...
Rockland	138	16	9	50	5	1	57	...
St. Lawrence	61	...	...	47	...	...	14	...
Saratoga	79	17	8	17	...	6	31	...
Schenectady	145	...	18	49	...	9	69	...
Schoharie	14	...	...	4	...	2	8	...
Schuyler	...	...	...	...	...	...	...	...
Seneca	9	...	...	8	...	...	1	...
Steuben	41	...	22	5	2	1	11	...
Suffolk	48	...	7	20	...	10	11	...
Sullivan	49	1	11	8	1	3	24	1
Tioga	31	...	5	3	2	2	19	...
Tompkins	43	7	...	...	1	7	28	...
Ulster	144	...	16	25	...	6	97	...
Warren	11	...	1	5	...	...	5	...
Washington	43	...	3	14	...	2	24	...
Wayne	52	...	4	42	...	...	6	...
Westchester	233	...	12	93	...	29	94	5
Wyoming	22	1	2	8	...	5	6	...
Yates	6	...	4	2	...	...	...	...

Table A-18
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Established)
1989

Location	Total	Judgement Suspended	Released to Parent or Responsible Person	Released to Parent or Responsible Person Under Supervision	Discharged to Social Services for Adoption	Placement		
						Reliable or Suitable Person	Comm. of Social Services	Other Authorized Agency
Total New York State	2004	19	239	781	5	94	865	1
Total New York City	764	...	98	260	...	29	377	...
New York	238	...	19	65	...	10	144	...
Kings	202	...	23	73	...	9	97	...
Queens	308	...	56	118	...	10	124	...
Bronx	10	...	...	...	...	...	10	...
Richmond	6	...	...	4	...	...	2	...
Total Upstate	1240	19	141	521	5	65	488	1
Albany	8	3	...	3	...	...	2	...
Allegany	11	...	1	3	...	2	5	...
Broome	28	...	...	6	...	5	17	...
Cattaraugus	10	...	1	7	...	...	2	...
Cayuga	2	...	...	2	...	...	...	...
Chautauqua	7	...	1	1	...	2	3	...
Chemung	15	...	...	8	...	...	7	...
Chenango	4	...	...	1	...	1	2	...
Clinton	22	...	...	14	...	2	6	...
Columbia	1	...	1	...	...	...	...	...
Cortland	2	...	...	2	...	...	...	...
Delaware	17	...	12	3	...	...	2	...
Dutchess	82	4	2	8	...	2	66	...
Erie	173	...	14	94	...	...	65	...
Essex	...	...	...	...	...	...	...	...
Franklin	4	...	1	...	...	3	...	...
Fulton	6	...	...	3	...	...	3	...
Genessee	5	...	...	2	...	3	...	...
Greene	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	1	...
Jefferson	15	...	...	8	...	...	7	...
Lewis	9	...	...	...	...	...	9	...
Livingston	27	...	16	11	...	...	...	...
Madison	15	...	...	12	...	...	3	...
Monroe	140	...	4	110	...	...	26	...
Montgomery	9	...	...	...	...	...	9	...
Nassau	22	...	7	7	...	5	3	...
Niagara	17	...	2	8	...	3	4	...
Oneida	56	...	5	4	...	2	45	...
Onondaga	94	...	12	44	...	7	31	...
Ontario	18	...	...	7	...	...	11	...
Orange	46	...	7	16	...	1	22	...
Orleans	1	...	1	...	...	...	...	...
Oswego	29	...	1	19	...	...	9	...
Otsego	9	...	...	5	...	...	4	...
Putman	2	...	1	...	...	1	...	...
Rensselaer	26	5	2	8	...	5	6	...
Rockland	22	...	2	9	2	...	9	...
St. Lawrence	26	...	...	17	...	...	9	...
Saratoga	14	3	4	1	...	...	6	...
Schenectady	46	...	2	26	...	5	13	...
Schoharie	1	...	...	...	...	...	1	...
Schuyler	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...
Steuben	16	...	11	...	2	1	2	...
Suffolk	11	...	2	6	...	1	2	...
Sullivan	16	...	6	2	...	...	7	1
Tioga	14	...	4	...	...	1	9	...
Tompkins	20	4	...	...	1	3	12	...
Ulster	39	...	6	11	...	...	22	...
Warren	8	...	1	3	...	...	4	...
Washington	1	...	...	...	...	...	1	...
Wayne	15	...	2	12	...	...	1	...
Westchester	43	...	6	12	...	10	15	...
Wyoming	12	...	2	5	...	...	5	...
Yates	3	...	2	1	...	...	...	...

Table A-19
FAMILY COURT
Original Dispositions of Child Protective Petitions: Order of Protection
1989

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	23954	5363	18591
Total New York City	15513	1667	13846
New York	5825	258	5567
Kings	5495	427	5068
Queens	2646	920	1726
Bronx	1227	20	1207
Richmond	320	42	278
Total Upstate	8441	3696	4745
Albany	168	66	102
Allegany	66	20	46
Broome	133	68	65
Cattaraugus	146	22	124
Cayuga	12	1	11
Chautauqua	109	11	98
Chemung	149	45	104
Chenango	15	9	6
Clinton	50	27	23
Columbia	21	2	19
Cortland	58	21	37
Delaware	45	22	23
Dutchess	330	262	68
Erie	962	260	702
Essex	...	...	...
Franklin	53	3	50
Fulton	66	3	63
Genessee	12	8	4
Greene	14	5	9
Hamilton	...	...	...
Herkimer	8	6	2
Jefferson	150	23	127
Lewis	14	2	12
Livingston	93	50	43
Madison	75	26	49
Monroe	992	815	177
Montgomery	41	8	33
Nassau	370	95	275
Niagara	136	36	100
Oneida	311	90	221
Onondaga	694	389	305
Ontario	65	26	39
Orange	569	237	332
Orleans	10	6	4
Oswego	118	96	22
Otsego	60	22	38
Putman	16	3	13
Rensselaer	97	71	26
Rockland	191	120	71
St. Lawrence	63	57	6
Saratoga	194	69	125
Schenectady	253	146	107
Schoharie	23	3	20
Schuyler	...	...	...
Seneca	15	4	11
Steuben	53	23	30
Suffolk	284	57	227
Sullivan	96	31	65
Tioga	36	15	21
Tompkins	91	33	58
Ulster	379	130	249
Warren	17	13	4
Washington	54	27	27
Wayne	64	63	1
Westchester	325	39	286
Wyoming	54	4	50
Yates	21	6	15

Table A-20
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Order of Protection
1989

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	2871	1615	1256
Total New York City	1005	447	558
New York	276	81	195
Kings	336	136	200
Queens	370	228	142
Bronx	15	...	15
Richmond	8	2	6
Total Upstate	1866	1168	698
Albany	21	15	6
Allegany	21	7	14
Broome	28	23	5
Cattaraugus	14	7	7
Cayuga	3	1	2
Chautauqua	15	5	10
Chemung	15	15	...
Chenango	4	3	1
Clinton	23	18	5
Columbia	2	1	1
Cortland	5	3	2
Delaware	26	19	7
Dutchess	100	70	30
Erie	222	130	92
Essex	...	...	...
Franklin	7	3	4
Fulton	10	...	10
Genessee	7	5	2
Greene	2	1	1
Hamilton	...	...	...
Herkimer	3	3	...
Jefferson	32	8	24
Lewis	9	1	8
Livingston	49	37	12
Madison	21	19	2
Monroe	215	171	44
Montgomery	15	...	15
Nassau	24	18	6
Niagara	20	9	11
Oneida	74	42	32
Onondaga	138	104	34
Ontario	25	20	5
Orange	76	45	31
Orleans	2	1	1
Oswego	37	27	10
Otsego	13	7	6
Putman	3	1	2
Rensselaer	49	42	7
Rockland	29	20	9
St. Lawrence	27	26	1
Saratoga	31	16	15
Schenectady	99	60	39
Schoharie	6	...	6
Schuyler	...	...	...
Seneca	1	...	1
Steuben	21	7	14
Suffolk	37	21	16
Sullivan	19	14	5
Tioga	16	12	4
Tompkins	22	18	4
Ulster	113	40	73
Warren	10	9	1
Washington	1	1	...
Wayne	18	18	...
Westchester	59	21	38
Wyoming	24	1	23
Yates	3	3	...

Table A-21
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Allegations in Petitions
1989

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	24916	822	551	1810	21733
Total New York City	15956	435	197	537	14787
New York	5964	133	43	131	5657
Kings	5589	130	57	158	5244
Queens	2854	157	96	240	2361
Bronx	1228	10	1	5	1212
Richmond	321	5	...	3	313
Total Upstate	8960	387	354	1273	6946
Albany	168	...	1	20	147
Allegany	70	4	9	12	45
Broome	148	10	1	14	123
Cattaraugus	149	2	3	11	133
Cayuga	14	2	...	1	11
Chautauqua	114	1	6	9	98
Chemung	149	...	...	15	134
Chenango	15	1	...	3	11
Clinton	91	9	17	15	50
Columbia	21	...	...	2	19
Cortland	58	1	...	4	53
Delaware	57	6	8	17	26
Dutchess	360	21	7	80	252
Erie	994	67	35	150	742
Essex	...	...	...	...	...
Franklin	53	...	1	6	46
Fulton	66	...	1	9	56
Genessee	16	2	2	3	9
Greene	14	...	...	2	12
Hamilton	...	...	...	...	...
Herkimer	10	...	...	3	7
Jefferson	150	16	1	15	118
Lewis	24	6	2	3	13
Livingston	93	8	...	41	44
Madison	75	2	...	19	54
Monroe	1005	33	99	94	779
Montgomery	55	5	...	10	40
Nassau	384	7	1	17	359
Niagara	136	2	5	13	116
Oneida	315	10	6	58	241
Onondaga	748	9	21	114	604
Ontario	65	6	5	14	40
Orange	593	36	27	36	494
Orleans	12	1	...	1	10
Oswego	119	3	4	31	81
Otsego	60	1	4	8	47
Putman	16	...	...	3	13
Rensselaer	101	4	13	32	52
Rockland	193	3	6	22	162
St. Lawrence	63	4	4	19	36
Saratoga	194	1	...	30	163
Schenectady	372	44	29	53	246
Schoharie	23	...	...	6	17
Schuyler	...	...	...	...	...
Seneca	15	...	...	1	14
Steuben	53	...	...	21	32
Suffolk	285	7	3	27	248
Sullivan	98	1	2	16	79
Tioga	36	...	1	15	20
Tompkins	99	8	1	19	71
Ulster	435	29	8	79	319
Warren	25	...	...	10	15
Washington	54	1	...	...	53
Wayne	69	1	1	15	52
Westchester	351	12	12	36	291
Wyoming	55	1	8	16	30
Yates	22	...	...	3	19

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
1989

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	3833	822	551	1810	650
Total New York City	1448	435	197	537	279
New York	415	133	43	131	108
Kings	430	130	57	158	85
Queens	578	157	96	240	85
Bronx	16	10	1	5	...
Richmond	9	5	...	3	1
Total Upstate	2385	387	354	1273	371
Albany	21	...	1	20	...
Allegany	25	4	9	12	...
Broome	43	10	1	14	18
Cattaraugus	17	2	3	11	1
Cayuga	5	2	...	1	2
Chautauqua	20	1	6	9	4
Chemung	15	...	...	15	...
Chenango	4	1	...	3	...
Clinton	64	9	17	15	23
Columbia	2	...	...	2	...
Cortland	5	1	...	4	...
Delaware	38	6	8	17	7
Dutchess	130	21	7	80	22
Erie	254	67	35	150	2
Essex	...	...	...	...	...
Franklin	7	...	1	6	...
Fulton	10	...	1	9	...
Genessee	11	2	2	3	4
Greene	2	...	...	2	...
Hamilton	...	...	...	...	...
Herkimer	5	...	...	3	2
Jefferson	32	16	1	15	...
Lewis	19	6	2	3	8
Livingston	49	8	...	41	...
Madison	21	2	...	19	...
Monroe	228	33	99	94	2
Montgomery	29	5	...	10	14
Nassau	38	7	1	17	13
Niagara	20	2	5	13	...
Oneida	78	10	6	58	4
Onondaga	192	9	21	114	48
Ontario	25	6	5	14	...
Orange	100	36	27	36	1
Orleans	4	1	...	1	2
Oswego	38	3	4	31	...
Otsego	13	1	4	8	...
Putman	3	...	...	3	...
Rensselaer	53	4	13	32	4
Rockland	31	3	6	22	...
St. Lawrence	27	4	4	19	...
Saratoga	31	1	...	30	...
Schenectady	218	44	29	53	92
Schoharie	6	...	...	6	...
Schuyler	...	...	...	...	...
Seneca	1	...	...	1	...
Steuben	21	...	...	21	...
Suffolk	38	7	3	27	1
Sullivan	21	1	2	16	2
Tioga	16	...	1	15	...
Tompkins	30	8	1	19	2
Ulster	169	29	8	79	53
Warren	18	...	...	10	8
Washington	1	1	...	...	...
Wayne	23	1	1	15	6
Westchester	85	12	12	36	25
Wyoming	25	1	8	16	...
Yates	4	...	...	3	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
1989

Location	Total	Abuse	Neglect	Abuse and Neglect	Not Applicable*
Total New York State	23954	1058	18319	413	4164
Total New York City	15513	356	13468	186	1503
New York	5825	111	5195	51	468
Kings	5495	111	4678	32	674
Queens	2646	123	2179	101	243
Bronx	1227	11	1135	...	81
Richmond	320	...	281	2	37
Total Upstate	8441	702	4851	227	2661
Albany	168	4	48	...	116
Allegany	66	10	34	1	21
Broome	133	3	109	19	2
Cattaraugus	146	9	86	...	51
Cayuga	12	1	6	1	4
Chautauqua	109	5	63	1	40
Chemung	149	8	136	...	5
Chenango	15	4	10	...	1
Clinton	50	2	27	14	7
Columbia	21	1	13	...	7
Cortland	58	2	38	...	18
Delaware	45	6	10	6	23
Dutchess	330	59	195	12	64
Erie	962	114	669	20	159
Essex	...	...	...	...	...
Franklin	53	4	29	...	20
Fulton	66	7	45	...	14
Genessee	12	4	5	1	2
Greene	14	...	7	...	7
Hamilton	...	...	...	...	...
Herkimer	8	...	3	1	4
Jefferson	150	11	111	...	28
Lewis	14	2	12	...	...
Livingston	93	18	24	1	50
Madison	75	10	21	5	39
Monroe	992	86	504	...	402
Montgomery	41	1	12	7	21
Nassau	370	4	316	18	32
Niagara	136	13	85	2	36
Oneida	311	37	170	3	101
Onondaga	694	41	432	29	192
Ontario	65	14	26	...	25
Orange	569	24	311	5	229
Orleans	10	...	6	...	4
Oswego	118	14	41	...	63
Otsego	60	7	47	2	4
Putman	16	2	4	...	10
Rensselaer	97	19	30	3	45
Rockland	191	21	126	...	44
St. Lawrence	63	12	47	2	2
Saratoga	194	18	111	...	65
Schenectady	253	5	132	18	98
Schoharie	23	1	13	...	9
Schuyler	...	...	...	...	...
Seneca	15	...	9	...	6
Steuben	53	15	27	1	10
Suffolk	284	13	113	...	158
Sullivan	96	12	49	3	32
Tioga	36	4	27	...	5
Tompkins	91	14	42	1	34
Ulster	379	10	144	17	208
Warren	17	2	7	5	3
Washington	54	...	44	...	10
Wayne	64	13	40	1	10
Westchester	325	6	213	28	78
Wyoming	54	8	18	...	28
Yates	21	2	4	...	15

* No finding

Table A-24
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Allegations Established
1989

Location	Total	Abuse	Neglect	Abuse and Neglect	Not Applicable*
Total New York State	2871	1058	652	413	748
Total New York City	1005	356	276	186	187
New York	276	111	81	51	33
Kings	336	111	80	32	113
Queens	370	123	111	101	35
Bronx	15	11	...	...	4
Richmond	8	...	4	2	2
Total Upstate	1866	702	376	227	561
Albany	21	4	4	...	13
Allegany	21	10	1	1	9
Broome	28	3	6	19	...
Cattaraugus	14	9	1	...	4
Cayuga	3	1	...	1	1
Chautauqua	15	5	1	1	8
Chemung	15	8	7	...	...
Chenango	4	4	...	...	...
Clinton	23	2	6	14	1
Columbia	2	1	...	...	1
Cortland	5	2	...	...	3
Delaware	26	6	5	6	9
Dutchess	100	59	17	12	12
Erie	222	114	50	20	38
Essex	...	...	...	...	...
Franklin	7	4	...	...	3
Fulton	10	7	...	...	3
Genessee	7	4	1	1	1
Greene	2	...	...	...	2
Hamilton	...	...	...	...	...
Herkimer	3	...	...	1	2
Jefferson	32	11	4	...	17
Lewis	9	2	7	...	...
Livingston	49	18	8	1	22
Madison	21	10	...	5	6
Monroe	215	86	64	...	65
Montgomery	15	1	5	7	2
Nassau	24	4	2	18	...
Niagara	20	13	2	2	3
Oneida	74	37	16	3	18
Onondaga	138	41	27	29	41
Ontario	25	14	6	...	5
Orange	76	24	19	5	28
Orleans	2	...	1	...	1
Oswego	37	14	15	...	8
Otsego	13	7	1	2	3
Putman	3	2	...	...	1
Rensselaer	49	19	5	3	22
Rockland	29	21	1	...	7
St. Lawrence	27	12	12	2	1
Saratoga	31	18	2	...	11
Schenectady	99	5	25	18	51
Schoharie	6	1	...	...	5
Schuyler	...	...	...	...	...
Seneca	1	...	...	...	1
Steuben	21	15	...	1	5
Suffolk	37	13	1	...	23
Sullivan	19	12	3	3	1
Tioga	16	4	10	...	2
Tompkins	22	14	5	1	2
Ulster	113	10	16	17	70
Warren	10	2	2	5	1
Washington	1	...	1	...	...
Wayne	18	13	2	1	2
Westchester	59	6	9	28	16
Wyoming	24	8	5	...	11
Yates	3	2	1	...	...

* No finding

Table A-25
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Temporary Removal of Children from Home Before Petition Filed
1989

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	23954	6740	17214
Total New York City	15513	4732	10781
New York	5825	2073	3752
Kings	5495	1012	4483
Queens	2646	1044	1602
Bronx	1227	463	764
Richmond	320	140	180
Total Upstate	8441	2008	6433
Albany	168	21	147
Allegany	66	8	58
Broome	133	14	119
Cattaraugus	146	40	106
Cayuga	12	2	10
Chautauqua	109	26	83
Chemung	149	43	106
Chenango	15	4	11
Clinton	50	20	30
Columbia	21	12	9
Cortland	58	24	34
Delaware	45	...	45
Dutchess	330	150	180
Erie	962	10	952
Essex	...	...	...
Franklin	53	4	49
Fulton	66	8	58
Genessee	12	3	9
Greene	14	...	14
Hamilton	...	...	...
Herkimer	8	5	3
Jefferson	150	40	110
Lewis	14	1	13
Livingston	93	12	81
Madison	75	15	60
Monroe	992	357	635
Montgomery	41	22	19
Nassau	370	99	271
Niagara	136	21	115
Oneida	311	60	251
Onondaga	694	222	472
Ontario	65	10	55
Orange	569	108	461
Orleans	10	3	7
Oswego	118	1	117
Otsego	60	38	22
Putman	16	5	11
Rensselaer	97	50	47
Rockland	191	63	128
St. Lawrence	63	5	58
Saratoga	194	19	175
Schenectady	253	57	196
Schoharie	23	9	14
Schuyler	...	...	...
Seneca	15	1	14
Steuben	53	12	41
Suffolk	284	10	274
Sullivan	96	12	84
Tioga	36	2	34
Tompkins	91	36	55
Ulster	379	187	192
Warren	17	...	17
Washington	54	3	51
Wayne	64	1	63
Westchester	325	118	207
Wyoming	54	12	42
Yates	21	3	18

* No finding

Table A-26
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Temporary Removal of Children From Home Before Petition Filed
1989

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	2871	843	2028
Total New York City	1005	410	595
New York	276	105	171
Kings	336	155	181
Queens	370	142	228
Bronx	15	6	9
Richmond	8	2	6
Total Upstate	1866	433	1433
Albany	21	1	20
Allegany	21	1	20
Broome	28	3	25
Cattaraugus	14	6	8
Cayuga	3	1	2
Chautauqua	15	3	12
Chemung	15	...	15
Chenango	4	2	2
Clinton	23	10	13
Columbia	2	...	2
Cortland	5	...	5
Delaware	26	...	26
Dutchess	100	48	52
Erie	222	1	221
Essex	...	...	...
Franklin	7	1	6
Fulton	10	3	7
Genessee	7	2	5
Greene	2	...	2
Hamilton	...	...	...
Herkimer	3	1	2
Jefferson	32	4	28
Lewis	9	1	8
Livingston	49	7	42
Madison	21	9	12
Monroe	215	41	174
Montgomery	15	14	1
Nassau	24	9	15
Niagara	20	4	16
Oneida	74	9	65
Onondaga	138	34	104
Ontario	25	4	21
Orange	76	18	58
Orleans	2	...	2
Oswego	37	1	36
Otsego	13	4	9
Putman	3	2	1
Rensselaer	49	17	32
Rockland	29	10	19
St. Lawrence	27	5	22
Saratoga	31	2	29
Schenectady	99	19	80
Schoharie	6	4	2
Schuyler	...	...	...
Seneca	1	...	1
Steuben	21	5	16
Suffolk	37	2	35
Sullivan	19	3	16
Tioga	16	2	14
Tompkins	22	11	11
Ulster	113	76	37
Warren	10	...	10
Washington	1	...	1
Wayne	18	...	18
Westchester	59	26	33
Wyoming	24	7	17
Yates	3	...	3

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-27
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Temporary Removal of Children from Home After Petition Filed
1989

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	23710	567	409	313	459	4200	5787	2833	9142
Total New York City	15282	342	271	183	291	3262	5146	2410	3377
New York	5746	116	100	90	96	1262	2054	860	1168
Kings	5378	89	66	30	104	1121	1828	738	1402
Queens	2614	100	78	37	50	545	682	533	589
Bronx	1226	27	23	26	23	257	474	227	169
Richmond	318	10	4	...	18	77	108	52	49
Total Upstate	8428	225	138	130	168	938	641	423	5765
Albany	168	7	2	2	2	...	4	...	151
Allegany	66	2	1	2	...	6	4	8	43
Broome	133	3	2	2	5	39	17	9	56
Cattaraugus	146	...	2	...	...	4	26	17	97
Cayuga	12	...	...	...	...	1	...	...	11
Chautauqua	109	2	2	...	2	9	13	8	73
Chemung	149	10	4	5	8	37	17	7	61
Chenango	15	...	...	...	...	2	2	...	11
Clinton	50	1	...	...	...	14	4	...	31
Columbia	21	...	...	3	...	7	1	...	10
Cortland	58	1	2	...	...	...	2	6	47
Delaware	45	...	...	...	...	3	1	...	41
Dutchess	325	4	2	4	10	10	28	18	249
Erie	960	37	40	32	53	239	128	65	366
Essex	...	...	...	...	...	...	...	...	...
Franklin	53	6	...	4	2	2	2	...	37
Fulton	66	...	3	1	1	4	...	...	57
Genessee	12	...	2	1	1	...	...	4	4
Greene	14	...	...	...	...	...	2	2	10
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	8	4	...	...	...	1	...	2	1
Jefferson	150	6	3	4	2	9	9	...	117
Lewis	14	...	...	...	...	1	1	...	12
Livingston	93	4	4	...	1	2	8	1	73
Madison	75	...	...	...	5	9	...	...	61
Monroe	992	22	16	26	27	246	107	60	488
Montgomery	41	...	...	1	...	...	...	...	40
Nassau	367	...	2	1	...	17	37	58	252
Niagara	134	4	...	...	...	5	16	11	98
Oneida	311	...	2	...	...	...	6	...	303
Onondaga	694	17	17	14	7	73	35	23	508
Ontario	65	2	...	...	...	6	1	6	50
Orange	569	27	1	...	2	41	12	4	482
Orleans	10	...	...	...	...	...	...	3	7
Oswego	118	...	...	1	1	1	5	9	101
Otsego	60	2	3	...	...	6	23	13	13
Putman	16	1	...	...	1	1	...	...	13
Rensselaer	97	2	2	...	12	10	10	10	51
Rockland	191	15	6	2	6	26	40	17	79
St. Lawrence	63	...	...	8	...	9	2	1	43
Saratoga	194	...	6	...	...	2	5	4	177
Schenectady	253	6	4	15	...	30	14	1	183
Schoharie	23	...	...	...	...	5	1	...	17
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	15	...	...	...	...	...	...	1	14
Steuben	53	1	2	...	2	3	7	1	37
Suffolk	284	3	2	1	...	3	...	3	272
Sullivan	95	7	...	...	...	5	2	15	66
Tioga	36	...	...	...	...	3	11	5	17
Tompkins	91	7	1	...	...	11	17	3	52
Ulster	379	7	...	1	7	8	4	5	347
Warren	17	1	...	...	...	1	1	5	9
Washington	54	1	2	...	6	10	4	...	31
Wayne	64	...	...	...	3	...	1	...	60
Westchester	325	13	...	...	2	14	6	8	282
Wyoming	54	...	3	...	...	3	5	10	33
Yates	21	...	...	...	...	...	...	...	21

Table A-28
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Temporary Removal of Children from Home After Petition Filed
1989

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	2861	102	67	32	25	235	276	465	1659
Total New York City	999	61	44	17	12	73	137	325	330
New York	276	15	14	8	...	9	50	114	66
Kings	332	18	12	...	8	28	53	40	173
Queens	368	28	18	8	4	35	30	163	82
Bronx	15	...	...	1	...	1	1	6	6
Richmond	8	...	...	...	...	...	3	2	3
Total Upstate	1862	41	23	15	13	162	139	140	1329
Albany	21	...	...	...	...	...	1	...	20
Allegany	21	2	...	...	...	4	3	1	11
Broome	28	1	...	...	...	8	3	5	11
Cattaraugus	14	...	...	...	...	...	...	5	9
Cayuga	3	...	...	...	...	...	...	...	3
Chautauqua	15	...	...	...	1	2	3	1	8
Chemung	15	...	...	3	...	...	...	6	6
Chenango	4	...	...	...	...	...	2	...	2
Clinton	23	1	...	...	...	7	2	...	13
Columbia	2	...	...	...	...	...	...	...	2
Cortland	5	...	...	...	...	...	...	...	5
Delaware	26	...	...	...	...	2	1	...	23
Dutchess	96	1	...	...	4	1	12	6	72
Erie	222	8	4	2	1	48	19	25	115
Essex	...	...	...	...	...	...	...	...	...
Franklin	7	...	...	...	...	1	...	...	6
Fulton	10	...	...	1	...	2	...	...	7
Genessee	7	...	2	...	...	...	...	1	4
Greene	2	...	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	3	...	...	...	...	1	...	2	...
Jefferson	32	...	...	...	...	2	4	...	26
Lewis	9	...	...	...	...	1	...	...	8
Livingston	49	1	2	...	1	2	8	1	34
Madison	21	...	...	...	3	...	...	...	18
Monroe	215	...	...	2	...	18	23	20	152
Montgomery	15	...	...	...	...	...	...	...	15
Nassau	24	...	...	...	...	1	5	4	14
Niagara	20	...	...	...	...	1	1	6	12
Oneida	74	...	...	...	...	...	5	...	69
Onondaga	138	7	1	...	...	7	9	6	108
Ontario	25	1	...	...	...	2	1	6	15
Orange	76	1	...	...	...	2	4	1	68
Orleans	2	...	...	...	...	...	...	...	2
Oswego	37	...	...	...	1	...	5	4	27
Otsego	13	...	1	...	...	...	2	1	9
Putman	3	...	...	...	1	...	...	...	2
Rensselaer	49	...	2	...	1	6	4	5	31
Rockland	29	1	2	...	...	2	2	8	14
St. Lawrence	27	...	...	...	...	7	2	...	18
Saratoga	31	...	2	...	...	1	...	...	28
Schenectady	99	1	2	6	...	16	...	1	73
Schoharie	6	...	...	...	...	3	...	...	3
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	...	...	1
Steuben	21	...	1	...	...	...	4	...	16
Suffolk	37	...	...	...	...	2	...	...	35
Sullivan	19	3	...	...	...	4	...	5	7
Tioga	16	...	...	...	...	...	6	3	7
Tompkins	22	1	1	...	...	3	5	2	10
Ulster	113	1	...	1	...	4	...	4	103
Warren	10	...	...	...	...	1	1	1	7
Washington	1	1	...	...	...	...	...	...	...
Wayne	18	...	...	...	...	...	...	...	18
Westchester	59	10	...	...	...	...	2	6	41
Wyoming	24	...	3	...	...	1	...	4	16
Yates	3	...	...	...	...	...	...	...	3

Table A-29
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age of Boys When Petition Filed
1989

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1016	335	220	177	157	93	34
Total New York City	386	132	80	65	64	35	10
New York	129	56	25	25	15	7	1
Kings	117	34	29	16	24	8	6
Queens	132	39	25	23	24	18	3
Bronx	6	2	...	1	1	2	...
Richmond	2	1	1	...	...	...	...
Total Upstate	630	203	140	112	93	58	24
Albany	3	2	...	...	1	...	...
Allegany	4	3	...	1	...	...	...
Broome	9	7	...	1	...	1	...
Cattaraugus	3	2	...	1	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	1	...	...	...	...	1	...
Chemung	4	...	1	1	1	1	...
Chenango	1	1	...	...	...	...	...
Clinton	7	...	1	3	3	...	...
Columbia	...	...	...	...	...	...	...
Cortland	1	1	...	...	...	...	...
Delaware	8	2	...	3	3	...	...
Dutchess	25	12	7	3	3	...	...
Erie	98	35	27	15	10	6	5
Essex	...	...	...	...	...	...	...
Franklin	2	...	...	1	...	1	...
Fulton	3	...	...	2	1	...	...
Genessee	2	2	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...
Jefferson	10	5	2	1	2	...	...
Lewis	3	2	...	1	...	...	...
Livingston	21	1	7	4	3	6	...
Madison	4	1	...	1	...	2	...
Monroe	89	39	12	15	14	7	2
Montgomery	8	1	4	2	...	1	...
Nassau	5	1	1	1	1	1	...
Niagara	2	2	...	...	...	...	...
Oneida	21	2	2	7	6	4	...
Onondaga	48	8	7	12	11	8	2
Ontario	14	7	2	2	2	1	...
Orange	34	9	10	4	4	4	3
Orleans	1	1	...	...	...	...	...
Oswego	11	7	1	3	...	...	...
Otsego	3	...	...	1	1	...	1
Putman	...	...	...	...	...	...	...
Rensselaer	17	3	5	1	4	2	2
Rockland	6	4	...	2	...	...	...
St. Lawrence	3	...	2	1	...	...	...
Saratoga	8	1	2	4	...	...	1
Schenectady	40	11	14	2	9	3	1
Schoharie	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	2	...	2	...	...	...	...
Suffolk	12	4	4	1	1	...	2
Sullivan	4	2	1	...	...	...	1
Tioga	6	1	4	...	1	...	...
Tompkins	10	2	5	2	...	1	...
Ulster	33	8	9	6	5	4	1
Warren	4	1	2	...	1	...	...
Washington	1	1	...	...	...	...	...
Wayne	3	...	2	1	...	...	...
Westchester	28	10	3	6	3	3	3
Wyoming	7	2	1	1	3	...	...
Yates	1	...	...	...	...	1	...

Table A-30
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age of Girls When Petition Filed
1989

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1722	384	324	285	305	251	173
Total New York City	592	146	94	99	109	88	56
New York	143	38	26	28	22	19	10
Kings	213	46	32	32	39	29	35
Queens	222	54	34	39	45	39	11
Bronx	8	4	1	...	3	...	...
Richmond	6	4	1	...	...	1	...
Total Upstate	1130	238	230	186	196	163	117
Albany	17	2	6	2	1	3	3
Allegany	15	3	3	1	4	2	2
Broome	19	2	5	...	5	5	2
Cattaraugus	11	1	1	4	3	1	1
Cayuga	3	2	...	1	...	...	...
Chautauqua	12	2	2	2	4	2	...
Chemung	11	2	...	1	4	1	3
Chenango	3	...	...	...	1	2	...
Clinton	15	4	2	3	1	4	1
Columbia	2	...	...	...	1	...	1
Cortland	3	...	2	1	...	...	...
Delaware	18	7	1	3	2	4	1
Dutchess	75	29	14	19	10	1	2
Erie	114	26	24	19	20	13	12
Essex	...	...	...	...	...	...	...
Franklin	5	...	...	...	1	3	1
Fulton	6	1	1	2	1	1	...
Genessee	5	2	...	2	1	...	...
Greene	1	...	...	...	...	1	...
Hamilton	...	...	...	...	...	...	...
Herkimer	3	1	...	...	...	1	1
Jefferson	21	3	4	10	...	3	1
Lewis	5	...	1	1	1	2	...
Livingston	26	...	6	9	6	2	3
Madison	13	4	...	4	3	2	...
Monroe	118	22	31	18	18	13	16
Montgomery	7	2	1	1	1	2	...
Nassau	17	3	1	1	5	2	5
Niagara	16	8	1	2	1	2	2
Oneida	47	8	7	...	5	19	8
Onondaga	77	16	17	10	11	15	8
Ontario	10	6	1	...	2	1	...
Orange	36	6	6	5	12	2	5
Orleans	1	...	...	1	...	...	...
Oswego	26	7	8	3	5	3	...
Otsego	10	2	4	1	3	...	...
Putman	3	...	1	...	1	1	...
Rensselaer	31	7	4	9	4	5	2
Rockland	22	4	4	3	5	3	3
St. Lawrence	22	...	7	...	8	4	3
Saratoga	20	1	6	4	6	1	2
Schenectady	56	10	16	11	4	7	8
Schoharie	6	1	3	...	...	1	1
Schuyler	...	...	...	...	...	...	...
Seneca	1	...	1	...	...	...	...
Steuben	17	1	3	1	5	4	3
Suffolk	23	4	5	2	3	4	5
Sullivan	14	1	2	2	3	5	1
Tioga	10	3	3	2	2	...	...
Tompkins	8	2	3	2	1	...	...
Ulster	72	21	15	18	7	6	5
Warren	5	...	...	...	3	1	1
Washington	...	...	...	...	...	...	...
Wayne	11	2	3	1	3	2	...
Westchester	25	6	3	1	8	4	3
Wyoming	14	4	2	3	...	3	2
Yates	2	...	...	1	1	...	...

Table A-31
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Type of Petitioner
1989

Location	Total	Child Protective Agency	Person on Court's Direction
Total New York State	2871	2847	24
Total New York City	1005	995	10
New York	276	276	...
Kings	336	331	5
Queens	370	365	5
Bronx	15	15	...
Richmond	8	8	...
Total Upstate	1866	1852	14
Albany	21	21	...
Allegany	21	21	...
Broome	28	28	...
Cattaraugus	14	14	...
Cayuga	3	3	...
Chautauqua	15	15	...
Chemung	15	15	...
Chenango	4	4	...
Clinton	23	23	...
Columbia	2	2	...
Cortland	5	5	...
Delaware	26	23	3
Dutchess	100	100	...
Erie	222	222	...
Essex	...	...	...
Franklin	7	7	...
Fulton	10	10	...
Genessee	7	7	...
Greene	2	2	...
Hamilton	...	...	...
Herkimer	3	3	...
Jefferson	32	32	...
Lewis	9	9	...
Livingston	49	49	...
Madison	21	21	...
Monroe	215	207	8
Montgomery	15	15	...
Nassau	24	23	1
Niagara	20	20	...
Oneida	74	74	...
Onondaga	138	138	...
Ontario	25	25	...
Orange	76	75	1
Orleans	2	2	...
Oswego	37	37	...
Otsego	13	13	...
Putman	3	3	...
Rensselaer	49	49	...
Rockland	29	29	...
St. Lawrence	27	27	...
Saratoga	31	31	...
Schenectady	99	99	...
Schoharie	6	6	...
Schuyler	...	...	...
Seneca	1	1	...
Steuben	21	21	...
Suffolk	37	36	1
Sullivan	19	19	...
Tioga	16	16	...
Tompkins	22	22	...
Ulster	113	113	...
Warren	10	10	...
Washington	1	1	...
Wayne	18	18	...
Westchester	59	59	...
Wyoming	24	24	...
Yates	3	3	...

Table A-32
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Adjournments from Filing Petition to Completion of Fact-Finding Hearing
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2871	229	228	314	333	327	293	559	588
Total New York City	1005	6	33	116	121	160	99	288	182
New York	276	4	9	34	34	54	27	86	28
Kings	336	2	13	34	45	57	39	33	113
Queens	370	...	11	47	38	44	33	163	34
Bronx	15	...	...	...	...	5	...	5	5
Richmond	8	...	...	1	4	...	...	1	2
Total Upstate	1866	223	195	198	212	167	194	271	406
Albany	21	5	2	1	5	...	1	3	4
Allegany	21	1	5	1	...	...	1	...	13
Broome	28	8	5	4	1	1	4	...	5
Cattaraugus	14	1	1	1	1	1	2	3	4
Cayuga	3	1	2	...	...	...	...	...	...
Chautauqua	15	2	...	1	...	2	...	...	10
Chemung	15	...	...	5	...	4	2	4	...
Chenango	4	2	2	...	...	...	...	...	...
Clinton	23	16	6	...	...	...	...	...	1
Columbia	2	...	1	...	...	...	...	...	1
Cortland	5	...	2	...	...	...	1	2	...
Delaware	26	1	10	3	5	3	2	...	2
Dutchess	100	...	7	4	7	4	5	61	12
Erie	222	15	11	28	33	26	42	41	26
Essex	...	...	...	...	...	...	...	...	...
Franklin	7	...	3	1	...	...	...	...	3
Fulton	10	1	4	...	...	...	1	...	4
Genessee	7	...	...	1	1	...	1	2	2
Greene	2	...	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	3	...	...	...	...	1	...	...	2
Jefferson	32	...	...	...	2	1	2	10	17
Lewis	9	1	...	1	...	...	7	...	...
Livingston	49	4	6	8	9	6	5	11	...
Madison	21	3	5	6	1	...	...	...	6
Monroe	215	60	2	1	28	30	43	39	12
Montgomery	15	...	...	...	1	3	5	4	2
Nassau	24	...	5	5	1	2	1	10	...
Niagara	20	3	8	1	6	...	...	...	2
Oneida	74	...	8	21	14	4	6	5	16
Onondaga	138	8	1	21	20	16	10	21	41
Ontario	25	1	...	5	6	5	7	1	...
Orange	76	4	26	8	16	5	1	3	13
Orleans	2	...	...	1	...	...	...	...	1
Oswego	37	...	3	7	5	10	8	...	4
Otsego	13	12	1	...	...	...	...	...	...
Putman	3	...	1	1	...	...	...	...	1
Rensselaer	49	3	9	3	3	5	...	3	23
Rockland	29	1	2	1	3	3	3	13	3
St. Lawrence	27	...	4	...	3	5	14	...	1
Saratoga	31	...	7	1	5	4	...	3	11
Schenectady	99	5	8	15	7	9	5	10	40
Schoharie	6	2	1	3	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	...	...	1
Steuben	21	6	3	8	1	...	...	...	3
Suffolk	37	8	1	6	1	4	1	1	15
Sullivan	19	8	...	6	2	1	...	2	...
Tioga	16	12	...	...	2	...	...	...	2
Tompkins	22	...	2	3	2	...	4	2	9
Ulster	113	10	5	2	13	3	...	3	77
Warren	10	...	6	...	2	1	...	...	1
Washington	1	1	...	...	...	...	...	...	...
Wayne	18	1	...	5	4	3	3	1	1
Westchester	59	17	18	3	2	5	5	7	2
Wyoming	24	...	...	5	...	...	2	6	11
Yates	3	...	2	1	...	...	...	...	...

* 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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2871	1122	550	319	164	79	31	34	572
Total New York City	1005	181	273	201	111	36	7	14	182
New York	276	26	114	54	40	10	4	1	27
Kings	336	57	71	56	27	8	...	3	114
Queens	370	92	81	90	42	18	3	10	34
Bronx	15	5	4	1	...	...	...	...	5
Richmond	8	1	3	...	2	...	...	...	2
Total Upstate	1866	941	277	118	53	43	24	20	390
Albany	21	11	...	1	2	2	...	1	4
Allegany	21	2	3	1	...	1	1	1	12
Broome	28	15	4	2	2	...	4	...	1
Cattaraugus	14	3	2	...	4	...	...	1	4
Cayuga	3	2	1	...	...	...	...	...	...
Chautauqua	15	2	3	...	...	...	...	...	10
Chemung	15	14	1	...	...	...	...	...	...
Chenango	4	4	...	...	...	...	...	...	...
Clinton	23	21	2	...	...	...	...	...	...
Columbia	2	1	...	...	...	...	...	...	1
Cortland	5	5	...	...	...	...	...	...	...
Delaware	26	17	4	3	...	...	...	...	2
Dutchess	100	46	24	1	11	2	...	5	11
Erie	222	146	26	12	1	7	...	2	28
Essex	...	...	...	...	...	...	...	...	...
Franklin	7	4	...	...	...	...	...	...	3
Fulton	10	1	3	1	1	...	...	...	4
Genessee	7	...	5	...	...	...	...	...	2
Greene	2	...	...	...	...	...	...	...	2
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	3	1	...	...	...	...	...	...	2
Jefferson	32	15	...	...	...	...	...	1	16
Lewis	9	9	...	...	...	...	...	...	...
Livingston	49	43	3	3	...	...	...	...	...
Madison	21	7	7	...	1	...	...	...	6
Monroe	215	163	28	16	3	4	...	1	...
Montgomery	15	5	5	3	...	...	...	...	2
Nassau	24	5	7	4	3	5	...	...	...
Niagara	20	16	1	1	...	...	...	...	2
Oneida	74	10	23	21	4	...	...	...	16
Onondaga	138	47	22	14	1	7	3	3	41
Ontario	25	17	3	...	...	...	5	...	...
Orange	76	40	19	1	2	1	...	...	13
Orleans	2	...	...	1	...	...	...	...	1
Oswego	37	...	3	7	1	9	11	2	4
Otsego	13	12	1	...	...	...	...	...	...
Putman	3	2	...	...	...	...	...	...	1
Rensselaer	49	7	6	9	3	1	...	...	23
Rockland	29	19	...	5	2	...	...	...	3
St. Lawrence	27	16	9	...	1	...	...	...	1
Saratoga	31	10	5	1	3	...	...	1	11
Schenectady	99	39	15	1	1	...	...	2	41
Schoharie	6	6	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	...	...	1
Steuben	21	18	...	...	...	...	...	...	3
Suffolk	37	17	3	1	1	...	...	...	15
Sullivan	19	13	5	1	...	...	...	...	...
Tioga	16	14	...	...	...	...	...	...	2
Tompkins	22	4	7	...	...	...	...	...	11
Ulster	113	32	1	...	2	2	...	...	76
Warren	10	9	...	...	...	...	...	...	1
Washington	1	1	...	...	...	...	...	...	...
Wayne	18	5	8	2	...	2	...	...	1
Westchester	59	37	12	5	3	...	...	...	2
Wyoming	24	7	6	...	...	...	...	...	11
Yates	3	1	...	1	1	...	...	...	...

* Disposed before Fact-Finding

Table A-34
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Dispositions in Child Abuse Parts
1989

Location	Total	Disposed in Child Abuse Part	Disposed in Other Part
Total New York State	2871	1701	1170
Total New York City	1005	579	426
New York	276	83	193
Kings	336	229	107
Queens	370	251	119
Bronx	15	14	1
Richmond	8	2	6
Total Upstate	1866	1122	744
Albany	21	6	15
Allegany	21	21	...
Broome	28	28	...
Cattaraugus	14	5	9
Cayuga	3	2	1
Chautauqua	15	11	4
Chemung	15	1	14
Chenango	4	4	...
Clinton	23	23	...
Columbia	2	...	2
Cortland	5	4	1
Delaware	26	1	25
Dutchess	100	99	1
Erie	222	222	...
Essex	...	...	...
Franklin	7	...	7
Fulton	10	...	10
Genessee	7	6	1
Greene	2	...	2
Hamilton	...	...	...
Herkimer	3	...	3
Jefferson	32	...	32
Lewis	9	9	...
Livingston	49	...	49
Madison	21	21	...
Monroe	215	215	...
Montgomery	15	15	...
Nassau	24	9	15
Niagara	20	12	8
Oneida	74	3	71
Onondaga	138	93	45
Ontario	25	12	13
Orange	76	47	29
Orleans	2	...	2
Oswego	37	1	36
Otsego	13	...	13
Putman	3	3	...
Rensselaer	49	38	11
Rockland	29	2	27
St. Lawrence	27	27	...
Saratoga	31	5	26
Schenectady	99	45	54
Schoharie	6	...	6
Schuyler	...	...	...
Seneca	1	...	1
Steuben	21	11	10
Suffolk	37	29	8
Sullivan	19	15	4
Tioga	16	14	2
Tompkins	22	4	18
Ulster	113	...	113
Warren	10	...	10
Washington	1	...	1
Wayne	18	1	17
Westchester	59	34	25
Wyoming	24	24	...
Yates	3	...	3

Table A-35
FAMILY COURT
Child Protective Petitions:
Orders Extending Placement
1989

Placement	Total Orders Extending Placement	First Order Extending Placement	Second Order Extending Placement	Third Order Extending Placement	Fourth or More Order Extending Placement
New York State					
Rel., Suitable Person	201	126	46	18	11
Comm. Social Service	11428	6412	3101	983	932
Other Authorized Agency	9	3	4	...	2
Total	11638	6541	3151	1001	945
New York City					
Rel., Suitable Person	91	66	19	5	1
Comm. Social Service	9081	5364	2580	696	441
Other Authorized Agency	6	2	4	...	...
Total	9178	5432	2603	701	442
Outside New York City					
Rel., Suitable Person	110	60	27	13	10
Comm. Social Service	2347	1048	521	287	491
Other Authorized Agency	3	1	...	...	2
Total	2460	1109	548	300	503

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
1989

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	11126	1012	683	450	463	2537	582	114	23	10	5252
Total New York City	4108	464	121	84	104	1261	313	57	16	8	1680
New York	912	141	26	19	20	238	66	20	3	1	378
Kings	1532	134	30	24	41	463	101	15	6	4	714
Queens	1204	125	49	31	35	434	106	19	7	3	395
Bronx	356	48	8	7	6	98	34	3	...	...	152
Richmond	104	16	8	3	2	28	6	...	...	...	41
Total Upstate	7018	548	562	366	359	1276	269	57	7	2	3572
Albany	356	22	13	10	35	120	12	2	...	...	142
Allegany	48	1	1	1	...	20	5	...	...	...	20
Broome	124	17	19	10	5	27	2	1	...	...	43
Cattaraugus	73	6	2	2	4	17	9	...	...	...	33
Cayuga	112	19	45	4	8	6	1	...	...	...	29
Chautauqua	67	2	3	11	10	8	3	...	...	...	30
Chemung	162	11	18	29	38	33	15	...	...	...	18
Chenango	11	1	4	3	...	2	...	...	...	...	1
Clinton	20	2	1	2	3	2	1	...	...	...	9
Columbia	24	8	2	1	2	6	...	...	...	...	5
Cortland	20	...	2	...	1	9	4	...	...	...	4
Delaware	5	...	1	...	...	...	1	...	...	...	3
Dutchess	303	14	6	5	16	81	15	9	1	...	156
Erie	520	51	70	28	43	90	6	2	...	1	229
Essex	13	2	2	1	1	1	...	...	...	...	6
Franklin	13	...	1	5	3	3	...	...	...	...	1
Fulton	14	3	3	1	2	1	...	...	...	...	4
Genessee	84	10	5	13	9	18	2	...	...	...	27
Greene	23	8	3	2	3	2	...	...	...	...	5
Hamilton	1	...	...	...	1	...	...	...	...	...	...
Herkimer	21	...	3	3	...	5	5	2	...	...	3
Jefferson	92	5	2	1	6	22	6	2	...	...	48
Lewis	9	2	2	...	...	1	...	...	...	...	4
Livingston	63	7	2	11	2	4	...	...	...	...	37
Madison	32	...	...	1	...	6	...	...	...	...	25
Monroe	753	85	51	48	39	124	19	3	...	...	384
Montgomery	30	3	4	2	4	12	...	...	...	...	5
Nassau	495	83	55	15	9	69	19	4	3	...	238
Niagara	153	6	25	17	10	36	3	1	...	...	55
Oneida	142	19	16	17	13	34	8	1	...	...	34
Onondaga	807	17	19	10	14	44	21	7	1	...	674
Ontario	36	8	5	5	4	8	3	1	...	...	2
Orange	55	2	9	5	2	24	4	1	...	...	8
Orleans	10	1	...	1	2	2	1	...	...	...	3
Oswego	49	...	...	...	3	23	8	1	...	...	14
Otsego	12	...	2	...	...	10	...	...	...	...	...
Putman	43	...	3	1	...	1	...	1	...	...	37
Rensselaer	121	6	3	4	5	52	11	...	...	...	40
Rockland	68	6	1	4	1	17	1	1	...	...	37
St. Lawrence	6	...	...	1	...	4	...	...	...	...	1
Saratoga	174	10	35	18	7	33	8	...	...	...	63
Schenectady	73	6	17	8	6	16	...	...	...	...	20
Schoharie	3	...	2	...	...	...	...	...	...	...	1
Schuyler	10	1	...	...	1	4	...	...	...	...	4
Seneca	24	...	2	1	...	10	4	1	...	...	6
Steuben	68	15	7	5	4	10	5	1	...	...	21
Suffolk	963	33	39	24	16	75	20	8	2	1	745
Sullivan	98	6	3	5	7	20	3	3	...	...	51
Tioga	40	...	1	7	5	11	3	2	...	...	11
Tompkins	28	1	3	3	1	1	4	...	...	...	15
Ulster	168	3	3	6	3	44	13	1	...	...	95
Warren	29	4	5	2	1	5	...	...	...	...	12
Washington	48	14	12	1	1	1	2	...	...	...	17
Wayne	59	1	7	3	3	21	7	...	...	...	17
Westchester	207	25	22	5	1	73	14	2	...	...	65
Wyoming	18	2	1	2	...	2	...	...	...	...	11
Yates	18	...	...	2	5	6	1	...	...	...	4

* 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
1989

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	11126	1799	150	217	325	2445	646	226	56	10	5252
Total New York City	4108	711	55	104	102	972	351	102	23	8	1680
New York	912	147	14	45	39	196	52	29	6	6	378
Kings	1532	270	17	24	20	293	143	44	6	1	714
Queens	1204	219	17	15	23	376	127	22	9	1	395
Bronx	356	63	1	18	11	82	22	6	1	...	152
Richmond	104	12	6	2	9	25	7	1	1	...	41
Total Upstate	7018	1088	95	113	223	1473	295	124	33	2	3572
Albany	356	62	4	10	21	90	27	...	...	...	142
Allegany	48	22	...	...	...	6	...	...	...	...	20
Broome	124	12	2	8	19	32	8	...	...	...	43
Cattaraugus	73	16	2	...	...	14	7	1	...	...	33
Cayuga	112	35	6	2	9	24	7	...	...	...	29
Chautauqua	67	4	1	2	11	18	1	...	...	...	30
Chemung	162	36	1	3	5	88	7	4	...	...	18
Chenango	11	5	...	...	...	4	...	1	...	...	1
Clinton	20	3	...	...	1	7	...	...	...	...	9
Columbia	24	10	...	...	1	8	...	...	...	...	5
Cortland	20	4	...	...	...	7	5	...	...	...	4
Delaware	5	...	...	...	...	2	...	...	...	...	3
Dutchess	303	59	5	1	5	48	11	15	3	...	156
Erie	520	147	9	8	15	63	18	30	1	...	229
Essex	13	3	...	...	1	3	...	...	...	...	6
Franklin	13	...	...	...	1	8	3	...	...	...	1
Fulton	14	...	...	1	...	5	3	1	...	...	4
Genessee	84	7	1	...	1	25	2	21	...	...	27
Greene	23	5	...	6	...	7	...	...	...	...	5
Hamilton	1	1	...	...	...	...	...	...	...	...	...
Herkimer	21	7	...	...	...	7	4	...	...	...	3
Jefferson	92	30	3	...	3	7	1	...	...	...	48
Lewis	9	...	3	...	...	2	...	...	...	...	4
Livingston	63	9	4	1	...	12	...	...	...	...	37
Madison	32	...	...	...	...	6	1	...	...	...	25
Monroe	753	37	12	17	42	236	21	2	2	...	384
Montgomery	30	1	...	...	4	18	2	...	...	...	5
Nassau	495	118	6	2	8	92	26	4	1	...	238
Niagara	153	26	5	9	13	42	2	...	1	...	55
Oneida	142	10	9	6	7	72	4	...	...	...	34
Onondaga	807	46	2	3	6	48	16	12	...	...	674
Ontario	36	7	1	...	3	20	2	1	...	...	2
Orange	55	17	1	1	...	22	4	1	1	...	8
Orleans	10	...	1	...	...	6	...	...	...	...	3
Oswego	49	17	1	...	...	14	3	...	...	...	14
Otsego	12	1	...	1	...	7	3	...	...	...	...
Putman	43	2	...	...	...	4	...	...	...	...	37
Rensselaer	121	31	3	...	5	36	6	...	...	...	40
Rockland	68	12	...	1	...	15	2	...	1	...	37
St. Lawrence	6	...	...	...	...	5	...	...	...	...	1
Saratoga	174	55	1	5	5	37	5	3	...	...	63
Schenectady	73	20	1	2	5	24	1	...	...	...	20
Schoharie	3	...	...	...	...	2	...	...	...	...	1
Schuyler	10	3	...	...	2	1	...	...	...	...	4
Seneca	24	9	...	...	2	4	3	...	...	...	6
Steuben	68	17	...	1	2	19	4	1	3	...	21
Suffolk	963	49	4	13	14	73	26	17	20	2	745
Sullivan	98	17	3	5	...	17	5	...	...	...	51
Tioga	40	4	...	...	1	12	12	...	...	...	11
Tompkins	28	1	...	...	2	6	4	...	...	...	15
Ulster	168	20	1	1	1	35	15	...	...	...	95
Warren	29	5	1	1	1	5	3	1	...	...	12
Washington	48	26	...	...	...	4	1	...	...	...	17
Wayne	59	7	...	...	...	27	6	2	...	...	17
Westchester	207	51	2	3	6	67	9	4	...	...	65
Wyoming	18	1	...	...	1	5	...	...	...	...	11
Yates	18	1	...	...	...	5	5	3	...	...	4

* 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
1989

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or in Part by Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable Days	Not Applicable JO Removed for Disposition Only
Total New York State	11126	532	5073	255	5266	...
Total New York City	4108	227	2139	51	1691	...
New York	912	86	435	11	380	...
Kings	1532	69	727	17	719	...
Queens	1204	42	750	13	399	...
Bronx	356	19	176	9	152	...
Richmond	104	11	51	1	41	...
Total Upstate	7018	305	2934	204	3575	...
Albany	356	7	206	1	142	...
Allegany	48	...	28	...	20	...
Broome	124	16	63	2	43	...
Cattaraugus	73	...	40	...	33	...
Cayuga	112	2	77	4	29	...
Chautauqua	67	...	37	...	30	...
Chemung	162	8	136	...	18	...
Chenango	11	...	9	1	1	...
Clinton	20	...	10	1	9	...
Columbia	24	...	19	...	5	...
Cortland	20	1	13	2	4	...
Delaware	5	1	1	...	3	...
Dutchess	303	12	130	5	156	...
Erie	520	21	223	47	229	...
Essex	13	...	7	...	6	...
Franklin	13	1	11	...	1	...
Fulton	14	...	10	...	4	...
Genessee	84	1	55	1	27	...
Greene	23	1	15	2	5	...
Hamilton	1	...	1	...	...	...
Herkimer	21	5	12	1	3	...
Jefferson	92	...	44	...	48	...
Lewis	9	...	5	...	4	...
Livingston	63	3	23	...	37	...
Madison	32	...	7	...	25	...
Monroe	753	55	292	22	384	...
Montgomery	30	...	25	...	5	...
Nassau	495	33	211	12	239	...
Niagara	153	2	80	16	55	...
Oneida	142	8	95	5	34	...
Onondaga	807	16	111	6	674	...
Ontario	36	4	27	3	2	...
Orange	55	4	41	2	8	...
Orleans	10	1	6	...	3	...
Oswego	49	...	34	1	14	...
Otsego	12	7	4	1	...	...
Putman	43	1	5	...	37	...
Rensselaer	121	8	64	9	40	...
Rockland	68	...	28	3	37	...
St. Lawrence	6	...	5	...	1	...
Saratoga	174	5	101	5	63	...
Schenectady	73	1	52	...	20	...
Schoharie	3	...	2	...	1	...
Schuyler	10	...	5	1	4	...
Seneca	24	...	17	1	6	...
Steuben	68	2	42	3	21	...
Suffolk	963	50	145	22	746	...
Sullivan	98	4	31	12	51	...
Tioga	40	5	24	...	11	...
Tompkins	28	...	11	2	15	...
Ulster	168	4	68	...	96	...
Warren	29	2	15	...	12	...
Washington	48	2	28	1	17	...
Wayne	59	3	36	3	17	...
Westchester	207	8	127	7	65	...
Wyoming	18	1	6	...	11	...
Yates	18	...	14	...	4	...

* 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
1989

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	11126	8931	1409	181	605
Total New York City	4108	3309	593	135	71
New York	912	725	156	23	8
Kings	1532	1270	167	52	43
Queens	1204	945	201	47	11
Bronx	356	291	51	8	6
Richmond	104	78	18	5	3
Total Upstate	7018	5622	816	46	534
Albany	356	260	90	...	6
Allegany	48	28	14	5	1
Broome	124	109	14	...	1
Cattaraugus	73	47	7	2	17
Cayuga	112	92	...	...	20
Chautauqua	67	43	24	...	...
Chemung	162	107	11	...	44
Chenango	11	9	2	...	...
Clinton	20	16	1	...	3
Columbia	24	19	4	1	...
Cortland	20	16	1	...	3
Delaware	5	4	...	...	1
Dutchess	303	240	45	5	13
Erie	520	430	85	...	5
Essex	13	11	1	...	1
Franklin	13	5	8	...	...
Fulton	14	8	...	...	6
Genessee	84	63	21	...	...
Greene	23	17	6	...	...
Hamilton	1	1	...	...	...
Herkimer	21	8	13	...	...
Jefferson	92	67	25	...	...
Lewis	9	5	2	...	2
Livingston	63	49	2	1	11
Madison	32	30	2	...	...
Monroe	753	626	50	5	72
Montgomery	30	12	17	...	1
Nassau	495	409	15	...	71
Niagara	153	112	40	...	1
Oneida	142	94	44	3	1
Onondaga	807	750	51	...	6
Ontario	36	21	...	...	15
Orange	55	34	1	...	20
Orleans	10	6	4	...	...
Oswego	49	26	5	2	16
Otsego	12	5	1	...	6
Putman	43	39	1	...	3
Rensselaer	121	91	2	...	28
Rockland	68	55	5	...	8
St. Lawrence	6	3	2	...	1
Saratoga	174	149	24	...	1
Schenectady	73	52	21	...	...
Schoharie	3	1	...	...	2
Schuyler	10	9	...	...	1
Seneca	24	17	7	...	...
Steuben	68	55	2	...	11
Suffolk	963	855	19	13	76
Sullivan	98	85	10	3	...
Tioga	40	22	...	...	18
Tompkins	28	23	4	...	1
Ulster	168	118	49	...	1
Warren	29	24	4	...	1
Washington	48	29	11	...	8
Wayne	59	30	15	...	14
Westchester	207	166	31	2	8
Wyoming	18	15	2	1	...
Yates	18	5	1	3	9

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)
1989

Location	Total	Dispositions								Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of Venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	11126	1856	112	287	3	245	161	3008	1119	4335
Total New York City	4108	1007	1	1	2	71	54	881	284	1807
New York	912	225	...	1	1	29	14	103	105	434
Kings	1532	378	1	...	1	10	23	411	114	594
Queens	1204	292	...	...	...	10	9	287	20	586
Bronx	356	94	...	...	...	13	8	64	34	143
Richmond	104	18	...	...	...	9	...	16	11	50
Total Upstate	7018	849	111	286	1	174	107	2127	835	2528
Albany	356	15	1	27	...	6	...	107	23	177
Allegany	48	2	...	...	...	...	...	17	1	28
Broome	124	2	...	...	...	...	1	34	21	66
Cattaraugus	73	7	...	3	...	3	...	20	3	37
Cayuga	112	11	...	17	...	3	2	9	12	58
Chautauqua	67	9	...	...	1	...	1	3	19	34
Chemung	162	3	...	6	...	4	...	7	20	122
Chenango	11	...	...	...	...	...	...	6	...	5
Clinton	20	3	...	2	...	3	1	3	...	8
Columbia	24	1	1	8	...	...	...	3	1	10
Cortland	20	...	1	...	...	3	1	1	...	14
Delaware	5	...	...	...	...	1	...	...	2	2
Dutchess	303	16	48	9	...	8	6	96	26	94
Erie	520	5	...	11	...	1	14	249	100	140
Essex	13	...	...	1	...	1	...	3	1	7
Franklin	13	...	...	...	...	...	...	...	1	12
Fulton	14	2	...	1	...	...	...	1	1	9
Genessee	84	4	...	6	...	8	...	28	12	26
Greene	23	1	...	...	...	2	2	1	1	16
Hamilton	1	...	...	...	...	...	...	1	...	...
Herkimer	21	3	...	...	...	1	1	...	...	16
Jefferson	92	5	22	...	...	...	...	20	1	44
Lewis	9	...	...	...	...	2	...	2	...	5
Livingston	63	1	23	5	...	...	...	12	1	21
Madison	32	...	...	1	...	...	...	14	9	8
Monroe	753	53	...	10	...	4	21	265	72	328
Montgomery	30	1	...	...	...	...	...	6	1	22
Nassau	495	6	...	102	...	8	7	192	41	139
Niagara	153	6	...	1	...	19	2	40	9	76
Oneida	142	11	...	...	...	8	6	6	10	101
Onondaga	807	166	...	11	...	25	8	334	137	126
Ontario	36	1	...	2	...	1	...	3	...	29
Orange	55	2	...	1	...	1	...	19	1	31
Orleans	10	2	...	1	...	...	...	...	...	7
Oswego	49	1	2	...	...	4	1	11	6	24
Otsego	12	...	...	...	...	...	1	1	...	10
Putman	43	4	...	...	...	...	...	33	1	5
Rensselaer	121	6	...	13	...	...	10	24	5	63
Rockland	68	17	1	2	...	1	1	14	12	20
St. Lawrence	6	...	...	...	...	...	...	...	1	5
Saratoga	174	20	...	7	...	16	3	71	19	38
Schenectady	73	10	3	13	...	1	...	6	3	37
Schoharie	3	...	...	...	...	...	...	...	1	2
Schuyler	10	...	2	2	...	...	...	3	...	3
Seneca	24	1	...	...	...	...	1	7	1	14
Steuben	68	9	...	1	...	2	...	19	13	24
Suffolk	963	332	1	3	...	8	3	267	202	147
Sullivan	98	11	2	...	...	3	8	40	6	28
Tioga	40	1	...	...	...	3	...	9	3	24
Tompkins	28	7	...	1	...	...	...	5	6	9
Ulster	168	44	...	7	...	7	...	18	11	81
Warren	29	5	...	...	...	...	...	7	...	17
Washington	48	6	...	2	...	...	1	10	1	28
Wayne	59	2	1	...	...	6	1	7	2	40
Westchester	207	35	2	10	...	9	4	63	14	70
Wyoming	18	...	1	...	...	...	...	8	2	7
Yates	18	...	...	...	...	2	...	2	...	14

Table A-41
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals from Criminal Courts and Designated Felonies: Breakdown of Dispositions (Allegations Established)
1989

Location	Total	Placement											
		Condi-tional Discharge	Proba-tion	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6-Month Resid.	Socc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment
Total New York State	4335	350	2195	35	309	561	797	11	5	7	4	61
Total New York City	1807	171	799	...	3	408	366	6	3	1	3	47
New York	434	22	187	...	2	96	124	...	...	...	...	3
Kings	594	88	262	...	1	95	117	5	3	...	3	20
Queens	586	56	259	...	...	175	71	1	...	1	...	23
Bronx	143	4	65	...	...	33	40	...	...	...	...	1
Richmond	50	1	26	...	...	9	14	...	...	...	...	...
Total U state	2528	179	1396	35	306	153	431	5	2	6	1	14
Albany	177	6	96	2	33	2	38	...	...	...	...	...
Allegany	28	...	20	...	3	...	5	...	...	...	...	...
Broome	66	13	15	1	20	5	12	...	...	...	...	...
Cattaraugus	37	...	26	...	8	...	2	...	...	1	...	...
Cayuga	58	5	20	...	15	2	16	...	...	...	...	...
Chautauqua	34	...	24	...	5	...	5	...	...	...	...	...
Chemung	122	25	55	11	10	7	10	1	...	3	...	...
Chenango	5	1	2	...	1	...	1	...	...	...	...	...
Clinton	8	...	4	...	1	...	3	...	...	...	...	...
Columbia	10	...	5	...	1	...	4	...	...	...	...	...
Cortland	14	2	4	...	4	1	3	...	...	...	...	...
Delaware	2	...	1	...	1	...	...	...	...	...	...	...
Dutchess	94	3	63	1	8	15	4	...	...	...	...	...
Erie	140	...	90	...	19	2	29	...	...	...	...	...
Essex	7	...	2	...	1	...	4	...	...	...	...	...
Franklin	12	...	8	...	4	...	...	...	...	...	...	...
Fulton	9	1	6	...	...	...	2	...	...	...	...	...
Genessee	26	...	21	...	3	...	2	...	...	...	...	...
Greene	16	...	6	...	2	...	7	...	1	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	16	1	13	...	2	...	...	...	...	...	...	...
Jefferson	44	1	25	...	13	...	5	...	...	...	...	...
Lewis	5	...	4	...	...	1	...	...	...	...	...	...
Livingston	21	...	14	...	...	2	5	...	...	...	...	...
Madison	8	...	2	...	5	...	1	...	...	...	...	...
Monroe	328	21	127	5	7	...	167	1	...	..	...	...
Montgomery	22	...	18	...	2	...	2	...	...	...	...	...
Nassau	139	16	86	5	...	14	12	...	...	...	1	5
Niagara	76	6	41	...	4	10	14	1	...	...	...	...
Oneida	101	1	48	...	17	34	1	...	...	...	...	...
Onondaga	126	15	57	2	21	15	13	...	...	1	...	2
Ontario	29	2	15	...	8	2	2	...	...	...	...	...
Orange	31	2	21	1	1	2	4	...	...	...	...	...
Orleans	7	...	4	...	2	...	...	...	...	...	...	1
Oswego	24	1	23	...	...	...	...	...	...	...	...	...
Otsego	10	...	7	...	...	2	...	1	...	...	...	...
Putman	5	1	4	...	...	...	...	...	...	...	...	...
Rensselaer	63	13	30	...	9	...	11	...	...	...	...	...
Rockland	20	...	13	...	4	1	2	...	...	...	...	...
St. Lawrence	5	...	3	...	1	...	1	...	...	...	...	...
Saratoga	38	...	25	...	8	1	4	...	...	...	...	...
Schenectady	37	...	21	1	7	1	7	...	...	...	...	...
Schoharie	2	...	2	...	...	...	...	...	...	...	...	...
Schuyler	3	...	1	...	...	2	...	...	...	...	...	...
Seneca	14	1	7	...	4	...	1	...	...	...	...	1
Steuben	24	1	13	...	4	1	5	...	...	...	...	...
Suffolk	147	19	108	...	7	2	8	...	...	...	...	3
Sullivan	28	2	13	1	6	5	1	...	...	...	...	...
Tioga	24	2	18	...	1	...	2	1	...	...	...	...
Tompkins	9	...	5	1	2	...	...	...	1	...	...	...
Ulster	81	5	50	1	5	19	...	...	...	1	...	...
Warren	17	6	5	...	3	2	1	...	...	...	...	...
Washington	28	1	19	...	7	...	1	...	...	...	...	...
Wayne	40	2	29	...	2	2	4	...	...	...	...	1
Westchester	70	3	41	3	15	1	6	...	...	...	...	1
Wyoming	7	...	3	...	...	...	4	...	...	...	...	...
Yates	14	1	13	...	...	...	...	...	...	...	...	...

Table A-42
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals from Criminal Courts and Designated Felonies: Crimes Alleged in Petitions
1989

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	685	489	196
Homicide	21	12	9
Criminal Trespass/Burglary	1321	226	1095
Criminal Mischief/Tampering	759	358	401
Grand Larceny	1554	1133	421
Robbery	723	594	129
Criminal Possession of Stolen Property	1261	964	297
Controlled Substance Offense	883	730	153
Marijuana Possession/Sale	6	2	4
Weapon Offenses	179	135	44
Other Felonies	592	198	394
MISDEMEANORS			
Assault or Related Offenses	1520	708	812
Criminal Trespass/Burglary or Related Offenses	712	299	413
Criminal Mischief/Tampering/Reckless Endangerment	1096	369	727
Petit Larceny	2210	352	1858
Theft and Related Offenses	1704	742	962
Controlled Substance Offenses	687	600	87
Marijuana Possession/Sale	43	26	17
Riot/Harrassment/Loitering	191	65	126
Unlawful Possession of Weapon	213	119	94
Weapon Offenses	323	258	65
Other Misdemeanors	673	268	405

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 Removals from Criminal Courts and Designated Felonies: Crimes Found to Have Been Committed
1989

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	129	56	73
Homicide	5	2	3
Criminal Trespass/Burglary	406	38	368
Criminal Mischief/Tampering	154	17	137
Grand Larceny	271	117	154
Robbery	125	92	33
Criminal Possession of Stolen Property	270	179	91
Controlled Substance Offense	277	199	78
Marijuana Possession/Sale	3	1	2
Weapon Offenses	56	41	15
Other Felonies	214	61	153
MISDEMEANORS			
Assault or Related Offenses	91	43	48
Criminal Trespass/Burglary or Related Offenses	428	121	307
Criminal Mischief/Tampering/Reckless Endangerment	461	72	389
Petit Larceny	1099	111	988
Theft and Related Offenses	1208	651	557
Controlled Substance Offenses	386	323	63
Marijuana Possession/Sale	32	16	16
Riot/Harrassment/Loitering	78	13	65
Unlawful Possession of Weapon	91	43	48
Weapon Offenses	99	69	30
Other Misdemeanors	388	179	209
Allegations not Established	4962	1659	3303

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
1989

Location	Total	None	1	2	3	4 or More
Total New York State	11126	6785	2403	1176	450	312
Total New York City	4108	2589	827	383	171	138
New York	912	623	154	65	44	26
Kings	1532	858	358	173	79	64
Queens	1204	807	227	102	30	38
Bronx	356	243	55	31	18	9
Richmond	104	58	33	12	...	1
Total Upstate	7018	4196	1576	793	279	174
Albany	356	237	64	24	16	15
Allegany	48	18	26	2	2	...
Broome	124	63	25	27	4	5
Cattaraugus	73	43	8	12	3	7
Cayuga	112	93	8	9	1	1
Chautauqua	67	27	17	5	7	11
Chemung	162	81	58	15	4	4
Chenango	11	9	2	...	...	...
Clinton	20	12	2	3	3	...
Columbia	24	11	...	11	1	1
Cortland	20	13	4	2	1	...
Delaware	5	5	...	...	...	...
Dutchess	303	238	37	17	8	3
Erie	520	328	113	60	14	5
Essex	13	8	2	2	...	1
Franklin	13	6	2	5	...	...
Fulton	14	10	1	1	2	...
Genessee	84	33	24	12	11	4
Greene	23	10	7	6	...	...
Hamilton	1	1	...	...	...	...
Herkimer	21	17	4	...	...	...
Jefferson	92	58	16	12	5	1
Lewis	9	7	2	...	...	...
Livingston	63	23	29	5	4	2
Madison	32	12	7	7	4	2
Monroe	753	445	180	96	13	19
Montgomery	30	11	4	13	1	1
Nassau	495	249	125	74	30	17
Niagara	153	75	47	22	1	8
Oneida	142	71	38	16	12	5
Onondaga	807	529	175	71	21	11
Ontario	36	24	8	2	...	2
Orange	55	25	14	10	4	2
Orleans	10	6	1	2	...	1
Oswego	49	43	3	3	...	...
Otsego	12	7	4	1	...	...
Putman	43	20	13	5	5	...
Rensselaer	121	63	34	18	5	1
Rockland	68	43	15	6	4	...
St. Lawrence	6	4	2	...	...	...
Saratoga	174	77	38	28	17	14
Schenectady	73	58	7	5	3	...
Schoharie	3	3	...	...	...	...
Schuyler	10	2	8	...	...	...
Seneca	24	17	6	1	...	...
Steuben	68	50	13	3	2	...
Suffolk	963	618	230	81	25	9
Sullivan	98	61	17	15	2	3
Tioga	40	20	10	4	5	1
Tompkins	28	17	4	6	1	...
Ulster	168	91	34	25	16	2
Warren	29	12	2	10	2	3
Washington	48	27	15	6	...	...
Wayne	59	37	10	9	...	3
Westchester	207	111	54	21	14	7
Wyoming	18	9	2	2	5	...
Yates	18	8	5	1	1	3

Table A-45
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals from Criminal Courts and Designated Felonies: Age of Alleged Victims by Crime Alleged
1989

	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Reported
Total New York State									
FELONIES									
Assault or Related Offenses	3425	8	60	19	3	4	113	493	2725
Homicide	80	...	...	1	...	...	11	4	64
Criminal Trespass/Burglary	6540	...	10	68	32	12	920	282	5216
Criminal Mischief/Tampering	3050	...	2	17	11	...	422	174	2424
Grand Larceny	5540	6	33	22	14	3	472	565	4425
Robbery	1275	8	13	11	3	2	86	135	1017
Criminal Possession of Stolen Property	3145	...	3	20	12	2	401	194	2513
Controlled Substance Offense	4295	...	3	...	...	...	677	179	3436
Marijuana Possession/Sale	30	...	1	...	...	...	4	1	24
Weapon Offenses	630	2	3	2	...	...	81	38	504
Other Felonies	2240	149	35	11	3	4	136	133	1769
MISDEMEANORS									
Assault or Related Offenses	5015	38	215	51	12	...	251	451	3997
Criminal Trespass/Burglary or Related Offenses	2000	...	3	16	14	2	305	61	1599
Criminal Mischief/Tampering/Reck. End.	3110	1	10	43	15	4	460	101	2476
Petit Larceny	7185	8	18	42	12	8	1203	166	5728
Theft and Related Offenses	3960	1	6	52	23	8	517	186	3167
Controlled Substance Offenses	900	...	...	...	...	...	157	23	720
Marijuana Possession/Sale	170	...	1	...	...	...	30	3	136
Riot/Harrassment/Loitering	580	...	4	7	...	...	84	21	464
Unlawful Possession of Weapon	390	2	3	1	...	...	59	15	310
Weapon Offenses	290	...	4	...	...	...	39	16	231
Other Misdemeanors	1780	53	24	5	1	1	194	87	1415
Total	55630	276	451	388	155	50	6622	3328	44360
Total New York City									
FELONIES									
Assault or Related Offenses	2445	1	8	...	...	3	78	406	1949
Homicide	35	...	...	1	...	...	3	3	28
Criminal Trespass/Burglary	1085	...	1	...	...	...	130	87	867
Criminal Mischief/Tampering	1400	...	...	...	...	...	152	129	1119
Grand Larceny	4060	1	6	...	1	...	309	499	3244
Robbery	715	...	...	...	...	1	41	101	572
Criminal Possession of Stolen Property	1900	...	...	...	...	...	255	125	1520
Controlled Substance Offense	3545	...	1	...	...	...	536	172	2836
Marijuana Possession/Sale	10	...	...	...	...	...	1	1	8
Weapon Offenses	470	1	...	...	...	...	57	36	376
Other Felonies	520	5	3	...	...	1	20	78	413
MISDEMEANORS									
Assault or Related Offenses	1180	2	4	...	...	...	68	162	944
Criminal Trespass/Burglary or Related Offenses	310	...	...	...	...	...	43	19	248
Criminal Mischief/Tampering/Reck. End.	470	...	...	...	...	...	76	18	376
Petit Larceny	440	...	...	...	...	1	58	30	351
Theft and Related Offenses	660	...	...	...	...	...	111	21	528
Controlled Substance Offenses	570	...	...	...	...	...	93	21	456
Marijuana Possession/Sale	100	...	...	...	...	...	17	3	80
Riot/Harrassment/Loitering	25	...	...	...	...	...	5	...	20
Unlawful Possession of Weapon	145	...	...	...	...	...	22	7	116
Weapon Offenses	140	...	...	...	...	...	17	11	112
Other Misdemeanors	315	...	...	...	...	...	40	23	252
Total	20540	10	23	1	1	6	2132	1952	16415

*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
1989

Total Outside New York City	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Reported
FELONIES									
Assault or Related Offenses	980	7	52	19	3	1	35	87	776
Homicide	45	...	...	...	...	...	8	1	36
Criminal Trespass/Burglary	5455	...	9	68	32	12	790	195	4349
Criminal Mischief/Tampering	1650	...	2	17	11	...	270	45	1305
Grand Larceny	1480	5	27	22	13	3	163	66	1181
Robbery	560	8	13	11	3	1	45	34	445
Criminal Possession of Stolen Property	1245	...	3	20	12	2	146	69	993
Controlled Substance Offense	750	...	2	...	...	...	141	7	600
Marijuana Possession/Sale	20	...	1	...	...	...	3	...	16
Weapon Offenses	160	1	3	2	...	...	24	2	128
Other Felonies	1720	144	32	11	3	3	116	55	1356
MISDEMEANORS									
Assault or Related Offenses	3835	36	211	51	12	...	183	289	3053
Criminal Trespass/Burglary or Related Offenses	1690	...	3	16	14	2	262	42	1351
Criminal Mischief/Tampering/Reck. End.	2640	1	10	43	15	4	384	83	2100
Petit Larceny	6745	8	18	42	12	7	1145	136	5377
Theft and Related Offenses	3300	1	6	52	23	8	406	165	2639
Controlled Substance Offenses	330	...	...	...	...	...	64	2	264
Marijuana Possession/Sale	70	...	1	...	...	...	13	...	56
Riot/Harrassment/Loitering	555	...	4	7	...	...	79	21	444
Unlawful Possession of Weapon	245	2	3	1	...	...	37	8	194
Weapon Offenses	150	...	4	...	...	...	22	5	119
Other Misdemeanors	1465	53	24	5	1	1	154	64	1163
Total	35090	266	428	387	154	44	4490	1376	27945

*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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	11125	2410	1802	1304	668	348	173	211	4209
Total New York City	4108	293	686	659	378	223	103	127	1639
New York	912	66	166	108	82	46	28	41	375
Kings	1532	65	181	219	169	106	42	42	708
Queens	1204	62	266	283	94	53	25	36	385
Bronx	356	97	52	37	20	10	6	4	130
Richmond	104	3	21	12	13	8	2	4	41
Total Upstate	7017	2117	1116	645	290	125	70	84	2570
Albany	356	130	101	57	24	5	3	4	32
Allegany	48	6	25	1	...	...	1	...	15
Broome	124	83	13	4	1	...	...	...	23
Cattaraugus	73	21	16	3	1	...	...	...	32
Cayuga	112	95	15	2	...	...	...	...	...
Chautauqua	67	25	6	5	1	2	...	...	28
Chemung	162	141	8	1	...	...	...	...	12
Chenango	11	9	2	...	...	...	...	...	...
Clinton	20	14	5	...	1	...	...	...	...
Columbia	24	13	6	...	...	...	...	...	5
Cortland	20	6	2	3	2	2	1	...	4
Delaware	5	4	1	...	...	...	...	...	...
Dutchess	303	46	39	36	23	13	4	9	133
Erie	520	91	82	68	30	20	5	6	218
Essex	13	10	1	...	...	...	...	...	2
Franklin	13	9	3	...	...	...	...	...	1
Fulton	14	12	2	...	...	...	...	...	...
Genessee	84	19	25	8	4	...	...	1	27
Greene	23	17	3	2	...	...	...	...	1
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	21	8	8	3	...	...	...	...	2
Jefferson	91	7	17	8	4	...	2	6	47
Lewis	9	3	2	...	2	1	...	...	1
Livingston	63	51	7	3	2	...	...	...	...
Madison	32	1	5	...	1	...	...	...	25
Monroe	753	437	89	109	54	23	19	20	2
Montgomery	30	2	8	14	1	1	...	...	4
Nassau	495	117	76	62	30	16	9	5	180
Niagara	153	45	35	16	6	1	1	...	49
Oneida	142	28	26	29	15	6	3	1	34
Onondaga	807	33	34	32	15	7	6	18	662
Ontario	36	11	13	5	4	2	...	...	1
Orange	55	16	10	13	9	1	2	...	4
Orleans	10	3	1	2	1	...	1	...	2
Oswego	49	19	28	...	...	...	...	...	2
Otsego	12	11	1	...	...	...	...	...	...
Putman	43	4	1	1	1	...	...	1	35
Rensselaer	121	45	25	11	...	...	...	...	40
Rockland	68	3	25	13	3	2	1	3	18
St. Lawrence	6	...	3	2	...	...	...	...	1
Saratoga	174	67	38	14	5	3	1	...	46
Schenectady	73	25	24	13	...	1	...	...	10
Schoharie	3	1	2	...	...	...	...	...	...
Schuyler	10	3	4	1	...	...	...	...	2
Seneca	24	4	12	1	2	1	...	...	4
Steuben	68	27	13	7	3	...	...	...	18
Suffolk	963	85	131	44	25	9	2	7	660
Sullivan	98	72	18	3	2	...	1	...	2
Tioga	40	32	3	...	...	...	...	...	5
Tompkins	28	9	2	1	1	1	...	...	14
Ulster	168	53	16	5	1	1	...	...	92
Warren	29	8	6	...	1	...	...	...	14
Washington	48	27	4	...	...	...	...	...	17
Wayne	59	1	10	17	7	2	2	3	17
Westchester	207	93	59	24	7	5	6	...	13
Wyoming	18	4	2	1	1	...	...	...	10
Yates	18	10	3	1	...	...	...	...	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 Hearing to Completion of Dispositional Hearing
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	11126	2967	1876	871	495	296	171	223	4227
Total New York City	4108	788	692	393	233	152	99	125	1626
New York	912	143	135	103	59	30	27	42	373
Kings	1532	280	231	118	85	51	35	28	704
Queens	1204	230	271	133	65	53	34	42	376
Bronx	356	123	31	29	16	10	3	11	133
Richmond	104	12	24	10	8	8	...	2	40
Total Upstate	7018	2179	1184	478	262	144	72	98	2601
Albany	356	88	69	74	40	18	11	23	33
Allegany	48	24	6	...	...	...	...	...	18
Broome	124	76	18	3	4	1	...	...	22
Cattaraugus	73	16	17	5	2	1	...	...	32
Cayuga	112	60	42	9	1	...	...	...	...
Chautauqua	67	5	29	4	...	...	...	...	29
Chemung	162	138	12	2	...	...	...	...	10
Chenango	11	9	2	...	...	...	...	...	...
Clinton	20	13	7	...	...	...	...	...	...
Columbia	24	6	7	...	...	...	...	...	11
Cortland	20	6	6	3	1	...	...	...	4
Delaware	5	3	...	2	...	...	...	...	...
Dutchess	303	71	51	19	12	5	5	4	136
Erie	520	178	71	25	13	5	3	3	222
Essex	13	2	9	...	...	...	...	...	2
Franklin	13	1	9	2	...	...	...	...	1
Fulton	14	2	9	1	...	1	...	...	1
Genessee	84	8	43	2	1	3	...	...	27
Greene	23	17	5	...	...	...	...	...	1
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	21	4	11	4	...	...	...	...	2
Jefferson	92	29	7	4	...	...	...	4	48
Lewis	9	4	3	...	...	...	...	...	2
Livingston	63	43	19	1	...	...	...	...	...
Madison	32	1	5	1	...	...	...	...	25
Monroe	753	417	125	74	62	44	13	13	5
Montgomery	30	3	8	10	4	2	...	...	3
Nassau	495	101	70	54	41	20	15	19	175
Niagara	153	65	30	7	2	...	...	...	49
Oneida	142	10	58	25	8	2	2	1	36
Onondaga	807	46	37	24	14	7	8	9	662
Ontario	36	12	13	4	3	1	1	1	1
Orange	55	19	21	6	4	...	1	1	3
Orleans	10	2	5	1	...	...	...	...	2
Oswego	49	20	26	...	...	...	...	...	3
Otsego	12	12	...	...	...	...	...	...	...
Putman	43	3	3	...	1	...	...	...	36
Rensselaer	121	31	34	7	5	3	...	1	40
Rockland	68	29	12	3	1	3	1	...	19
St. Lawrence	6	5	...	...	...	...	...	...	1
Saratoga	174	68	31	18	3	3	...	1	50
Schenectady	73	23	16	12	4	1	1	1	15
Schoharie	3	...	2	...	...	...	...	...	1
Schuyler	10	1	6	...	...	...	...	...	3
Seneca	24	11	8	1	1	...	...	...	3
Steuben	68	37	12	2	...	...	...	...	17
Suffolk	963	154	57	37	21	14	7	13	660
Sullivan	98	69	21	2	...	3	1	...	2
Tioga	40	33	1	1	...	...	...	...	5
Tompkins	28	7	5	2	...	...	...	...	14
Ulster	168	54	17	2	...	...	...	...	95
Warren	29	5	6	4	3	...	...	...	11
Washington	48	25	5	1	...	...	...	...	17
Wayne	59	7	21	8	1	2	...	3	17
Westchester	207	103	62	8	9	5	3	1	16
Wyoming	18	1	4	2	1	...	...	...	10
Yates	18	1	11	2	...	...	...	...	4

* Disposed before fact-finding

Table A-49
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age of Boys When Act Committed
1989

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	9737	154	1082	8212	289
Total New York City	3739	8	268	3363	100
New York	806	5	56	698	47
Kings	1367	1	125	1226	15
Queens	1140	...	50	1058	32
Bronx	328	1	27	294	6
Richmond	98	1	10	87	...
Total Upstate	5998	146	814	4849	189
Albany	269	13	49	192	15
Allegany	44	4	12	26	2
Broome	113	5	9	98	1
Cattaraugus	56	3	16	37	...
Cayuga	100	1	30	68	1
Chautauqua	57	...	5	52	...
Chemung	123	6	31	86	...
Chenango	11	1	2	8	...
Clinton	16	...	...	15	1
Columbia	23	...	3	20	...
Cortland	20	...	1	19	...
Delaware	5	...	1	4	...
Dutchess	241	8	37	173	23
Erie	464	2	49	409	4
Essex	11	...	1	10	...
Franklin	12	1	7	4	...
Fulton	13	1	...	12	...
Genessee	82	2	20	60	...
Greene	23	...	...	23	...
Hamilton	1	...	1	...	...
Herkimer	18	1	4	13	...
Jefferson	83	1	17	63	2
Lewis	9	...	1	8	...
Livingston	57	1	4	52	...
Madison	29	...	4	22	3
Monroe	644	5	76	560	3
Montgomery	29	3	5	20	1
Nassau	422	3	44	342	33
Niagara	144	3	28	113	...
Oneida	117	4	16	96	1
Onondaga	673	22	102	542	7
Ontario	31	1	4	26	...
Orange	47	1	7	38	1
Orleans	9	...	1	8	...
Oswego	45	...	9	36	...
Otsego	11	2	2	7	...
Putman	39	4	9	26	...
Rensselaer	107	5	22	79	1
Rockland	64	1	4	59	...
St. Lawrence	5	...	...	5	...
Saratoga	142	...	17	125	...
Schenectady	60	...	12	48	...
Schoharie	1	...	...	1	...
Schuyler	9	...	2	7	...
Seneca	19	1	2	16	...
Steuben	58	...	3	55	...
Suffolk	818	23	71	646	78
Sullivan	83	6	11	63	3
Tioga	32	1	2	29	...
Tompkins	25	4	2	19	...
Ulster	146	2	18	125	1
Warren	28	...	2	26	...
Washington	44	3	10	31	...
Wayne	48	1	7	40	...
Westchester	186	...	14	166	6
Wyoming	15	1	2	11	1
Yates	17	...	6	10	1

Table A-50
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age of Girls When Act Committed
1989

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	1443	14	170	1220	39
Total New York City	404	4	36	350	14
New York	112	2	5	95	10
Kings	175	2	20	151	2
Queens	76	...	6	68	2
Bronx	29	...	4	25	...
Richmond	12	...	1	11	...
Total Upstate	1039	10	134	870	25
Albany	88	...	15	69	4
Allegany	4	...	1	3	...
Broome	11	...	1	10	...
Cattaraugus	17	...	1	16	...
Cayuga	12	...	3	8	1
Chautauqua	10	...	2	8	...
Chemung	39	...	1	38	...
Chenango	...	...	...	...	...
Clinton	5	...	3	2	...
Columbia	1	...	...	1	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	62	...	9	47	6
Erie	60	...	5	54	1
Essex	2	...	...	2	...
Franklin	1	...	...	1	...
Fulton	1	...	...	1	...
Genessee	2	...	...	2	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	3	...	1	2	...
Jefferson	9	1	2	6	...
Lewis	...	...	...	...	...
Livingston	6	...	...	6	...
Madison	3	...	...	3	...
Monroe	112	1	14	96	1
Montgomery	1	...	...	1	...
Nassau	74	...	11	59	4
Niagara	10	...	2	8	...
Oneida	25	1	5	19	...
Onondaga	137	...	27	110	...
Ontario	5	...	...	5	...
Orange	8	...	1	7	...
Orleans	1	1	...	...	...
Oswego	4	...	...	4	...
Otsego	1	...	...	1	...
Putman	4	1	...	3	...
Rensselaer	15	...	2	13	...
Rockland	4	...	...	4	...
St. Lawrence	1	...	...	1	...
Saratoga	32	...	2	30	...
Schenectady	13	...	1	12	...
Schoharie	2	...	...	2	...
Schuyler	1	...	...	1	...
Seneca	5	...	...	5	...
Steuben	10	...	...	10	...
Suffolk	148	5	13	124	6
Sullivan	15	...	4	10	1
Tioga	8	...	...	8	...
Tompkins	3	...	...	3	...
Ulster	22	...	2	20	...
Warren	1	...	...	1	...
Washington	4	...	1	3	...
Wayne	11	...	...	11	...
Westchester	22	...	3	18	1
Wyoming	3	...	1	2	...
Yates	1	...	1	...	...

Table A-51
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Type of Petition
1989

Location	Total	Order JD Petition	JD Petition Substituted for DF Petition
Total New York State	11180	11114	66
Total New York City	4143	4103	40
New York	918	903	15
Kings	1542	1532	10
Queens	1216	1202	14
Bronx	357	357	...
Richmond	110	109	1
Total Upstate	7037	7011	26
Albany	357	357	...
Allegany	48	48	...
Broome	124	122	2
Cattaraugus	73	72	1
Cayuga	112	112	...
Chautauqua	67	66	1
Chemung	162	162	...
Chenango	11	11	...
Clinton	21	20	1
Columbia	24	24	...
Cortland	20	20	...
Delaware	5	5	...
Dutchess	303	302	1
Erie	524	524	...
Essex	13	12	1
Franklin	13	13	...
Fulton	14	14	...
Genessee	84	84	...
Greene	23	23	...
Hamilton	1	1	...
Herkimer	21	21	...
Jefferson	92	89	3
Lewis	9	9	...
Livingston	63	62	1
Madison	32	32	...
Monroe	756	754	2
Montgomery	30	30	...
Nassau	496	492	4
Niagara	154	154	...
Oneida	142	142	...
Onondaga	810	809	1
Ontario	36	36	...
Orange	55	55	...
Orleans	10	10	...
Oswego	49	49	...
Otsego	12	11	1
Putman	43	43	...
Rensselaer	122	122	...
Rockland	68	68	...
St. Lawrence	6	6	...
Saratoga	174	174	...
Schenectady	73	73	...
Schoharie	3	3	...
Schuyler	10	10	...
Seneca	24	24	...
Steuben	68	68	...
Suffolk	966	961	5
Sullivan	98	98	...
Tioga	40	40	...
Tompkins	28	28	...
Ulster	168	168	...
Warren	29	29	...
Washington	48	48	...
Wayne	59	59	...
Westchester	208	206	2
Wyoming	18	18	...
Yates	18	18	...

Table A-52
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Origin of Case
1989

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 Adjudication	Removal By Supreme or County Court Before Sentence
Total New York State	11180	10900	226	39	3	9	3
Total New York City	4143	3989	119	27	2	5	1
New York	918	890	22	3	...	3	...
Kings	1542	1494	38	10	...	...	...
Queens	1216	1146	58	10	1	1	...
Bronx	357	356	...	1	...	...	...
Richmond	110	103	1	3	1	1	1
Total Upstate	7037	6911	107	12	1	4	2
Albany	357	343	13	...	...	1	...
Allegany	48	48	...	...	...	...	...
Broome	124	122	2	...	...	...	...
Cattaraugus	73	73	...	...	...	...	...
Cayuga	112	112	...	...	...	...	...
Chautauqua	67	67	...	...	...	...	...
Chemung	162	160	2	...	...	...	...
Chenango	11	11	...	...	...	...	...
Clinton	21	19	1	1	...	...	...
Columbia	24	24	...	...	...	...	...
Cortland	20	20	...	...	...	...	...
Delaware	5	5	...	...	...	...	...
Dutchess	303	303	...	...	...	...	...
Erie	524	513	7	1	1	1	1
Essex	13	11	2	...	...	...	...
Franklin	13	13	...	...	...	...	...
Fulton	14	14	...	...	...	...	...
Genessee	84	82	2	...	...	...	...
Greene	23	22	1	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	21	21	...	...	...	...	...
Jefferson	92	91	1	...	...	...	...
Lewis	9	9	...	...	...	...	...
Livingston	63	63	...	...	...	...	...
Madison	32	31	1	...	...	...	...
Monroe	756	744	9	2	...	1	...
Montgomery	30	28	2	...	...	...	...
Nassau	496	495	...	1	...	...	...
Niagara	154	153	...	1	...	...	...
Oneida	142	133	9	...	...	...	...
Onondaga	810	799	8	3	...	...	...
Ontario	36	36	...	...	...	...	...
Orange	55	51	4	...	...	...	...
Orleans	10	10	...	...	...	...	...
Oswego	49	49	...	...	...	...	...
Otsego	12	12	...	...	...	...	...
Putman	43	43	...	...	...	...	...
Rensselaer	122	115	6	...	...	...	1
Rockland	68	68	...	...	...	...	...
St. Lawrence	6	6	...	...	...	...	...
Saratoga	174	171	3	...	...	...	...
Schenectady	73	69	4	...	...	...	...
Schoharie	3	3	...	...	...	...	...
Schuyler	10	6	4	...	...	...	...
Seneca	24	23	1	...	...	...	...
Steuben	68	61	7	...	...	...	...
Suffolk	966	957	6	3	...	...	...
Sullivan	98	97	1	...	...	...	...
Tioga	40	39	1	...	...	...	...
Tompkins	28	26	2	...	...	...	...
Ulster	168	168	...	...	...	...	...
Warren	29	27	2	...	...	...	...
Washington	48	46	2	...	...	...	...
Wayne	59	59	...	...	...	...	...
Westchester	208	207	...	...	...	1	...
Wyoming	18	15	3	...	...	...	...
Yates	18	17	1	...	...	...	...

Table A-53
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Presentment Agency
1989

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	11180	7147	3941	55	37
Total New York City	4143	154	3933	50	6
New York	918	16	885	15	2
Kings	1542	23	1510	9	...
Queens	1216	19	1174	22	1
Bronx	357	95	259	1	2
Richmond	110	1	105	3	1
Total Upstate	7037	6993	8	5	31
Albany	357	357	...	...	...
Allegany	48	48	...	...	...
Broome	124	124	...	...	...
Cattaraugus	73	73	...	...	...
Cayuga	112	112	...	...	...
Chautauqua	67	67	...	...	...
Chemung	162	161	1	...	...
Chenango	11	11	...	...	...
Clinton	21	20	1	...	...
Columbia	24	24	...	...	...
Cortland	20	20	...	...	...
Delaware	5	5	...	...	...
Dutchess	303	302	1	...	...
Erie	524	523	...	...	1
Essex	13	13	...	...	...
Franklin	13	13	...	...	...
Fulton	14	14	...	...	...
Genessee	84	84	...	...	...
Greene	23	23	...	...	...
Hamilton	1	1	...	...	...
Herkimer	21	21	...	...	...
Jefferson	92	92	...	...	...
Lewis	9	9	...	...	...
Livingston	63	63	...	...	...
Madison	32	32	...	...	...
Monroe	756	754	2	...	...
Montgomery	30	30	...	...	...
Nassau	496	492	...	2	2
Niagara	154	153	...	1	...
Oneida	142	142	...	...	...
Onondaga	810	810	...	...	...
Ontario	36	36	...	...	...
Orange	55	53	1	...	1
Orleans	10	10	...	...	...
Oswego	49	49	...	...	...
Otsego	12	12	...	...	...
Putman	43	43	...	...	...
Rensselaer	122	122	...	...	...
Rockland	68	68	...	...	...
St. Lawrence	6	6	...	...	...
Saratoga	174	154	...	...	20
Schenectady	73	71	...	...	2
Schoharie	3	3	...	...	...
Schuyler	10	10	...	...	...
Seneca	24	24	...	...	...
Steuben	68	68	...	...	...
Suffolk	966	958	2	1	5
Sullivan	98	98	...	...	...
Tioga	40	40	...	...	...
Tompkins	28	28	...	...	...
Ulster	168	168	...	...	...
Warren	29	29	...	...	...
Washington	48	48	...	...	...
Wayne	59	59	...	...	...
Westchester	208	207	...	1	...
Wyoming	18	18	...	...	...
Yates	18	18	...	...	...

Table A-54
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Legal Representation
1989

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	11180	7343	2983	710	144
Total New York City	4143	1319	2507	226	91
New York	918	392	478	9	39
Kings	1542	337	1090	93	22
Queens	1216	352	724	110	30
Bronx	357	189	163	5	...
Richmond	110	49	52	9	...
Total Upstate	7037	6024	476	484	53
Albany	357	341	...	16	...
Allegany	48	47	...	1	...
Broome	124	123	1	...	...
Cattaraugus	73	73	...	...	...
Cayuga	112	111	...	...	1
Chautauqua	67	65	...	2	...
Chemung	162	160	1	1	...
Chenango	11	11	...	...	...
Clinton	21	20	1	...	...
Columbia	24	24	...	...	...
Cortland	20	20	...	...	...
Delaware	5	4	...	1	...
Dutchess	303	302	1	...	...
Erie	524	504	...	16	4
Essex	13	13	...	...	...
Franklin	13	13	...	...	...
Fulton	14	13	...	...	1
Genessee	84	83	...	1	...
Greene	23	23	...	...	...
Hamilton	1	1	...	...	...
Herkimer	21	21	...	...	...
Jefferson	92	92	...	...	...
Lewis	9	8	...	1	...
Livingston	63	63	...	...	...
Madison	32	25	...	2	5
Monroe	756	249	432	61	14
Montgomery	30	28	...	2	...
Nassau	496	365	3	117	11
Niagara	154	130	1	22	1
Oneida	142	141	...	1	...
Onondaga	810	806	...	3	1
Ontario	36	36	...	...	...
Orange	55	35	20	...	...
Orleans	10	10	...	...	...
Oswego	49	49	...	...	...
Otsego	12	9	...	3	...
Putman	43	38	1	4	...
Rensselaer	122	122	...	...	...
Rockland	68	58	8	2	...
St. Lawrence	6	6	...	...	...
Saratoga	174	170	...	4	...
Schenectady	73	71	...	2	...
Schoharie	3	3	...	...	...
Schuyler	10	10	...	...	...
Seneca	24	24	...	...	...
Steuben	68	68	...	...	...
Suffolk	966	746	5	201	14
Sullivan	98	95	...	3	...
Tioga	40	38	...	2	...
Tompkins	28	27	...	1	...
Ulster	168	164	...	4	...
Warren	29	29	...	...	...
Washington	48	48	...	...	...
Wayne	59	59	...	...	...
Westchester	208	196	2	9	1
Wyoming	18	16	...	2	...
Yates	18	18	...	...	...

Table A-55
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Restitution or Public Service Recommended or Ordered
1989

Location	Total	Rest. or Public Service Recomm. or Ordered	Rest. or Public Service Not Recomm. or Ordered
Total New York State	11180	1328	9852
Total New York City	4143	224	3919
New York	918	12	906
Kings	1542	97	1445
Queens	1216	83	1133
Bronx	357	16	341
Richmond	110	16	94
Total Upstate	7037	1104	5933
Albany	357	57	300
Allegany	48	15	33
Broome	124	41	83
Cattaraugus	73	17	56
Cayuga	112	7	105
Chautauqua	67	19	48
Chemung	162	27	135
Chenango	11	5	6
Clinton	21	4	17
Columbia	24	8	16
Cortland	20	6	14
Delaware	5	1	4
Dutchess	303	52	251
Erie	524	60	464
Essex	13	...	13
Franklin	13	6	7
Fulton	14	3	11
Genessee	84	22	62
Greene	23	...	23
Hamilton	1	...	1
Herkimer	21	8	13
Jefferson	92	11	81
Lewis	9	5	4
Livingston	63	26	37
Madison	32	12	20
Monroe	756	76	680
Montgomery	30	11	19
Nassau	496	33	463
Niagara	154	38	116
Oneida	142	24	118
Onondaga	810	76	734
Ontario	36	16	20
Orange	55	21	34
Orleans	10	1	9
Oswego	49	18	31
Otsego	12	3	9
Putman	43	11	32
Rensselaer	122	26	96
Rockland	68	16	52
St. Lawrence	6	3	3
Saratoga	174	31	143
Schenectady	73	7	66
Schoharie	3	1	2
Schuyler	10	...	10
Seneca	24	6	18
Steuben	68	13	55
Suffolk	966	114	852
Sullivan	98	18	80
Tioga	40	20	20
Tompkins	28	5	23
Ulster	168	6	162
Warren	29	17	12
Washington	48	3	45
Wayne	59	14	45
Westchester	208	50	158
Wyoming	18	9	9
Yates	18	5	13

Table A-56
FAMILY COURT
Original Dispositions of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released and Detained Before Petition Filed
1989

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	11177	812	185	10180
Total New York City	4142	563	118	3461
New York	918	147	74	697
Kings	1542	281	28	1233
Queens	1216	61	9	1146
Bronx	356	64	7	285
Richmond	110	10	...	100
Total Upstate	7035	249	67	6719
Albany	357	3	...	354
Allegany	48	...	...	48
Broome	124	3	...	121
Cattaraugus	73	4	...	69
Cayuga	112	4	...	108
Chautauqua	67	...	...	67
Chemung	162	5	1	156
Chenango	11	...	...	11
Clinton	21	2	...	19
Columbia	24	1	...	23
Cortland	20	2	...	18
Delaware	5	...	...	5
Dutchess	303	2	...	301
Erie	523	12	24	487
Essex	13	2	...	11
Franklin	13	...	...	13
Fulton	14	...	...	14
Genessee	84	4	...	80
Greene	23	8	...	15
Hamilton	1	...	...	1
Herkimer	21	...	...	21
Jefferson	92	...	...	92
Lewis	9	1	...	8
Livingston	63	5	...	58
Madison	32	1	...	31
Monroe	756	...	...	756
Montgomery	30	1	...	29
Nassau	496	78	18	400
Niagara	153	4	...	149
Oneida	142	1	...	141
Onondaga	810	38	1	771
Ontario	36	11	...	25
Orange	55	...	...	55
Orleans	10	...	...	10
Oswego	49	...	...	49
Otsego	12	1	...	11
Putman	43	...	...	43
Rensselaer	122	3	3	116
Rockland	68	2	...	66
St. Lawrence	6	...	...	6
Saratoga	174	1	...	173
Schenectady	73	6	...	67
Schoharie	3	...	...	3
Schuyler	10	1	1	8
Seneca	24	...	...	24
Steuben	68	1	...	67
Suffolk	966	...	...	966
Sullivan	98	...	...	98
Tioga	40	1	...	39
Tompkins	28	1	1	26
Ulster	168	1	...	167
Warren	29	...	...	29
Washington	48	...	...	48
Wayne	59	...	1	58
Westchester	208	37	17	154
Wyoming	18	1	...	17
Yates	18	1	...	17

Table A-57
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released and Detained After Petition Filed
1989

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	11180	720	331	263	348	599	80	20	8819
Total New York City	4143	422	136	118	169	250	41	10	2997
New York	918	121	27	37	64	73	10	5	581
Kings	1542	193	52	40	41	62	15	3	1136
Queens	1216	56	38	21	37	86	12	1	965
Bronx	357	42	14	17	23	17	4	1	239
Richmond	110	10	5	3	4	12	...	...	76
Total Upstate	7037	298	195	145	179	349	39	10	5822
Albany	357	1	10	5	33	29	4	...	275
Allegany	48	...	...	...	...	4	...	...	44
Broome	124	4	2	1	3	8	1	...	105
Cattaraugus	73	3	1	3	...	1	...	...	65
Cayuga	112	1	4	1	...	...	...	...	106
Chautauqua	67	4	...	1	...	3	...	...	59
Chemung	162	1	1	2	2	13	1	...	142
Chenango	11	...	...	...	...	...	...	...	11
Clinton	21	...	...	...	1	...	...	...	20
Columbia	24	1	1	...	...	...	...	...	22
Cortland	20	...	...	...	...	7	...	...	13
Delaware	5	...	...	1	...	...	...	...	4
Dutchess	303	4	8	3	2	15	1	1	269
Erie	524	63	18	10	10	31	1	1	390
Essex	13	...	...	...	...	...	...	...	13
Franklin	13	...	...	...	...	...	...	...	13
Fulton	14	...	...	...	1	...	...	...	13
Genessee	84	1	2	1	...	...	...	...	80
Greene	23	...	...	6	2	...	...	...	15
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	21	...	...	...	...	...	...	...	21
Jefferson	92	...	1	...	...	...	...	1	90
Lewis	9	...	1	...	...	...	...	...	8
Livingston	63	1	2	1	4	1	...	...	54
Madison	32	1	...	...	...	2	...	...	29
Monroe	756	58	50	47	67	134	3	1	396
Montgomery	30	...	2	...	2	...	...	...	26
Nassau	496	65	18	7	7	9	4	...	386
Niagara	154	3	6	4	...	...	...	1	140
Oneida	142	3	13	7	2	5	...	...	112
Onondaga	810	25	21	13	21	42	10	2	676
Ontario	36	4	1	1	1	7	2	...	20
Orange	55	1	2	1	...	...	...	...	51
Orleans	10	...	...	...	...	...	...	...	10
Oswego	49	...	2	...	...	...	...	...	47
Otsego	12	1	...	...	...	...	...	...	11
Putman	43	...	...	...	...	...	...	...	43
Rensselaer	122	6	4	2	6	4	1	...	99
Rockland	68	5	...	1	3	2	1	...	56
St. Lawrence	6	...	...	...	...	...	...	...	6
Saratoga	174	...	3	7	...	...	...	1	163
Schenectady	73	2	3	4	3	4	...	...	57
Schoharie	3	...	...	...	...	...	...	...	3
Schuyler	10	1	...	...	...	...	...	...	9
Seneca	24	2	...	1	...	1	...	...	20
Steuben	68	6	1	1	...	2	...	...	58
Suffolk	966	17	4	5	4	7	...	...	929
Sullivan	98	2	1	3	...	...	...	...	92
Tioga	40	...	1	...	...	2	1	...	36
Tompkins	28	1	1	1	...	...	...	...	25
Ulster	168	...	...	...	...	...	...	...	168
Warren	29	1	2	...	...	...	...	...	26
Washington	48	...	...	...	...	...	...	...	48
Wayne	59	3	2	1	...	2	2	...	49
Westchester	208	6	7	3	3	14	3	2	170
Wyoming	18	...	...	1	2	...	4	...	11
Yates	18	1	...	...	...	...	...	...	17

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
1989

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 Applicable*
Total New York State	54	2	1	1	2	18	6	...	1	...	23
Total New York City	35	1	1	...	1	11	4	...	1	...	16
New York	6	...	...	...	...	1	1	...	1	...	3
Kings	10	...	...	...	...	5	1	...	...	...	4
Queens	12	1	1	...	1	3	2	...	...	...	4
Bronx	1	...	...	...	...	...	...	...	...	...	1
Richmond	6	...	...	...	...	2	...	...	...	...	4
Total Upstate	19	1	...	1	1	7	2	...	...	...	7
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	...	1	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	4	...	...	1	...	1	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	3	...	...	...	1	1	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	3	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	3	...	...	...	...	1	1	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	1	1	...	...	...	...	...	...	...	...	...
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 fromCompletion of Fact-Finding Hearing to Completion of Dispositional Hearing
1989

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	54	5	2	2	1	16	3	1	1	...	23
Total New York City	35	4	1	1	1	10	2	...	...	...	16
New York	6	...	1	1	...	1	...	...	...	...	3
Kings	10	2	...	...	...	3	1	...	...	...	4
Queens	12	1	...	...	...	6	1	...	...	...	4
Bronx	1	...	...	...	...	...	...	...	...	...	1
Richmond	6	1	...	...	1	...	...	...	...	...	4
Total Upstate	19	1	1	1	...	6	1	1	1	...	7
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	1	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	4	1	...	1	...	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	3	...	...	...	...	1	1	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	3	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	3	...	1	...	...	...	...	...	1	...	1
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	...	...	...	...	1	...	...	...
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
1989

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or in Part by Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed for Disposition Only
Total New York State	54	1	30	...	21	2
Total New York City	35	1	18	...	15	1
New York	6	1	2	...	3	...
Kings	10	...	6	...	4	...
Queens	12	...	8	...	4	...
Bronx	1	...	...	...	1	...
Richmond	6	...	2	...	3	1
Total Upstate	19	...	12	...	6	1
Albany	1	...	...	...	1	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	1	...	1	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	4	...	2	...	2	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	3	...	2	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	1	...	...	...	1	...
Niagara	1	...	1	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	...	3	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	1
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	3	...	2	...	1	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	1	...	1	...	...	...
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
1989

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	54	43	8	3	...
Total New York City	35	29	3	3	...
New York	6	5	1	...	...
Kings	10	9	1	...	...
Queens	12	8	1	3	...
Bronx	1	1	...	...	...
Richmond	6	6	...	...	...
Total Upstate	19	14	5	...	...
Albany	1	1	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	1	1	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	4	3	1	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	3	3	...	...	...
Montgomery	...	...	...	...	...
Nassau	1	1	...	...	...
Niagara	1	...	1	...	...
Oneida	...	...	...	...	...
Onondaga	3	1	2	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	1	1	...	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	3	2	1	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	1	1	...	...	...
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)
1989

Location	Total	Dispositions — Allegations not Established								Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of Venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	54	8	1	1	...	1	...	8	4	31
Total New York City	35	8	...	...	...	1	...	6	2	18
New York	6	2	...	...	...	...	...	...	1	3
Kings	10	2	...	...	...	...	...	2	1	5
Queens	12	4	...	...	...	...	...	1	...	7
Bronx	1	...	...	...	...	1	...	...	...	...
Richmond	6	...	...	...	...	...	...	3	...	3
Total Upstate	19	...	1	1	...	...	...	2	2	13
Albany	1	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	...	...	...	...	1
Columbia	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...
Erie	4	...	...	...	...	...	...	1	1	2
Essex	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...
Monroe	3	...	1	...	...	...	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	1
Niagara	1	...	...	...	...	...	...	...	...	1
Oneida	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	1	...	2
Ontario	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	1	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...
Suffolk	3	...	...	...	...	...	...	...	1	2
Sullivan	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	...	...	...	...	...	...	1
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)
1989

Location	Total	Placement										
		Condi-tional Discharge	Proba-tion	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6-Month Resid.	Sooc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment
Total New York State	31	2	11	...	1	1	12	1	...	...	...	3
Total New York City	18	1	6	...	...	1	6	1	...	...	...	3
New York	3	...	1	...	...	...	2	...	...	...	...	...
Kings	5	1	1	...	...	...	1	1	...	...	...	1
Queens	7	...	4	...	...	...	1	...	...	...	...	2
Bronx	...	...	...	...	...	...	...	...	...	...	...	...
Richmond	3	...	...	...	...	1	2	...	...	...	...	...
Total Upstate	13	1	5	...	1	...	6	...	...	...	...	...
Albany	1	1	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	1	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...
Erie	2	...	1	...	...	...	1	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	2	...	...	...	...	...	2	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	1	...	...	...	...	...
Niagara	1	...	1	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	2	...	2	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	2	...	1	...	...	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	...	...	...	1	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...

Table A-64
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Alleged in Petitions
1989

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	14	11	3
Homicide	...	...	...
Criminal Trespass/Burglary	4	2	2
Criminal Mischief/Tampering	...	...	...
Grand Larceny	4	1	3
Robbery	26	19	7
Criminal Possession of Stolen Property	...	...	...
Controlled Substance Offense	3	3	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	8	6	2
Other Felonies	7	4	3
MISDEMEANORS			
Assault or Related Offenses	4	3	1
Criminal Trespass/Burglary or Related Offenses	...	...	...
Criminal Mischief/Tampering/Reckless Endangerment	1	1	...
Petit Larceny	4	2	2
Theft and Related Offenses	3	3	...
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harrassment/Loitering	...	...	...
Unlawful Possession of Weapon	...	...	...
Weapon Offenses	4	3	1
Other Misdemeanors	2	2	...

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
1989

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	4	2	2
Homicide	...	...	...
Criminal Trespass/Burglary	1	1	...
Criminal Mischief/Tampering	...	...	...
Grand Larceny	4	2	2
Robbery	6	4	2
Criminal Possession of Stolen Property	...	...	...
Controlled Substance Offense	...	...	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	5	4	1
Other Felonies	5	1	4
MISDEMEANORS			
Assault or Related Offenses	4	3	1
Criminal Trespass/Burglary or Related Offenses	...	...	...
Criminal Mischief/Tampering/Reckless Endangerment	...	...	...
Petit Larceny	6	2	4
Theft and Related Offenses	4	2	2
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harrassment/Loitering	...	...	...
Unlawful Possession of Weapon	...	...	...
Weapon Offenses	...	...	...
Other Misdemeanors	...	...	...
Allegations not Established	16	14	2

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
1989

	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Reported
Total New York State									
FELONIES									
Assault or Related Offenses	70	...	...	1	...	1	1	11	56
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	10	...	...	...	...	...	2	...	8
Criminal Mischief/Tampering	...	...	...	...	...	...	...	...	...
Grand Larceny	5	...	...	...	...	...	...	1	4
Robbery	90	...	...	...	...	...	5	13	72
Criminal Possession of Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	10	...	...	...	...	...	...	2	8
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	20	...	...	...	...	...	2	2	16
Other Felonies	30	2	1	...	...	...	1	2	24
MISDEMEANORS									
Assault or Related Offenses	15	1	...	...	...	...	...	2	12
Criminal Trespass/Burglary or Related Offenses	...	...	...	...	...	...	...	...	...
Criminal Mischief/Tampering/Reckless Endangerment	...	...	...	...	...	...	...	...	...
Petit Larceny	10	...	...	...	...	...	2	...	8
Theft and Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harrassment/Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession of Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	1	...	...	...	...	...	4
Other Misdemeanors	5	...	...	...	...	...	...	1	4
TOTAL	270	3	2	1	...	1	13	34	216

Total New York City									
FELONIES									
Assault or Related Offenses	55	...	...	...	...	1	1	9	44
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	5	...	...	...	...	...	1	...	4
Criminal Mischief/Tampering	...	...	...	...	...	...	...	...	...
Grand Larceny	...	...	...	...	...	...	...	...	...
Robbery	60	...	...	...	...	...	2	10	48
Criminal Possession of Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	10	...	...	...	...	...	...	2	8
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	15	...	...	...	...	...	2	1	12
Other Felonies	15	1	...	...	...	...	...	2	12
MISDEMEANORS									
Assault or Related Offenses	10	...	...	...	...	...	...	2	8
Criminal Trespass/Burglary or Related Offenses	...	...	...	...	...	...	...	...	...
Criminal Mischief/Tampering/Reckless Endangerment	...	...	...	...	...	...	...	...	...
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft and Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harrassment/Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession of Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	5	...	...	...	...	...	...	1	4
TOTAL	175	1	...	...	...	1	6	27	140

* 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
1989

Total Outside New York City	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Reported
FELONIES									
Assault or Related Offenses	15	...	...	1	...	...	...	2	12
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	5	...	...	...	...	...	1	...	4
Criminal Mischief/Tampering	...	...	...	...	...	...	...	...	...
Grand Larceny	5	...	...	...	...	...	...	1	4
Robbery	30	...	...	...	...	...	3	3	24
Criminal Possession of Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Felonies	15	1	1	...	...	...	1	...	12
MISDEMEANORS									
Assault or Related Offenses	5	1	...	...	...	...	...	...	4
Criminal Trespass/Burglary or Related Offenses	...	...	...	...	...	...	...	...	...
Criminal Mischief/Tampering/Reckless Endangerment	...	...	...	...	...	...	...	...	...
Petit Larceny	10	...	...	...	...	...	2	...	8
Theft and Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harrassment/Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession of Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	1	...	...	...	...	...	4
Other Misdemeanors	...	...	...	...	...	...	...	...	...
TOTAL	95	2	2	1	...	...	7	7	76

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
1989

Location	Total	None	1	2	3	4 or More
Total New York State	54	34	11	8	1	...
Total New York City	35	20	8	7	...	...
New York	6	6	...	...	...	...
Kings	10	6	3	1	...	...
Queens	12	4	4	4	...	...
Bronx	1	...	...	1	...	...
Richmond	6	4	1	1	...	...
Total Upstate	19	14	3	1	1	...
Albany	1	1	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	1	1	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	4	4	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	3	2	1	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	1	...	...	...	1	...
Niagara	1	1	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	1	1	1	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	3	3	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	1	1	...	...	...	...
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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	54	5	4	10	4	4	4	2	21
Total New York City	35	1	1	6	4	3	3	1	16
New York	6	1	...	1	...	1	...	...	3
Kings	10	...	...	1	...	1	3	1	4
Queens	12	...	1	4	2	1	...	...	4
Bronx	1	...	...	...	...	...	...	...	1
Richmond	6	...	...	...	2	...	...	...	4
Total Upstate	19	4	3	4	...	1	1	1	5
Albany	1	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	1	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	4	...	2	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	3	1	...	1	...	1	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	1	1	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	2	...	...	1	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	3	...	1	1	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	1	1	...	...	...	...	...	...	...
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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	54	10	10	8	3	1	1	...	21
Total New York City	35	4	7	5	3	...	...	...	16
New York	6	...	2	1	...	...	...	...	3
Kings	10	2	2	1	1	...	...	...	4
Queens	12	1	3	2	2	...	...	...	4
Bronx	1	...	...	...	...	...	...	...	1
Richmond	6	1	...	1	...	...	...	...	4
Total Upstate	19	6	3	3	...	1	1	...	5
Albany	1	1	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	1	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	4	1	...	1	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	3	1	...	...	...	1	1	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	1	1	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	2	1	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	3	1	1	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	1	1	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-70
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions
Orders Extending Placement
1989

Placement	Total Orders Extending Placement	First Order Extending Placement	Second Order Extending Placement	Third Order Extending Placement	Fourth or More Order Extending Placement
NEW YORK STATE					
Home, Relative, Pvt. Person	43	34	5	3	1
Comm. Social Service	249	149	60	22	18
DFY Title II	436	292	103	32	9
DFY Title III	506	337	104	49	16
DFY 6 Month Resid.	22	13	8	1	...
Social Service Transfer to MH	10	4	5	1	...
DFY Transfer to MH	3	3	...	...	...
Other Placement	26	19	6	1	...
TOTAL	1295	851	291	109	44
NEW YORK CITY					
Home, Relative, Pvt. Person	...	...	...	...	...
Comm. Social Service	12	8	3	1	...
DFY Title II	273	187	64	14	8
DFY Title III	141	99	24	16	2
DFY 6 Month Resid.	4	3	1	...	...
Social Service Transfer to MH	2	2	...	...	...
DFY Transfer to MH	1	1	...	...	...
Other Placement	6	6	...	...	...
TOTAL	439	306	92	31	10
OUTSIDE NEW YORK CITY					
Home, Relative, Pvt. Person	43	34	5	3	1
Comm. Social Service	237	141	57	21	18
DFY Title II	163	105	39	18	1
DFY Title III	365	238	80	33	14
DFY 6 Month Resid.	18	10	7	1	...
Social Service Transfer to MH	8	2	5	1	...
DFY Transfer to MH	2	2	...	...	...
Other Placement	20	13	6	1	...
TOTAL	856	545	199	78	34

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
1989

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	180	17	16	3	10	24	14	8	...	...	88
Total New York City	87	5	5	...	3	15	7	2	...	...	50
New York	32	4	4	...	1	9	3	1	...	...	10
Kings	34	1	1	...	2	4	4	1	...	...	21
Queens	18	...	...	...	...	2	...	...	...	...	16
Bronx	3	...	...	...	...	...	...	...	...	...	3
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	93	12	11	3	7	9	7	6	...	...	38
Albany	9	...	1	...	...	2	1	...	...	...	5
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	1	...	...	...	...	...	...	...	...	...	1
Chautauqua	4	...	...	1	1	...	...	...	...	...	2
Chemung	7	4	3	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	...	...	1	...	...	3
Erie	5	...	1	1	...	2	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	3	1	1	...	...	1	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	1	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	...	1	...	...	...	1
Monroe	13	5	2	...	3	1	...	...	...	...	2
Montgomery	1	...	...	...	...	...	...	...	...	...	1
Nassau	1	...	...	...	...	...	1	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	1	...	1	1	...	...	...	1
Onondaga	17	...	1	...	...	...	...	...	...	...	16
Ontario	1	...	...	...	...	...	...	1	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	...	...	1
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	1	...	...	...	...	...	...
Putnan	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	1	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	...	...	1
St. Lawrence	1	...	1	...	...	...	...	...	...	...	...
Saratoga	1	1	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	3	...	...	...	...	...	3	...	...	...	...
Steuben	1	...	...	...	...	...	...	...	...	...	1
Suffolk	4	...	...	...	1	...	...	3	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	1	...	...	...	1	...	...	...	...	...
Ulster	2	...	1	...	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	1	...	...	...	1	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* 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
1989

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	180	23	4	11	3	40	8	3	...	...	88
Total New York City	87	11	4	8	2	7	3	2	...	...	50
New York	32	5	3	7	2	2	2	1	...	...	10
Kings	34	6	1	1	...	4	...	1	...	...	21
Queens	18	...	...	...	...	1	1	...	...	...	16
Bronx	3	...	...	...	...	...	...	...	...	...	3
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	93	12	...	3	1	33	5	1	...	...	38
Albany	9	...	...	...	...	3	1	...	...	...	5
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	1	...	...	...	...	...	...	...	...	...	1
Chautauqua	4	...	...	...	...	2	...	...	...	...	2
Chemung	7	1	...	...	...	6	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	1	...	...	...	...	...	...	3
Erie	5	3	...	...	1	...	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	3	...	...	...	...	1	2	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	2	1	...	...	...	...	...	...	...	...	1
Monroe	13	...	...	...	...	10	...	1	...	...	2
Montgomery	1	...	...	...	...	...	...	...	...	...	1
Nassau	1	...	...	...	...	...	1	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	...	...	3	...	...	...	...	1
Onondaga	17	...	...	...	...	1	...	...	...	...	16
Ontario	1	1	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	...	...	1
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	1	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	1	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	...	...	1
St. Lawrence	1	...	...	1	...	...	...	...	...	...	...
Saratoga	1	...	...	1	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	3	2	...	...	...	...	1	...	...	...	...
Steuben	1	...	...	...	...	...	...	...	...	...	1
Suffolk	4	3	...	...	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	2	...	...	...	...	...
Ulster	2	...	...	...	...	1	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	1	...	...	...	...	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-73
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Outcome of Fact-Finding
1989

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or in Part by Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed for Disposition Only
Total New York State	180	6	79	7	88	...
Total New York City	87	4	29	4	50	...
New York	32	4	14	4	10	...
Kings	34	...	13	...	21	...
Queens	18	...	2	...	16	...
Bronx	3	...	...	...	3	...
Richmond	...	...	...	...	...	...
Total Upstate	93	2	50	3	38	...
Albany	9	...	4	...	5	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	1	...	...	...	1	...
Chautauqua	4	...	2	...	2	...
Chemung	7	...	7	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	4	1	...	...	3	...
Erie	5	...	4	...	1	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	3	...	3	...	...	...
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	2	...	1	...	1	...
Monroe	13	...	11	...	2	...
Montgomery	1	...	...	...	1	...
Nassau	1	...	1	...	...	...
Niagara	...	...	...	...	...	...
Oneida	4	...	3	...	1	...
Onondaga	17	...	1	...	16	...
Ontario	1	...	1	...	...	...
Orange	...	...	...	...	...	...
Orleans	1	...	...	...	1	...
Oswego	...	...	...	...	...	...
Otsego	1	1	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...
Rockland	1	...	...	...	1	...
St. Lawrence	1	...	1	...	...	...
Saratoga	1	...	1	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	3	...	3	...	...	...
Steuben	1	...	...	...	1	...
Suffolk	4	...	1	3	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	...	2	...	...	...
Ulster	2	...	1	...	1	...
Warren	...	...	...	...	...	...
Washington	1	...	...	...	1	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	1	...	1	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-74
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Duration of Probation
1989

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	180	151	14	2	13
Total New York City	87	82	3	...	2
New York	32	29	2	...	1
Kings	34	32	1	...	1
Queens	18	18	...	...	...
Bronx	3	3	...	...	...
Richmond	...	...	...	...	...
Total Upstate	93	69	11	2	11
Albany	9	9	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	1	1	...	...	...
Chautauqua	4	2	2	...	...
Chemung	7	3	...	...	4
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	4	...	...	...
Erie	5	3	2	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	3	2	...	...	1
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	1	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	1	...	...	1
Monroe	13	10	1	...	2
Montgomery	1	1	...	...	...
Nassau	1	...	...	...	1
Niagara	...	...	...	...	...
Oneida	4	3	...	1	...
Onondaga	17	17	...	...	...
Ontario	1	...	1	...	...
Orange	...	...	...	...	...
Orleans	1	1	...	...	...
Oswego	...	...	...	...	...
Otsego	1	1	...	...	...
Putman	...	...	...	...	...
Rensselaer	1	...	...	...	1
Rockland	1	1	...	...	...
St. Lawrence	1	1	...	...	...
Saratoga	1	...	1	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	3	2	...	1	...
Steuben	1	1	...	...	...
Suffolk	4	3	...	...	1
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	1	1	...	...
Ulster	2	1	1	...	...
Warren	...	...	...	...	...
Washington	1	1	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	1	...	1	...	...
Yates	...	...	...	...	...

Table A-75
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown of Dispositions (Allegations not Established)
1989

Location	Total	Dispositions — Allegations Not Established							Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of Venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	Other Dismissal	
Total New York State	180	51	1	1	1	3	8	37	78
Total New York City	87	37	...	...	...	1	7	13	29
New York	32	3	...	...	...	...	4	7	18
Kings	34	18	...	...	...	1	3	3	9
Queens	18	15	...	...	...	...	...	1	2
Bronx	3	1	...	...	...	...	...	2	...
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	93	14	1	1	1	2	1	24	49
Albany	9	1	1	...	...	...	...	2	5
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	1	1	...	...	...	...	...	...	...
Chautauqua	4	1	...	...	...	...	...	1	2
Chemung	7	...	...	...	...	...	...	2	5
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	1	1	2	...
Erie	5	...	...	1	...	...	...	1	3
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	3	...	...	...	...	...	...	...	3
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	...	...	1	1
Monroe	13	...	...	...	...	...	...	2	11
Montgomery	1	...	...	...	...	...	...	1	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	...	1	...	...	...	3
Onondaga	17	7	...	...	...	1	...	8	1
Ontario	1	...	...	...	...	...	...	...	1
Orange	...	...	...	...	...	...	...	...	...
Orleans	1	1	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	...	...	...	1
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	1
Rockland	1	1	...	...	...	...	...	...	...
St. Lawrence	1	...	...	...	...	...	...	...	1
Saratoga	1	...	...	...	...	...	...	...	1
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	3	...	...	...	...	...	...	...	3
Steuben	1	1	...	...	...	...	...	...	...
Suffolk	4	...	...	...	...	...	...	3	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	...	...	2
Ulster	2	1	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	1	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	1	...	...	...	...	...	...	...	1
Yates	...	...	...	...	...	...	...	...	...

Table A-76
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown of Dispositions (Allegations Established)
1989

Location	Non-Restrictive Placement												Placement Restrictive		
	Total	Condi-tional Disch'ge	Proba-tion	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6-Month Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment	DFY 5 yrs.	DFY 3 yrs.	DFY Trans-fer to Mental Hygiene
Total New York State	78	6	29	...	3	6	30	1	...	...	...	2	...	1	...
Total New York City	29	5	5	...	...	4	13	...	...	...	...	2	...	...	...
New York	18	...	3	...	...	3	12	...	...	...	...	...	...	...	...
Kings	9	4	2	...	...	1	1	...	...	...	...	1	...	...	...
Queens	2	1	...	...	...	...	...	...	...	...	...	1	...	...	...
Bronx	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	49	1	24	...	3	2	17	1	...	...	...	...	...	1	...
Albany	5	...	...	...	...	...	4	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	5	...	4	...	...	...	1	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	3	1	2	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	3	...	1	...	...	...	2	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	11	...	3	...	1	...	7	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	3	...	1	...	...	2	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Ontario	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Saratoga	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	3	...	1	...	...	...	2	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	1	...	1	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-77
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Alleged in Petitions
1989

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Attempted Murder 1	...	...	...
Murder 2	1	1	...
Kidnapping 1	1	...	1
Arson 1	...	...	...
Attempted Murder 2	2	2	...
Manslaughter 1	...	...	...
Rape 1	21	4	17
Sodomy 1	41	4	37
Aggrivated Sexual Abuse	3	1	2
Attempted Kidnapping 1	...	...	...
Kidnapping 2	1	...	1
Arson 2	2	1	1
Robbery 1	43	38	5
Burglary 1	8	1	7
Robbery 2	36	32	4
Assault 1	21	16	5
Burglary 2	10	1	9
Assault 2	26	25	1
Other Felonies	43	29	14
Misdemeanors, Violations	11	6	5

NOTE: The number of allegations exceeds the number of depositions 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
1989

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Attempted Murder 1	...	...	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Attempted Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	6	1	5
Sodomy 1	15	2	13
Aggrivated Sexual Abuse	4	1	3
Attempted Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	1	...	1
Robbery 1	4	4	...
Burglary 1	5	1	4
Robbery 2	11	7	4
Assault 1	2	1	1
Burglary 2	3	...	3
Assault 2	5	3	2
Other Felonies	29	12	17
Misdemeanors, Violations	13	4	9
Allegations Not Established	85	53	32

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 Petitions Excluding Removals From Criminal Courts: Co-Respondent in Each Petition
1989

Location	Total	None	1	2	3	4 or More
Total New York State	180	116	33	14	12	5
Total New York City	87	49	17	7	10	4
New York	32	23	2	4	1	2
Kings	34	18	7	3	4	2
Queens	18	6	7	...	5	...
Bronx	3	2	1	...	...	...
Richmond	...	...	...	...	...	...
Total Upstate	93	67	16	7	2	1
Albany	9	6	...	3	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	1	1	...	...	...	...
Chautauqua	4	3	1	...	...	...
Chemung	7	3	4	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	4	2	2	...	...	...
Erie	5	4	1	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	3	...	...	2	...	1
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	2	2	...	...	...	...
Monroe	13	8	4	1	...	...
Montgomery	1	1	...	...	...	...
Nassau	1	...	1	...	...	...
Niagara	...	...	...	...	...	...
Oneida	4	3	...	1	...	...
Onondaga	17	15	1	...	1	...
Ontario	1	1	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	1	1	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	1	1	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	1	...	...	...	...
Rockland	1	1	...	...	...	...
St. Lawrence	1	1	...	...	...	...
Saratoga	1	1	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	3	1	2	...	...	...
Steuben	1	1	...	...	...	...
Suffolk	4	4	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	2	...	...	...	...
Ulster	2	2	...	...	...	...
Warren	...	...	...	...	...	...
Washington	1	...	...	...	1	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	1	1	...	...	...	...
Yates	...	...	...	...	...	...

Table A-80
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims by Crime Alleged
1989

	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Rpt'd.
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	5	2	...	...	...	...	...	...	3
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	105	19	1	...	...	...	...	5	80
Sodomy 1	185	30	5	...	...	...	...	5	145
Aggrivated Sexual Abuse	...	...	...	...	...	...	...	...	...
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	2	...	...	...	...	...	...	3
Arson 2	10	...	...	...	...	...	2	...	8
Robbery 1	215	...	1	...	...	...	11	31	172
Burglary 1	30	...	...	...	...	...	5	1	24
Robbery 2	95	...	4	1	...	...	1	13	76
Assault 1	60	1	...	1	1	...	4	5	48
Burglary 2	45	...	1	...	2	...	2	4	36
Assault 2	45	...	2	...	...	...	...	7	36
Other Felonies	70	1	...	1	...	...	10	2	56
Misdemeanors, Violations	15	2	...	...	...	...	1	1	11
TOTAL	900	57	14	3	3	...	36	77	710
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	20	3	...	...	...	...	...	2	15
Sodomy 1	15	...	...	...	...	...	...	3	12
Aggrivated Sexual Abuse	...	...	...	...	...	...	...	...	...
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	1	...	4
Robbery 1	190	...	...	...	...	...	8	30	152
Burglary 1	5	...	...	...	...	...	...	1	4
Robbery 2	75	...	1	...	...	...	1	13	60
Assault 1	35	...	...	...	...	...	3	4	28
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	40	...	1	...	...	...	...	7	32
Other Felonies	30	...	...	...	...	...	4	2	24
Misdemeanors, Violations	5	...	...	...	...	...	...	1	4
TOTAL	435	3	2	...	...	...	17	66	347

* No victims

NOTE: The number of victims exceeds the number of depositions 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
1989

	Total	11 Or Younger	12-20	21-40	41-65	65	Not Applic.*	Not Avail.	Not Rpt'd.
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	5	2	...	...	...	...	...	...	3
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	85	16	1	...	...	...	...	3	65
Sodomy 1	170	30	5	...	...	...	...	2	133
Aggrivated Sexual Abuse	...	...	...	...	...	...	...	...	...
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	2	...	...	...	...	...	...	3
Arson 2	5	...	...	...	...	...	1	...	4
Robbery 1	25	...	1	...	...	...	3	1	20
Burglary 1	25	...	...	...	...	...	5	...	20
Robbery 2	20	...	3	1	...	...	...	...	16
Assault 1	25	1	...	1	1	...	1	1	20
Burglary 2	45	...	1	...	2	...	2	4	36
Assault 2	5	...	1	...	...	...	...	...	4
Other Felonies	40	1	...	1	...	...	6	...	32
Misdemeanors, Violations	10	2	...	...	...	...	1	...	7
TOTAL	465	54	12	3	3	...	19	11	363

* No Victims

NOTE: The number of victims exceeds the number of depositions 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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	180	32	15	22	5	13	10	9	74
Total New York City	87	3	3	13	4	8	6	5	45
New York	32	1	2	6	2	5	3	3	10
Kings	34	...	...	4	1	3	3	2	21
Queens	18	...	1	3	1	...	...	...	13
Bronx	3	2	...	...	...	...	...	...	1
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	93	29	12	9	1	5	4	4	29
Albany	9	4	...	2	...	...	2	...	1
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	1	1	...	...	...	...	...	...	...
Chautauqua	4	1	1	...	...	...	...	...	2
Chemung	7	5	2	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	1	...	1	2
Erie	5	...	3	1	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	3	3	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	1	...	...	...	...	...	1
Monroe	13	8	...	1	...	3	1	...	...
Montgomery	1	...	...	...	...	...	...	...	1
Nassau	1	...	...	...	...	...	1	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	4	...	1	1	...	...	...	1	1
Onondaga	17	1	...	...	...	...	...	...	16
Ontario	1	...	...	...	1	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	1
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...	...	...	...
Rockland	1	...	...	1	...	...	...	...	...
St. Lawrence	1	...	1	...	...	...	...	...	...
Saratoga	1	1	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	3	...	1	1	...	1	...	...	...
Steuben	1	1	...	...	...	...	...	...	...
Suffolk	4	...	...	1	...	...	...	2	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	1	...	1	...	...	...	...	...
Ulster	2	1	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	1	1	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* 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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	180	34	32	17	7	5	6	4	75
Total New York City	87	12	10	7	3	2	3	1	49
New York	32	5	8	5	2	1	...	1	10
Kings	34	6	2	2	...	1	2	...	21
Queens	18	...	...	...	1	...	1	...	16
Bronx	3	1	...	...	...	...	...	...	2
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	93	22	22	10	4	3	3	3	26
Albany	9	...	2	1	1	1	1	2	1
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	1	1	...	...	...	...	...	...	...
Chautauqua	4	...	2	...	...	...	...	...	2
Chemung	7	3	4	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	2	...	...	...	...	...	2
Erie	5	3	1	...	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	3	...	2	1	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	1	...	...	...	...	...	...	1
Monroe	13	3	4	...	2	2	1	1	...
Montgomery	1	...	...	...	...	...	...	...	1
Nassau	1	...	...	1	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	2	...	...	1	...	1
Onondaga	17	...	...	2	...	...	...	...	15
Ontario	1	1	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	1
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...	...	...	...
Rockland	1	1	...	...	...	...	...	...	...
St. Lawrence	1	...	1	...	...	...	...	...	...
Saratoga	1	...	...	1	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	3	2	...	1	...	...	...	...	...
Steuben	1	1	...	...	...	...	...	...	...
Suffolk	4	4	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	1	...	1	...	...	...	...
Ulster	2	1	...	1	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	1	...	1	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* 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
1989

Location	Total	Disposed in Designated Felony Part	Disposed in Other Part
Total New York State	180	125	55
Total New York City	87	73	14
New York	32	29	3
Kings	34	29	5
Queens	18	15	3
Bronx	3	...	3
Richmond	...	...	...
Total Upstate	93	52	41
Albany	9	5	4
Allegany	...	...	...
Broome	...	...	...
Cattaraugus	...	...	...
Cayuga	1	...	1
Chautauqua	4	4	...
Chemung	7	...	7
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	4	4	...
Erie	5	5	...
Essex	...	...	...
Franklin	...	...	...
Fulton	3	...	3
Genessee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	...	1
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	2	2	...
Monroe	13	13	...
Montgomery	1	1	...
Nassau	1	1	...
Niagara	...	...	...
Oneida	4	...	4
Onondaga	17	9	8
Ontario	1	1	...
Orange	...	...	...
Orleans	1	...	1
Oswego	...	...	...
Otsego	1	...	1
Putman	...	...	...
Rensselaer	1	...	1
Rockland	1	...	1
St. Lawrence	1	1	...
Saratoga	1	1	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	3	...	3
Steuben	1	...	1
Suffolk	4	4	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	2	...	2
Ulster	2	...	2
Warren	...	...	...
Washington	1	...	1
Wayne	...	...	...
Westchester	...	...	...
Wyoming	1	1	...
Yates	...	...	...

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
1989

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	219	11	7	8	9	49	18	2	1	...	114
Total New York City	176	10	6	7	4	36	12	1	1	...	99
New York	2	...	...	...	...	1	...	...	...	...	1
Kings	141	8	5	7	4	32	12	1	1	...	71
Queens	26	2	1	...	...	3	...	...	...	...	20
Bronx	5	...	...	...	...	...	...	...	...	...	5
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	43	1	1	1	5	13	6	1	...	...	15
Albany	1	...	...	...	...	1	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	3	...	...	...	1	1	1	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	9	1	...	1	2	1	1	...	...	...	3
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	...	...	...	...	...	1
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	12	...	1	...	1	7	2	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	7	...	...	...	1	1	1	...	...	...	4
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	6	...	...	...	...	1	...	...	...	...	5
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	1	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	1	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	1	...	...	...	...	...
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
1989

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	219	44	1	7	2	33	10	7	1	...	114
Total New York City	176	39	...	6	2	19	7	4	...	...	99
New York	2	...	...	1	...	...	...	...	...	...	1
Kings	141	37	...	5	1	16	7	4	...	...	71
Queens	26	2	...	...	1	3	...	...	...	...	20
Bronx	5	...	...	...	...	...	...	...	...	...	5
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	43	5	1	1	...	14	3	3	1	...	15
Albany	1	...	...	...	...	...	1	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	3	...	...	...	...	2	1	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	9	1	...	...	...	2	...	3	...	...	3
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	...	...	...	...	...	1
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	12	1	1	1	...	8	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	7	2	...	...	...	1	...	...	...	...	4
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	6	...	...	...	...	1	...	...	...	...	5
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	1	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	...	1	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	...	1	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

Table A-87
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Outcome of Fact-Finding
1989

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or in Part by Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed for Disposition Only
Total New York State	219	7	98	...	114	...
Total New York City	176	2	75	...	99	...
New York	2	...	1	...	1	...
Kings	141	2	68	...	71	...
Queens	26	...	6	...	20	...
Bronx	5	...	...	...	5	...
Richmond	2	...	...	...	2	...
Total Upstate	43	5	23	...	15	...
Albany	1	...	1	...	...	...
Allegany	...	...	...	...	...	...
Broome	3	1	2	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	...	...	...	1	...
Erie	9	1	5	...	3	...
Essex	...	...	...	...	...	...
Franklin	1	...	...	...	1	...
Fulton	...	...	...	...	...	...
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	12	1	10	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	7	1	2	...	4	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	6	...	1	...	5	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	1	...	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	1	...	1	...	...	...
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
1989

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	219	197	12	4	6
Total New York City	176	165	4	3	4
New York	2	2	...	...	...
Kings	141	133	3	1	4
Queens	26	23	1	2	...
Bronx	5	5	...	...	...
Richmond	2	2	...	...	...
Total Upstate	43	32	8	1	2
Albany	1	...	1	...	...
Allegany	...	...	...	...	...
Broome	3	1	2	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	1	...	...	...
Erie	9	7	2	...	...
Essex	...	...	...	...	...
Franklin	1	1	...	...	...
Fulton	...	...	...	...	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	12	10	1	...	1
Montgomery	...	...	...	...	...
Nassau	7	6	...	...	1
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	6	5	1	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	1	...	1	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	...	...	1	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	1	1	...	...	...
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)
1989

Location	Total	Dispositions — Allegations Not Established							Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of Venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	Other Dismissal	
Total New York State	219	84	1	2	...	7	5	33	87
Total New York City	176	80	...	...	...	4	5	23	64
New York	2	...	...	...	...	...	...	...	2
Kings	141	56	...	...	...	3	5	22	55
Queens	26	19	...	...	...	...	...	...	7
Bronx	5	3	...	...	...	1	...	1	...
Richmond	2	2	...	...	...	...	...	...	...
Total Upstate	43	4	1	2	...	3	...	10	23
Albany	1	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...
Broome	3	...	...	...	...	...	...	...	3
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...	...	...	...
Erie	9	...	...	...	...	...	...	6	3
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	1	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	12	...	...	...	...	...	...	1	11
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	7	3	...	2	...	...	...	1	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	6	1	...	...	...	2	...	2	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	...	...	...	1
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)
1989

Location	Total	Non-Restrictive Placement											Placement Restrictive		
		Condi-tional Discharge	Proba-tion	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6-Month Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment	DFY 5 yrs.	DFY 3 yrs.	DFY Trans-fer to Mental Hygiene
Total New York State	87	16	22	1	1	2	34	...	...	...	2	9	...	...	...
Total New York City	64	16	11	...	...	2	24	...	...	...	2	9	...	...	...
New York	2	...	...	...	...	...	2	...	...	...	...	...	...	...	...
Kings	55	14	8	...	...	1	21	...	...	...	2	9	...	...	...
Queens	7	2	3	...	...	1	1	...	...	...	...	...	...	...	...
Bronx	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	23	...	11	1	1	...	10	...	...	...	...	...	...	...	...
Albany	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	3	...	2	1	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	3	...	2	...	...	...	1	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	11	...	2	...	...	...	9	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-91
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Crimes Alleged in Petitions
1989

	Total New York State	Total New York City	Total Upstate
Murder 1	1	1	...
Attempted Murder 1	...	...	...
Murder 2	1	1	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Attempted Murder 2	1	1	...
Manslaughter 1	2	2	...
Rape 1	14	2	12
Sodomy 1	7	...	7
Aggrivated Sexual Abuse	2	1	1
Attempted Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	2	1	1
Robbery 1	48	42	6
Burglary 1	12	3	9
Robbery 2	100	94	6
Assault 1	16	13	3
Burglary 2	4	4	...
Assault 2	90	87	3
Other Felonies	87	79	8
Misdemeanors, Violations	15	12	3

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-92
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Crimes Found to Have Been Committed
1989

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Attempted Murder 1	...	...	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Attempted Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	2	1	1
Sodomy 1	1	...	1
Aggrivated Sexual Abuse	2	...	2
Attempted Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	...	...	...
Robbery 1	3	2	1
Burglary 1	2	..	2
Robbery 2	14	14	...
Assault 1	3	3	...
Burglary 2	1	...	1
Assault 2	14	14	...
Other Felonies	45	42	3
Misdemeanors, Violations	28	10	18
Allegations Not Established	108	94	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
1989

Location	Total	None	1	2	3	4 or More
Total New York State	219	94	53	42	19	11
Total New York City	176	68	45	35	17	11
New York	2	2	...	...	...	...
Kings	141	46	41	33	13	8
Queens	26	16	3	...	4	3
Bronx	5	2	1	2	...	...
Richmond	2	2	...	...	...	...
Total Upstate	43	26	8	7	2	...
Albany	1	1	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	3	...	1	2	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...
Erie	9	9	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	1	1	...	...	...	...
Fulton	...	...	...	...	...	...
Genessee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	....	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	12	3	4	3	2	...
Montgomery	...	...	...	...	...	...
Nassau	7	4	3	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	6	5	...	1	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	1	...	...	1	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	1	1	...	...	...	...
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
1989

	Total	11 Or Younger	12-20	21-40	41-65	Over 65	Not Applic.*	Not Avail.	Not Rpt'd.
Total New York State									
Murder 1	5	...	...	...	...	...	...	1	4
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	5	...	...	...	...	...	...	1	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	70	...	8	...	...	...	1	5	56
Sodomy 1	25	2	1	1	...	...	...	2	19
Aggrivated Sexual Abuse	10	...	1	...	...	...	1	...	8
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	10	...	...	...	...	...	2	...	8
Robbery 1	240	...	3	1	...	...	6	40	190
Burglary 1	60	...	...	2	1	1	5	3	48
Robbery 2	395	...	9	...	1	...	8	65	312
Assault 1	40	...	...	...	...	...	1	7	32
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	125	1	3	...	...	...	...	22	99
Other Felonies	85	1	...	...	...	...	9	7	68
Misdemeanors, Violations	15	...	...	...	...	...	3	...	12
TOTAL	1095	4	25	4	2	1	37	154	868
Total New York City									
Murder 1	5	...	...	...	...	...	...	1	4
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	5	...	...	...	...	...	...	1	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	10	...	1	...	...	...	...	1	8
Sodomy 1	...	...	...	...	...	...	...	...	...
Aggrivated Sexual Abuse	5	...	...	...	...	...	1	...	4
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	1	...	4
Robbery 1	210	...	2	...	...	...	5	37	166
Burglary 1	15	...	...	...	...	...	1	2	12
Robbery 2	365	...	6	...	1	...	5	65	288
Assault 1	35	...	...	...	...	...	1	6	28
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	125	1	3	...	...	...	...	22	99
Other Felonies	80	...	...	...	...	...	9	7	64
Misdemeanors, Violations	10	...	...	...	...	...	2	...	8
TOTAL	880	1	12	...	1	...	26	143	697

*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 (partial)
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Age of Alleged Victims by Crime Alleged
1989

	Total	11 Or Younger	12-20	21-40	41-65	Over 65	Not Applic.*	Not Avail.	Not Rpt'd.
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Attempted Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Attempted Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	60	...	7	...	...	...	1	4	48
Sodomy 1	25	2	1	1	...	...	...	2	19
Aggrivated Sexual Abuse	5	...	1	...	...	...	...	...	4
Attempted Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	1	...	4
Robbery 1	30	...	1	1	...	...	1	3	24
Burglary 1	45	...	...	2	1	1	4	1	36
Robbery 2	30	...	3	...	...	...	3	...	24
Assault 1	5	...	...	...	...	...	...	1	4
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	...	...	...	...	...	...	...	...	...
Other Felonies	5	1	...	...	...	...	...	...	4
Misdemeanors, Violations	5	...	...	...	...	...	1	...	4
TOTAL	215	3	13	4	1	1	11	11	171

*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 to Completion of Fact-Finding Hearing
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	219	12	12	21	21	12	19	17	105
Total New York City	176	9	8	14	15	10	14	12	94
New York	2	...	...	...	...	...	1	...	1
Kings	141	4	6	14	14	10	12	12	69
Queens	26	4	1	...	1	...	1	...	19
Bronx	5	...	1	...	...	...	...	...	4
Richmond	2	1	...	...	...	...	...	...	1
Total Upstate	43	3	4	7	6	2	5	5	11
Albany	1	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	3	2	...	1	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	1	...	...
Erie	9	...	2	2	1	...	1	...	3
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	1	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	12	1	1	2	2	2	2	2	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	7	...	...	...	2	...	1	1	3
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	6	...	...	...	1	...	...	...	5
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	...	...	...	1	...
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	1	...	...	1	...	...	...	...	...
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
1989

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	219	49	27	12	6	9	1	9	106
Total New York City	176	40	15	9	4	7	1	6	94
New York	2	...	1	...	...	...	...	...	1
Kings	141	36	11	8	4	7	1	6	68
Queens	26	3	3	1	...	...	...	...	19
Bronx	5	...	...	...	...	...	...	...	5
Richmond	2	1	...	...	...	...	...	...	1
Total Upstate	43	9	12	3	2	2	...	3	12
Albany	1	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	3	1	2	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...	...	...	...
Erie	9	4	1	1	...	...	...	...	3
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	...	...	...	1
Fulton	...	...	...	...	...	...	...	...	...
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	12	1	6	1	...	2	...	2	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	7	2	1	...	1	...	...	...	3
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	6	...	...	...	1	...	...	...	5
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	1	1	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	1	...	...	1	...	...	...	...	...
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
1989

Location	Total	Disposed in Designated Felony Part	Disposed in Other Part
Total New York State	219	197	22
Total New York City	176	161	15
New York	2	2	...
Kings	141	132	9
Queens	26	25	1
Bronx	5	...	5
Richmond	2	2	...
Total Upstate	43	36	7
Albany	1	1	...
Allegany	...	...	...
Broome	3	3	...
Cattaraugus	...	...	...
Cayuga	...	...	...
Chautauqua	...	...	...
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	1	1	...
Erie	9	9	...
Essex	...	...	...
Franklin	1	1	...
Fulton	...	...	...
Genessee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	...	...	...
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	12	12	...
Montgomery	...	...	...
Nassau	7	7	...
Niagara	...	...	...
Oneida	...	...	...
Onondaga	6	1	5
Ontario	...	...	...
Orange	...	...	...
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putman	...	...	...
Rensselaer	1	...	1
Rockland	...	...	...
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	1	1	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	...	...	...
Ulster	...	...	...
Warren	1	...	1
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-98
FAMILY COURT
Original Dispositions of Designated Felony Petitions
Age of Boys When Act Committed
1989

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	368	...	9	350	9
Total New York City	241	...	4	231	6
New York	27	...	...	26	1
Kings	162	...	2	158	2
Queens	43	...	...	40	3
Bronx	7	...	2	5	...
Richmond	2	...	...	2	...
Total Upstate	127	...	5	119	3
Albany	8	...	...	8	...
Allegany	...	...	...	...	...
Broome	3	...	...	2	1
Cattaraugus	...	...	...	...	...
Cayuga	1	...	...	1	...
Chautauqua	4	...	...	4	...
Chemung	7	...	...	7	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	...	1	3	...
Erie	13	...	...	13	...
Essex	...	...	...	...	...
Franklin	1	...	...	1	...
Fulton	3	...	...	3	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	...	1	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	...	...	2	...
Monroe	24	...	...	23	1
Montgomery	1	...	...	1	...
Nassau	6	...	...	6	...
Niagara	...	...	...	...	...
Oneida	3	...	...	3	...
Onondaga	23	...	4	18	1
Ontario	1	...	...	1	...
Orange	...	...	...	...	...
Orleans	1	...	...	1	...
Oswego	...	...	...	...	...
Otsego	1	...	...	1	...
Putman	...	...	...	...	...
Rensselaer	2	...	...	2	...
Rockland	1	...	...	1	...
St. Lawrence	1	...	...	1	...
Saratoga	1	...	...	1	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	3	...	...	3	...
Steuben	1	...	...	1	...
Suffolk	5	...	...	5	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	...	...	2	...
Ulster	2	...	...	2	...
Warren	1	...	...	1	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	1	...	...	1	...
Yates	...	...	...	...	...

Table A-99
FAMILY COURT
Original Dispositions of Designated Felony Petitions
Age of Girls When Act Committed
1989

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	31	...	3	26	2
Total New York City	22	...	2	20	...
New York	7	...	...	7	...
Kings	13	...	2	11	...
Queens	1	...	...	1	...
Bronx	1	...	...	1	...
Richmond	...	...	...	...	...
Total Upstate	9	...	1	6	2
Albany	2	...	...	2	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	...	1	...	...
Erie	1	...	...	...	1
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	1	...	...	1	...
Montgomery	...	...	...	...	...
Nassau	2	...	...	1	1
Niagara	...	...	...	...	...
Oneida	1	...	...	1	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	1	...	...	1	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-100
FAMILY COURT
Original Dispositions of Designated Felony Petitions
Origin of Cases
1989

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 Adjudication	Removal By Supreme or County Court Before Sentence
Total New York State	399	169	11	167	5	45	2
Total New York City	263	80	7	134	3	37	2
New York	34	31	1	1	...	1	...
Kings	175	30	4	109	1	31	...
Queens	44	16	2	17	2	5	2
Bronx	8	3	...	5	...	...	...
Richmond	2	...	...	2	...	...	...
Total Upstate	136	89	4	33	2	8	...
Albany	10	9	...	1	...	...	...
Allegany	...	...	...	...	...	...	...
Broome	3	...	...	...	1	2	...
Cattaraugus	...	...	...	...	...	...	...
Cayuga	1	1	...	...	...	...	...
Chautauqua	4	4	...	...	...	...	...
Chemung	7	6	1	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...
Dutchess	5	4	...	1	...	...	...
Erie	14	5	...	8	...	1	...
Essex	...	...	...	...	...	...	...
Franklin	1	...	...	1	...	...	...
Fulton	3	3	...	...	...	...	...
Genessee	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	2	2	...	...	...	...	...
Monroe	25	10	3	12	...	...	...
Montgomery	1	1	...	...	...	...	...
Nassau	8	1	...	6	...	1	...
Niagara	...	...	...	...	...	...	...
Oneida	4	4	...	...	...	...	...
Onondaga	23	17	...	3	...	3	...
Ontario	1	1	...	...	...	...	...
Orange	...	...	...	...	...	...	...
Orleans	1	1	...	...	...	...	...
Oswego	...	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...
Putman	...	...	...	...	...	...	...
Rensselaer	2	1	...	...	...	1	...
Rockland	1	1	...	...	...	...	...
St. Lawrence	1	1	...	...	...	...	...
Saratoga	1	1	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	3	3	...	...	...	...	...
Steuben	1	1	...	...	...	...	...
Suffolk	5	4	...	1	...	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	2	2	...	...	...	...	...
Ulster	2	2	...	...	...	...	...
Warren	1	...	...	...	1	...	...
Washington	1	1	...	...	...	...	...
Wayne	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...
Wyoming	1	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...

Table A-101
FAMILY COURT
Original Dispositions of Designated Felony Petitions:
Presentment Agency
1989

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	399	128	15	255	1
Total New York City	263	2	15	245	1
New York	34	1	2	31	...
Kings	175	...	3	172	...
Queens	44	...	6	38	...
Bronx	8	1	4	3	...
Richmond	2	...	...	1	1
Total Upstate	136	126	...	10	...
Albany	10	10	...	...	...
Allegany	...	...	...	...	...
Broome	3	1	...	2	...
Cattaraugus	...	...	...	...	...
Cayuga	1	1	...	...	...
Chautauqua	4	4	...	...	...
Chemung	7	6	...	1	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	4	...	1	...
Erie	14	14	...	...	...
Essex	...	...	...	...	...
Franklin	1	...	...	1	...
Fulton	3	3	...	...	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	...	...	2	...
Monroe	25	25	...	...	...
Montgomery	1	1	...	...	...
Nassau	8	8	...	...	...
Niagara	...	...	...	...	...
Oneida	4	4	...	...	...
Onondaga	23	21	...	2	...
Ontario	1	1	...	...	...
Orange	...	...	...	...	...
Orleans	1	1	...	...	...
Oswego	...	...	...	...	...
Otsego	1	1	...	...	...
Putman	...	...	...	...	...
Rensselaer	2	2	...	...	...
Rockland	1	1	...	...	...
St. Lawrence	1	1	...	...	...
Saratoga	1	1	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	3	3	...	...	...
Steuben	1	1	...	...	...
Suffolk	5	4	...	1	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	2	...	...	...
Ulster	2	2	...	...	...
Warren	1	1	...	...	...
Washington	1	1	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	1	1	...	...	...
Yates	...	...	...	...	...

Table A-102
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Legal Representation
1989

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	399	171	175	29	24
Total New York City	263	64	161	14	24
New York	34	17	15	2	...
Kings	175	33	130	6	6
Queens	44	9	11	6	18
Bronx	8	4	4	...	...
Richmond	2	1	1	...	...
Total Upstate	136	107	14	15	...
Albany	10	9	...	1	...
Allegany	...	...	...	...	...
Broome	3	3	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	1	1	...	...	...
Chautauqua	4	4	...	...	...
Chemung	7	7	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	5	5	...	...	...
Erie	14	13	...	1	...
Essex	...	...	...	...	...
Franklin	1	1	...	...	...
Fulton	3	3	...	...	...
Genessee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	1	...	1	...
Monroe	25	8	13	4	...
Montgomery	1	1	...	...	...
Nassau	8	4	1	3	...
Niagara	...	...	...	...	...
Oneida	4	4	...	...	...
Onondaga	23	23	...	...	...
Ontario	1	1	...	...	...
Orange	...	...	...	...	...
Orleans	1	1	...	...	...
Oswego	...	...	...	...	...
Otsego	1	1	...	...	...
Putman	...	...	...	...	...
Rensselaer	2	2	...	...	...
Rockland	1	1	...	...	...
St. Lawrence	1	1	...	...	...
Saratoga	1	1	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	3	3	...	...	...
Steuben	1	1	...	...	...
Suffolk	5	1	...	4	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	2	...	...	...
Ulster	2	2	...	...	...
Warren	1	...	...	1	...
Washington	1	1	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	1	1	...	...	...
Yates	...	...	...	...	...

Table A-103
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Restitution or Public Service Recommended or Ordered
1989

Location	Total	Rest. or Public Service Recomm. or Ordered	Rest. or Public Service Not Recomm. or Ordered
Total New York State	399	14	385
Total New York City	263	2	261
New York	34	...	34
Kings	175	2	173
Queens	44	...	44
Bronx	8	...	8
Richmond	2	...	2
Total Upstate	136	12	124
Albany	10	1	9
Allegany	...	...	...
Broome	3	2	1
Cattaraugus	...	...	...
Cayuga	1	...	1
Chautauqua	4	1	3
Chemung	7	4	3
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	5	...	5
Erie	14	...	14
Essex	...	...	...
Franklin	1	...	1
Fulton	3	...	3
Genessee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	...	1
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	2	...	2
Monroe	25	1	24
Montgomery	1	...	1
Nassau	8	...	8
Niagara	...	...	...
Oneida	4	...	4
Onondaga	23	...	23
Ontario	1	...	1
Orange	...	...	...
Orleans	1	...	1
Oswego	...	...	...
Otsego	1	...	1
Putman	...	...	...
Rensselaer	2	1	1
Rockland	1	...	1
St. Lawrence	1	...	1
Saratoga	1	1	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	3	...	3
Steuben	1	...	1
Suffolk	5	...	5
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	2	...	2
Ulster	2	1	1
Warren	1	...	1
Washington	1	...	1
Wayne	...	...	...
Westchester	...	...	...
Wyoming	1	...	1
Yates	...	...	...

Table A-104
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released and Detained Before Petition Filing
1989

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	399	18	19	362
Total New York City	263	10	15	238
New York	34	7	15	12
Kings	175	3	...	172
Queens	44	...	...	44
Bronx	8	...	...	8
Richmond	2	...	...	2
Total Upstate	136	8	4	124
Albany	10	...	1	9
Allegany	...	...	...	...
Broome	3	...	...	3
Cattaraugus	...	...	...	...
Cayuga	1	...	...	1
Chautauqua	4	...	...	4
Chemung	7	2	...	5
Chenango	...	...	...	...
Clinton	...	...	...	...
Columbia	...	...	...	...
Cortland	...	...	...	...
Delaware	...	...	...	...
Dutchess	5	...	...	5
Erie	14	...	...	14
Essex	...	...	...	...
Franklin	1	...	...	1
Fulton	3	...	...	3
Genessee	...	...	...	...
Greene	...	...	...	...
Hamilton	...	...	...	...
Herkimer	1	...	...	1
Jefferson	...	...	...	...
Lewis	...	...	...	...
Livingston	...	...	...	...
Madison	2	...	...	2
Monroe	25	...	...	25
Montgomery	1	...	...	1
Nassau	8	3	1	4
Niagara	...	...	...	...
Oneida	4	...	...	4
Onondaga	23	...	1	22
Ontario	1	...	...	1
Orange	...	...	...	...
Orleans	1	...	...	1
Oswego	...	...	...	...
Otsego	1	1	...	...
Putman	...	...	...	...
Rensselaer	2	...	1	1
Rockland	1	...	...	1
St. Lawrence	1	...	...	1
Saratoga	1	...	...	1
Schenectady	...	...	...	...
Schoharie	...	...	...	...
Schuyler	...	...	...	...
Seneca	3	...	...	3
Steuben	1	...	...	1
Suffolk	5	...	...	5
Sullivan	...	...	...	...
Tioga	...	...	...	...
Tompkins	2	2	...	...
Ulster	2	...	...	2
Warren	1	...	...	1
Washington	1	...	...	1
Wayne	...	...	...	...
Westchester	...	...	...	...
Wyoming	1	...	...	1
Yates	...	...	...	...

* Respondent not detained

Table A-105
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released and Detained After Petition Filed
1989

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	399	26	17	17	26	23	6	...	284
Total New York City	263	18	6	10	17	11	4	...	197
New York	34	3	2	2	7	3	3	...	14
Kings	175	12	4	8	9	7	...	...	135
Queens	44	3	...	...	1	1	1	...	38
Bronx	8	...	...	...	...	...	...	...	8
Richmond	2	...	...	...	...	...	...	...	2
Total Upstate	136	8	11	7	9	12	2	...	87
Albany	10	1	...	...	...	2	2	...	5
Allegany	...	...	...	...	...	...	...	...	...
Broome	3	...	...	...	1	...	...	...	2
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	1	...	...	...	...	...	...	...	1
Chautauqua	4	1	...	...	...	...	...	...	3
Chemung	7	...	1	...	4	2	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	5	...	1	...	...	...	...	...	4
Erie	14	2	1	1	...	...	...	...	10
Essex	...	...	...	...	...	...	...	...	...
Franklin	1	...	...	...	...	...	...	...	1
Fulton	3	...	...	...	...	...	...	...	3
Genessee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	1	...	...	...	...	...	1
Monroe	25	...	4	4	3	7	...	...	7
Montgomery	1	...	...	...	...	...	...	...	1
Nassau	8	2	...	...	...	...	...	...	6
Niagara	...	...	...	...	...	...	...	...	...
Oneida	4	...	...	...	...	...	...	...	4
Onondaga	23	1	...	...	...	...	...	...	22
Ontario	1	...	...	...	...	...	...	...	1
Orange	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	1
Oswego	...	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	1	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	2
Rockland	1	...	...	...	...	...	...	...	1
St. Lawrence	1	...	...	...	...	...	...	...	1
Saratoga	1	...	...	1	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	3	...	...	1	...	...	...	...	2
Steuben	1	...	...	...	...	...	...	...	1
Suffolk	5	...	3	...	...	...	...	...	2
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	1	...	...	1	...	...	...	...
Ulster	2	...	...	...	...	...	...	...	2
Warren	1	...	...	...	...	...	...	...	1
Washington	1	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	1	...	...	...	...	...	...	...	1
Yates	...	...	...	...	...	...	...	...	...

Table A-106
FAMILY COURT
Designated Felony Petitions:
Orders Extending Placement
1989

Placement	Total Orders Extending Placement	First Order Extending Placement	Second Order Extending Placement	Third Order Extending Placement	Fourth or More Order Extending Placement
NEW YORK STATE					
Nonrestrictive					
Home, Relative, Pvt. Person	1	...	...	1	...
Comm. Social Service	8	5	3	...	...
DFY Title II	41	25	13	2	1
DFY Title III	55	41	13	1	...
DFY 6 Month Resid.	3	3	...	...	...
Social Service Transfer to MH	...	...	...	...	...
DFY Transfer to MH	1	1	...	...	...
Other Placement	1	1	...	...	...
Restrictive	22	13	8	1	...
DFY 5 Years	...	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Transfer to MH	...	...	...	...	...
Total	110	76	29	4	1
NEW YORK CITY					
Nonrestrictive					
Home, Relative, Pvt. Person	...	...	...	...	...
Comm. Social Service	...	...	...	...	...
DFY Title II	39	23	13	2	1
DFY Title III	38	29	9	...	...
DFY 6 Month Resid.	2	2	...	...	...
Social Service Transfer to MH	...	...	...	...	...
DFY Transfer to MH	1	1	...	...	...
Other Placement	1	1	...	...	...
Restrictive	4	3	1	...	...
DFY 5 Years	...	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Transfer to MH	...	...	...	...	...
Total	81	56	22	2	1
OUTSIDE NEW YORK CITY					
Nonrestrictive					
Home, Relative, Pvt. Person	1	...	...	1	...
Comm. Social Service	8	5	3	...	...
DFY Title II	2	2	...	...	...
DFY Title III	17	12	4	1	...
DFY 6 Month Resid.	1	1	...	...	...
Social Service Transfer to MH	...	...	...	...	...
DFY Transfer to MH	...	...	...	...	...
Other Placement	...	...	...	...	...
Restrictive	4	3	1	...	...
DFY 5 Years	...	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Transfer to MH	...	...	...	...	...
Total	29	20	7	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
1989

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	41031	4418	4945	3991	5106	18790	2821	760	181	19
Total New York City	20543	2163	1544	1500	2412	11519	1150	182	63	10
New York	2875	438	441	413	416	1012	100	27	24	4
Kings	7005	545	203	331	961	4505	389	44	22	5
Queens	5950	582	583	422	509	3389	373	77	14	1
Bronx	3523	359	162	245	451	2083	200	22	1	...
Richmond	1190	239	155	89	75	530	88	12	2	...
Total Upstate	20488	2255	3401	2491	2694	7271	1671	578	118	9
Albany	556	15	25	98	135	240	38	5	...	...
Allegany	158	7	25	22	32	55	13	4	...	...
Broome	413	63	68	67	55	120	34	3	3	...
Cattaraugus	12	...	2	...	2	2	3	2	1	...
Cayuga	116	19	25	17	11	37	5	2	...	...
Chautauqua	86	...	11	18	16	30	5	4	2	...
Chemung	128	45	23	13	9	34	4	...	...	...
Chenango	53	5	6	11	8	19	2	2	...	...
Clinton	43	2	3	4	16	16	2	...	...	...
Columbia	138	32	11	14	17	52	9	3	...	...
Cortland	132	18	10	16	11	45	29	3	...	...
Delaware	128	18	18	30	14	32	15	1	...	...
Dutchess	1202	120	84	67	73	510	193	108	45	2
Erie	1819	219	1123	133	93	214	26	7	3	1
Essex	24	3	1	2	5	8	5	...	...	...
Franklin	55	5	2	3	6	33	4	2	...	...
Fulton	147	8	35	31	22	39	5	7	...	...
Genessee	123	23	17	13	14	43	8	4	...	1
Greene	112	9	8	26	39	26	4	...	...	...
Hamilton	4	1	...	...	1	2	...	...	...	...
Herkimer	248	25	55	22	36	70	24	15	1	...
Jefferson	275	7	61	49	34	67	33	23	1	...
Lewis	45	9	8	3	10	12	3	...	...	...
Livingston	65	12	11	18	3	9	5	6	1	...
Madison	180	28	35	30	20	39	19	9	...	...
Monroe	1385	219	537	194	176	229	19	10	1	...
Montgomery	100	28	30	13	12	12	5	...	...	...
Nassau	2775	218	202	314	421	1144	372	93	11	...
Niagara	240	18	42	53	56	60	7	3	1	...
Oneida	246	54	48	32	25	72	12	3	...	...
Onondaga	1412	66	32	137	260	801	96	16	3	1
Ontario	217	57	49	23	27	51	7	2	1	...
Orange	129	28	45	19	8	27	2	...	...	...
Orleans	5	...	1	2	...	...	1	1	...	...
Oswego	68	1	8	8	12	25	9	2	3	...
Otsego	14	1	3	1	...	8	...	1	...	...
Putman	248	8	63	87	27	51	9	3	...	...
Rensselaer	277	5	13	34	64	127	28	6	...	...
Rockland	558	33	22	28	42	314	86	25	7	1
St. Lawrence	157	32	38	12	9	50	11	4	1	...
Saratoga	283	22	25	33	41	124	30	7	...	1
Schenectady	299	88	38	30	35	89	11	8	...	...
Schoharie	54	18	17	3	5	9	2	...	...	...
Schuyler	56	17	14	8	7	10	...	...	...	...
Seneca	16	2	3	2	4	3	1	1	...	...
Steuben	112	10	12	15	15	32	15	11	2	...
Suffolk	2244	299	252	400	452	632	150	39	19	1
Sullivan	190	37	44	25	21	42	15	4	2	...
Tioga	83	3	13	23	17	25	1	1	...	...
Tompkins	138	29	41	16	19	28	4	1	...	...
Ulster	309	26	8	22	27	139	53	29	5	...
Warren	104	16	21	32	14	11	9	1	...	...
Washington	47	2	6	8	7	21	2	1	...	...
Wayne	123	10	11	21	31	42	6	2	...	...
Westchester	2305	213	95	183	167	1333	216	92	5	1
Wyoming	22	2	...	4	10	4	1	1	...	...
Yates	10	...	1	2	1	2	3	1	...	...

Table A-108
FAMILY COURT
Original Dispositions of Family Offense Petitions: Relationship of Respondent to Petitioner or Complainant
1989

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 Rel.
Total New York State	41031	20945	2843	1049	210	720	466	3071	1161	6555	497	2685	829
Total New York City	20543	9252	1175	466	81	161	195	1974	702	4067	298	1634	538
New York	2875	1154	161	80	14	23	38	295	111	624	47	206	122
Kings	7005	3224	341	134	18	59	70	658	237	1443	77	528	216
Queens	5950	3035	410	163	29	43	34	612	196	707	90	559	72
Bronx	3523	1269	156	49	7	17	32	296	130	1179	72	192	124
Richmond	1190	570	107	40	13	19	21	113	28	114	12	149	4
Total Upstate	20488	11693	1668	583	129	559	271	1097	459	2488	199	1051	291
Albany	556	371	37	9	2	9	2	14	7	88	3	13	1
Allegany	158	88	9	1	1	6	3	7	3	20	3	15	2
Broome	413	283	44	6	...	1	1	12	3	54	1	4	4
Cattaraugus	12	10	...	...	...	...	...	1	1	...	...	...	...
Cayuga	116	75	7	4	4	1	2	2	1	13	4	2	1
Chautauqua	86	56	3	9	...	...	1	...	1	16	...	...	...
Chemung	128	99	7	3	...	...	1	1	1	11	2	1	2
Chenango	53	42	3	...	...	...	...	...	2	4	1	1	...
Clinton	43	26	1	3	...	1	...	...	...	12	...	...	...
Columbia	138	72	15	7	...	...	2	2	1	27	5	6	1
Cortland	132	82	9	6	...	1	2	1	...	23	2	3	3
Delaware	128	83	15	5	...	1	1	1	1	16	1	...	4
Dutchess	1202	437	84	29	11	293	80	38	19	90	12	93	16
Erie	1819	1005	85	58	4	12	9	107	44	396	16	83	...
Essex	24	18	...	...	...	...	...	...	...	4	...	2	...
Franklin	55	40	4	2	...	1	...	...	1	1	...	4	2
Fulton	147	91	12	2	...	1	1	9	1	21	2	5	2
Genessee	123	85	8	7	...	...	2	4	1	12	1	2	1
Greene	112	63	10	6	...	1	1	3	1	21	1	4	1
Hamilton	4	3	...	...	...	...	...	...	...	1	...	...	...
Herkimer	248	164	20	6	3	6	4	8	2	18	3	9	5
Jefferson	275	193	29	4	...	4	1	8	4	18	2	12	...
Lewis	45	34	1	...	...	...	...	2	3	3	...	1	1
Livingston	65	42	2	1	...	1	...	3	...	7	...	9	...
Madison	180	112	6	12	3	2	2	10	4	19	2	5	3
Monroe	1385	799	44	21	4	5	12	33	9	400	10	43	5
Montgomery	100	75	6	...	1	2	...	...	3	9	...	4	...
Nassau	2775	1360	257	100	17	85	36	276	114	165	28	252	85
Niagara	240	175	6	9	1	1	...	9	3	33	1	2	...
Oneida	246	173	11	6	1	1	2	7	5	28	...	12	...
Onondaga	1412	798	84	42	10	7	11	50	18	296	8	59	29
Ontario	217	124	20	12	1	2	4	8	8	16	2	18	2
Orange	129	91	4	5	1	...	...	2	2	18	1	5	...
Orleans	5	5	...	...	...	...	...	...	...	...	...	...	...
Oswego	68	56	2	1	...	...	...	1	1	3	1	3	...
Otsego	14	12	...	...	...	...	...	2	...	...	...	...	...
Putman	248	147	32	7	3	6	4	9	6	12	1	18	3
Rensselaer	277	166	19	11	2	3	2	14	4	41	4	10	1
Rockland	558	313	68	16	6	10	7	42	17	29	3	44	3
St. Lawrence	157	108	16	4	...	2	3	3	...	14	2	4	1
Saratoga	283	201	17	13	3	2	...	9	3	28	3	4	...
Schenectady	299	148	86	6	3	1	5	9	2	24	5	6	4
Schoharie	54	31	7	3	...	2	2	2	1	4	...	2	...
Schuyler	56	39	3	...	1	...	...	...	...	10	2	1	...
Seneca	16	15	...	1	...	...	...	...	...	...	...	...	...
Steuben	112	80	8	2	...	1	...	6	...	7	1	2	5
Suffolk	2244	1420	278	56	21	18	22	117	57	114	20	90	31
Sullivan	190	128	10	1	2	...	6	1	2	33	...	5	2
Tioga	83	60	3	6	...	1	3	1	...	4	1	4	...
Tompkins	138	87	14	7	3	2	...	4	2	13	...	5	1
Ulster	309	177	21	7	1	10	8	12	2	49	...	12	10
Warren	104	72	5	3	1	1	...	7	1	10	1	...	3
Washington	47	37	4	3	...	...	...	...	1	1	...	1	...
Wayne	123	94	4	...	...	...	1	1	1	20	...	...	2
Westchester	2305	1102	227	60	19	56	28	238	96	210	44	170	55
Wyoming	22	17	...	1	...	...	...	1	...	2	...	1	...
Yates	10	9	1	...	...	...	...	...	...	...	...	...	...

Table A-109
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Allegations in Petitions
1989

Location	Total	Assault 2	Assault 3	Attempted Assault	Reckless Endangerment	Menacing	Harrassment	Disorderly Conduct	Other
Total New York State	67315	4005	9888	3188	3073	6047	28605	10546	1963
Total New York City	37362	3045	5790	1534	1582	3983	13858	5777	1793
New York	6371	376	685	555	805	1174	2049	671	56
Kings	10863	1955	1251	282	257	1652	4082	851	533
Queens	13581	624	2579	493	457	589	4879	3649	311
Bronx	4781	82	1156	84	29	514	1718	325	873
Richmond	1766	8	119	120	34	54	1130	281	20
Total Upstate	29953	960	4098	1654	1491	2064	14747	4769	170
Albany	713	3	82	9	20	38	297	263	1
Allegany	230	...	24	13	9	8	144	32	...
Broome	482	44	191	5	19	41	173	9	...
Cattaraugus	18	...	...	2	...	4	12	...	...
Cayuga	189	...	33	10	11	15	89	17	14
Chautauqua	107	2	6	4	5	10	49	29	2
Chemung	138	1	4	2	5	2	118	3	3
Chenango	55	...	27	1	...	...	27	...	...
Clinton	66	1	4	5	5	5	34	11	1
Columbia	180	2	12	12	19	13	111	10	1
Cortland	187	11	20	16	14	14	106	5	1
Delaware	318	65	77	68	5	7	58	35	3
Dutchess	2049	29	127	121	206	261	1055	221	29
Erie	1840	13	89	2	22	79	1214	421	...
Essex	33	...	6	1	1	1	22	2	...
Franklin	63	2	2	...	6	4	45	3	1
Fulton	186	...	7	11	3	11	63	91	...
Genessee	174	2	22	6	11	14	106	12	1
Greene	152	2	10	3	6	3	89	36	3
Hamilton	6	...	1	...	1	1	2	1	...
Herkimer	445	62	52	77	17	16	177	33	11
Jefferson	550	...	2	...	1	8	270	269	...
Lewis	129	11	16	30	23	21	15	8	5
Livingston	67	...	7	2	4	3	47	4	...
Madison	230	5	25	9	8	18	152	12	1
Monroe	1988	71	495	23	44	109	1029	212	5
Montgomery	180	9	13	27	21	19	75	16	...
Nassau	3829	111	680	40	107	121	1484	1281	5
Niagara	252	3	23	4	7	9	197	5	4
Oneida	472	41	58	46	49	73	165	38	2
Onondaga	1704	15	577	37	54	52	781	179	9
Ontario	264	2	118	4	10	12	94	24	...
Orange	328	8	55	25	29	47	102	56	6
Orleans	5	...	...	1	...	...	4	...	...
Oswego	116	...	25	4	5	11	51	20	...
Otsego	14	...	1	...	...	...	13	...	...
Putman	507	26	55	33	43	67	180	100	3
Rensselaer	442	1	131	12	9	6	217	64	2
Rockland	1279	70	207	113	128	119	409	233	...
St. Lawrence	392	23	96	29	13	16	123	85	7
Saratoga	409	25	70	36	28	29	203	16	2
Schenectady	573	4	58	27	31	66	220	161	6
Schoharie	125	...	14	17	21	19	34	18	2
Schuyler	73	5	13	2	6	5	39	3	...
Seneca	22	4	4	1	1	1	9	1	1
Steuben	203	11	38	20	12	17	76	27	2
Suffolk	2264	1	...	3	...	13	2214	27	6
Sullivan	349	68	40	49	13	30	90	57	2
Tioga	83	...	...	...	...	...	83	...	...
Tompkins	286	5	21	39	22	32	114	51	2
Ulster	317	1	11	2	2	1	296	4	...
Warren	135	4	17	9	4	7	85	9	...
Washington	59	17	2	6	4	2	26	2	...
Wayne	140	4	6	5	7	1	110	7	...
Westchester	4478	176	414	626	399	581	1723	532	27
Wyoming	48	...	8	5	1	2	18	14	...
Yates	10	...	2	...	...	...	8	...	...

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)
1989

Location	Total	With-drawn	Consoli-dated	Change of Venue	Transfer to Criminal Court	Dismissed After Fact-Finding Hearing	Dismissed Failure to Prosecute	Other Dismissal	Total Disposi-tions-Established
Total New York State	41031	6695	43	54	23	624	14813	3991	14788
Total New York City	20543	1942	8	10	5	265	11090	1692	5531
New York	2875	321	3	2	...	67	1325	165	992
Kings	7005	577	3	3	1	109	4014	628	1670
Queens	5950	465	...	2	2	64	3462	211	1744
Bronx	3523	382	...	3	2	22	1776	670	668
Richmond	1190	197	2	...	...	3	513	18	457
Total Upstate	20488	4753	35	44	18	359	3723	2299	9257
Albany	556	61	1	2	...	...	223	48	221
Allegany	158	43	4	3	...	...	5	12	91
Broome	413	46	1	4	...	...	44	96	222
Cattaraugus	12	2	1	...	...	...	...	1	8
Cayuga	116	33	...	...	...	9	11	16	47
Chautauqua	86	23	...	...	...	1	17	7	38
Chemung	128	15	2	1	...	...	...	28	82
Chenango	53	4	...	...	...	1	10	10	28
Clinton	43	13	1	...	...	3	4	3	19
Columbia	138	86	...	2	...	...	15	7	28
Cortland	132	47	3	...	...	2	17	16	47
Delaware	128	31	...	...	...	2	21	15	59
Dutchess	1202	406	2	10	...	15	232	51	486
Erie	1819	144	...	...	...	5	381	168	1121
Essex	24	7	...	...	...	...	...	3	14
Franklin	55	28	...	...	...	...	...	4	23
Fulton	147	52	...	2	...	1	21	4	67
Genessee	123	40	...	...	...	2	5	2	74
Greene	112	30	...	...	...	...	20	4	58
Hamilton	4	1	...	...	...	...	2	...	1
Herkimer	248	98	...	...	...	2	21	16	111
Jefferson	275	123	...	...	...	...	37	31	84
Lewis	45	11	...	...	...	...	2	1	31
Livingston	65	24	...	...	...	...	4	13	24
Madison	180	30	...	2	...	5	1	60	82
Monroe	1385	291	1	...	7	5	...	428	653
Montgomery	100	25	...	1	1	5	5	6	57
Nassau	2775	711	2	2	2	195	502	151	1210
Niagara	240	51	...	...	...	8	22	24	135
Oneida	246	79	...	1	...	3	29	7	127
Onondaga	1412	248	5	2	2	5	395	199	556
Ontario	217	51	...	1	...	8	10	13	134
Orange	129	16	...	...	...	3	28	1	81
Orleans	5	2	...	...	...	...	1	1	1
Oswego	68	16	...	...	...	...	6	8	38
Otsego	14	1	...	...	...	...	...	3	10
Putman	248	96	...	1	...	8	24	9	110
Rensselaer	277	74	1	...	...	5	48	4	145
Rockland	558	116	...	...	...	8	87	24	323
St. Lawrence	157	18	2	...	...	...	...	21	116
Saratoga	283	74	...	2	1	1	17	32	156
Schenectady	299	100	...	1	...	4	50	12	132
Schoharie	54	16	...	...	...	2	3	2	31
Schuyler	56	6	...	...	...	1	9	1	39
Seneca	16	9	1	...	...	...	3	...	3
Steuben	112	29	3	...	...	...	3	17	60
Suffolk	2244	463	...	...	3	33	492	408	845
Sullivan	190	66	1	...	...	2	25	19	77
Tioga	83	28	...	...	...	...	3	1	51
Tompkins	138	41	...	...	...	4	15	7	71
Ulster	309	154	2	...	...	...	22	9	122
Warren	104	25	...	...	1	2	17	1	58
Washington	47	20	...	...	...	...	2	...	25
Wayne	123	57	...	2	...	...	3	7	54
Westchester	2305	463	1	4	1	8	804	267	757
Wyoming	22	8	1	1	...	1	4	...	7
Yates	10	1	...	...	...	...	1	1	7

Table A-111
FAMILY COURT
Original Dispositions of Family Offense Petitions:
Breakdown of Dispositions (Allegations Established)
1989

Location	Total	Suspended Judgement	Probation	Order of Protection	Probation & Order of Protection
Total New York State	14788	22	45	14653	68
Total New York City	5531	7	17	5500	7
New York	992	4	2	985	1
Kings	1670	...	2	1668	...
Queens	1744	1	3	1735	5
Bronx	668	...	2	665	1
Richmond	457	2	8	447	...
Total Upstate	9257	15	28	9153	61
Albany	221	1	...	220	...
Allegany	91	1	...	90	...
Broome	222	1	...	221	...
Cattaraugus	8	...	...	8	...
Cayuga	47	...	...	47	...
Chautauqua	38	1	...	37	...
Chemung	82	1	...	81	...
Chenango	28	...	...	25	3
Clinton	19	...	...	19	...
Columbia	28	...	...	28	...
Cortland	47	...	...	47	...
Delaware	59	...	...	59	...
Dutchess	486	...	4	460	22
Erie	1121	1	3	1117	...
Essex	14	...	...	14	...
Franklin	23	...	...	23	...
Fulton	67	...	...	67	...
Genessee	74	...	...	74	...
Greene	58	...	...	58	...
Hamilton	1	...	...	1	...
Herkimer	111	1	1	109	...
Jefferson	84	...	1	83	...
Lewis	31	...	...	31	...
Livingston	24	...	...	24	...
Madison	82	...	...	82	...
Monroe	653	...	...	653	...
Montgomery	57	1	1	55	...
Nassau	1210	...	...	1209	1
Niagara	135	...	1	134	...
Oneida	127	...	...	127	...
Onondaga	556	...	...	553	3
Ontario	134	...	...	134	...
Orange	81	1	...	80	...
Orleans	1	...	...	1	...
Oswego	38	...	...	38	...
Otsego	10	...	...	9	1
Putman	110	1	...	109	...
Rensselaer	145	...	...	140	5
Rockland	323	...	...	323	...
St. Lawrence	116	...	...	116	...
Saratoga	156	...	1	155	...
Schenectady	132	1	1	130	...
Schoharie	31	...	...	31	...
Schuyler	39	...	...	39	...
Seneca	3	...	...	2	1
Steuben	60	...	...	60	...
Suffolk	845	...	4	838	3
Sullivan	77	...	...	77	...
Tioga	51	...	...	47	4
Tompkins	71	1	...	68	2
Ulster	122	...	3	118	1
Warren	58	...	...	58	...
Washington	25	...	...	25	...
Wayne	54	...	...	54	...
Westchester	757	2	8	732	15
Wyoming	7	...	...	7	...
Yates	7	1	...	6	...

Table A-112
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Days from Filing Petition to Completion of Fact-Finding Hearing
1989

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	7233	462	869	433	466	1024	247	61	8	1	3662
Total New York City	1429	31	24	18	15	91	43	10	2	...	1195
New York	326	3	1	4	...	11	2	...	1	...	304
Kings	649	15	13	11	8	36	17	3	...	...	546
Queens	328	9	7	2	6	38	21	5	1	...	239
Bronx	57	1	3	1	...	2	3	1	...	...	46
Richmond	69	3	...	...	1	4	...	1	...	...	60
Total Upstate	5804	431	845	415	451	933	204	51	6	1	2467
Albany	206	34	12	15	25	39	2	...	...	...	79
Allegany	53	1	4	3	3	19	3	...	...	...	20
Broome	123	7	20	12	14	23	5	2	...	...	40
Cattaraugus	55	3	3	4	8	12	4	...	...	...	21
Cayuga	43	11	8	7	5	3	...	2	1	...	6
Chautauqua	31	...	1	5	4	5	1	...	...	...	15
Chemung	76	6	10	20	11	13	3	2	...	...	11
Chenango	10	1	4	3	1	1	...	...	...	...	...
Clinton	27	2	2	5	2	9	2	...	...	...	5
Columbia	46	4	4	4	7	15	1	...	...	...	11
Cortland	28	3	3	2	1	5	1	...	...	...	13
Delaware	3	...	1	1	...	...	...	...	...	...	1
Dutchess	84	3	2	1	4	41	5	2	1	...	25
Erie	1358	91	514	41	36	56	16	1	...	...	603
Essex	15	2	3	1	3	3	1	...	...	...	2
Franklin	17	...	...	3	2	4	...	...	...	...	8
Fulton	26	1	1	4	4	3	1	...	...	...	12
Genessee	18	2	2	2	4	4	...	...	...	...	4
Greene	33	4	3	2	5	8	...	...	...	...	11
Hamilton	2	...	1	...	...	...	...	...	...	...	1
Herkimer	28	...	2	1	1	3	3	...	...	...	18
Jefferson	68	3	6	3	4	17	8	1	...	...	26
Lewis	20	5	5	...	...	3	...	...	...	...	7
Livingston	49	...	1	5	3	5	...	...	...	...	35
Madison	57	3	3	4	4	7	2	1	...	...	33
Monroe	372	65	42	23	16	54	8	2	...	...	162
Montgomery	23	...	1	1	6	7	2	...	...	...	6
Nassau	101	5	5	14	21	23	6	2	...	...	25
Niagara	178	9	32	36	29	24	3	1	...	...	44
Oneida	101	5	16	23	12	21	8	...	...	...	16
Onondaga	521	11	10	12	28	71	13	9	...	...	367
Ontario	31	1	4	2	3	4	3	...	...	1	13
Orange	41	1	5	4	8	15	2	...	...	...	6
Orleans	11	2	2	...	1	2	1	...	...	...	3
Oswego	60	...	2	6	12	22	5	3	2	...	8
Otsego	13	1	2	...	...	5	1	...	...	...	4
Putman	42	...	2	5	...	1	1	...	...	...	33
Rensselaer	284	5	6	29	45	87	10	2	...	...	100
Rockland	47	4	1	1	4	15	4	4	...	...	14
St. Lawrence	27	3	3	3	1	12	2	...	1	...	2
Saratoga	130	21	16	27	19	14	...	1	...	...	32
Schenectady	205	29	22	14	25	38	6	1	...	...	70
Schoharie	22	3	4	2	1	2	...	...	...	...	10
Schuyler	9	5	...	1	1	1	...	...	...	...	1
Seneca	29	...	1	...	...	9	11	2	...	...	6
Steuben	78	2	4	5	5	23	11	2	...	...	26
Suffolk	336	14	10	14	8	40	9	2	1	...	238
Sullivan	101	7	6	13	18	21	3	...	...	...	33
Tioga	41	2	1	10	6	11	1	...	...	...	10
Tompkins	33	6	6	2	1	4	2	...	...	...	12
Ulster	155	1	1	3	8	46	11	3	...	...	82
Warren	23	5	3	4	2	3	...	...	...	...	6
Washington	62	15	13	4	5	11	3	1	...	...	10
Wayne	39	5	4	2	5	8	3	1	...	...	11
Westchester	175	16	5	6	9	30	13	3	...	...	93
Wyoming	26	1	...	...	1	6	2	...	...	...	16
Yates	12	1	1	1	...	5	2	1	...	...	1

* 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
1989

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	7233	1001	78	103	204	1630	368	168	16	3	3662
Total New York City	1429	37	4	2	13	89	59	26	3	1	1195
New York	326	10	3	...	...	4	4	1	...	...	304
Kings	649	10	1	...	8	41	29	11	2	1	546
Queens	328	15	...	2	3	35	23	10	1	...	239
Bronx	57	...	...	...	1	6	3	1	...	...	46
Richmond	69	2	...	...	1	3	...	3	...	...	60
Total Upstate	5804	964	74	101	191	1541	309	142	13	2	2467
Albany	206	5	2	2	18	76	20	4	...	...	79
Allegany	53	22	...	...	1	9	1	...	...	...	20
Broome	123	28	2	8	7	30	5	3	...	...	40
Cattaraugus	55	8	1	...	2	18	4	1	...	...	21
Cayuga	43	7	5	2	5	17	1	...	...	...	6
Chautauqua	31	...	1	4	4	5	1	1	...	...	15
Chemung	76	13	1	1	...	38	11	1	...	...	11
Chenango	10	3	...	...	...	7	...	...	...	...	...
Clinton	27	14	...	...	4	4	...	...	...	...	5
Columbia	46	24	1	2	2	6	...	...	...	...	11
Cortland	28	...	...	...	...	11	3	1	...	...	13
Delaware	3	...	...	...	1	1	...	...	...	...	1
Dutchess	84	16	...	...	1	31	5	5	1	...	25
Erie	1358	429	11	18	31	189	22	55	...	...	603
Essex	15	7	...	1	...	3	2	...	...	...	2
Franklin	17	...	...	...	...	9	...	...	...	...	8
Fulton	26	...	...	1	...	3	7	3	...	...	12
Genessee	18	2	...	...	3	8	1	...	...	...	4
Greene	33	2	...	1	4	13	2	...	...	...	11
Hamilton	2	1	...	...	...	...	...	...	...	...	1
Herkimer	28	9	...	...	...	1	...	...	...	...	18
Jefferson	68	40	1	...	...	1	...	...	...	...	26
Lewis	20	11	...	...	1	...	1	...	...	...	7
Livingston	49	14	...	...	...	...	...	...	...	...	35
Madison	57	3	3	1	...	9	8	...	...	...	33
Monroe	372	2	10	2	16	158	13	7	2	...	162
Montgomery	23	6	...	1	...	9	1	...	...	...	6
Nassau	101	10	1	...	3	50	8	3	1	...	25
Niagara	178	26	2	8	17	72	8	...	1	...	44
Oneida	101	5	3	1	7	60	9	...	...	...	16
Onondaga	521	12	...	2	4	88	28	19	1	...	367
Ontario	31	5	...	...	1	2	5	5	...	...	13
Orange	41	15	...	...	1	16	3	...	...	...	6
Orleans	11	...	...	...	...	8	...	...	...	...	3
Oswego	60	10	...	...	1	35	3	3	...	...	8
Otsego	13	...	1	1	...	6	1	...	...	...	4
Putman	42	...	...	...	...	5	...	4	...	...	33
Rensselaer	284	10	5	3	3	142	17	3	1	...	100
Rockland	47	10	...	...	...	14	9	...	...	...	14
St. Lawrence	27	1	...	1	...	23	...	...	...	...	2
Saratoga	130	12	2	17	10	46	7	3	1	...	32
Schenectady	205	17	3	7	19	72	16	1	...	...	70
Schoharie	22	...	1	3	...	7	1	...	...	...	10
Schuyler	9	4	...	1	...	3	...	...	...	...	1
Seneca	29	14	...	1	3	4	1	...	...	...	6
Steuben	78	16	4	...	2	22	7	...	1	...	26
Suffolk	336	26	...	2	5	44	15	4	1	1	238
Sullivan	101	3	12	2	8	42	1	...	...	...	33
Tioga	41	1	...	...	...	7	22	1	...	...	10
Tompkins	33	3	...	3	1	9	6	...	...	...	12
Ulster	155	16	...	1	1	36	11	4	3	1	82
Warren	23	4	1	2	2	6	1	1	...	...	6
Washington	62	50	...	...	...	1	1	...	...	...	10
Wayne	39	3	1	...	1	15	5	3	...	...	11
Westchester	175	18	...	...	2	42	15	5	...	...	93
Wyoming	26	5	...	1	...	4	...	...	...	...	16
Yates	12	3	...	1	...	4	1	2	...	...	1

* Disposed before fact-finding

Table A-114
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Age of Boys When Petition Filed
1989

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3703	2	38	307	1849	1507
Total New York City	716	...	1	34	388	293
New York	137	...	...	4	68	65
Kings	350	...	1	16	211	122
Queens	169	...	...	5	87	77
Bronx	33	...	...	1	12	20
Richmond	27	...	...	8	10	9
Total Upstate	2987	2	37	273	1461	1214
Albany	88	...	2	12	34	40
Allegany	35	...	1	6	20	8
Broome	59	...	1	8	31	19
Cattaraugus	36	...	2	3	14	17
Cayuga	25	...	...	4	18	3
Chautauqua	17	...	...	...	8	9
Chemung	43	...	1	10	17	15
Chenango	7	...	1	...	3	3
Clinton	17	...	...	...	14	3
Columbia	13	...	2	4	4	3
Cortland	14	...	...	2	6	6
Delaware	...	...	...	...	...	...
Dutchess	36	...	...	2	15	19
Erie	715	...	9	77	363	266
Essex	8	...	...	1	4	3
Franklin	10	...	...	1	7	2
Fulton	14	...	1	...	1	12
Genessee	9	...	...	1	4	4
Greene	16	...	...	1	10	5
Hamilton	1	...	...	...	1	...
Herkimer	13	...	...	1	8	4
Jefferson	32	...	...	3	17	12
Lewis	9	...	...	...	6	3
Livingston	29	...	1	3	9	16
Madison	42	...	2	3	22	15
Monroe	161	...	1	3	93	64
Montgomery	11	...	1	...	7	3
Nassau	51	...	...	1	21	29
Niagara	95	...	1	9	55	30
Oneida	48	...	...	4	20	24
Onondaga	244	...	1	27	127	89
Ontario	11	...	1	2	3	5
Orange	13	...	...	2	3	8
Orleans	4	...	...	...	3	1
Oswego	38	...	...	7	18	13
Otsego	8	...	...	...	4	4
Putman	21	1	1	2	4	13
Rensselaer	162	...	5	25	77	55
Rockland	22	...	...	1	9	12
St. Lawrence	18	...	...	2	7	9
Saratoga	64	...	...	4	42	18
Schenectady	125	1	...	13	71	40
Schoharie	13	...	...	2	7	4
Schuyler	8	...	...	...	5	3
Seneca	20	...	...	...	11	9
Steuben	45	...	...	2	25	18
Suffolk	183	...	...	8	62	113
Sullivan	67	...	1	4	28	34
Tioga	19	...	...	1	9	9
Tompkins	11	...	...	...	9	2
Ulster	69	...	...	5	28	36
Warren	10	...	...	...	6	4
Washington	50	...	...	...	36	14
Wayne	20	...	2	3	5	10
Westchester	71	...	...	1	20	50
Wyoming	10	...	...	1	6	3
Yates	7	...	...	2	4	1

Table A-115
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Age of Girls When Petition Filed
1989

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3530	...	10	107	1815	1598
Total New York City	713	...	...	15	391	307
New York	189	...	...	4	96	89
Kings	299	...	...	8	187	104
Queens	159	...	...	3	75	81
Bronx	24	...	...	...	15	9
Richmond	42	...	...	...	18	24
Total Upstate	2817	...	10	92	1424	1291
Albany	118	...	...	6	56	56
Allegany	18	...	...	1	10	7
Broome	64	...	...	3	25	36
Cattaraugus	19	...	...	...	11	8
Cayuga	18	...	...	...	13	5
Chautauqua	14	...	...	...	10	4
Chemung	33	...	1	2	14	16
Chenango	3	...	...	...	1	2
Clinton	10	...	...	1	3	6
Columbia	33	...	...	3	14	16
Cortland	14	...	...	...	6	8
Delaware	3	...	...	...	1	2
Dutchess	48	...	...	3	23	22
Erie	643	...	4	30	335	274
Essex	7	...	...	...	4	3
Franklin	7	...	...	...	3	4
Fulton	12	...	...	...	5	7
Genessee	9	...	...	...	5	4
Greene	17	...	...	2	9	6
Hamilton	1	...	...	1	...	...
Herkimer	15	...	...	...	11	4
Jefferson	36	...	...	2	17	17
Lewis	11	...	...	...	5	6
Livingston	20	...	...	...	9	11
Madison	15	...	...	...	10	5
Monroe	211	...	...	3	119	89
Montgomery	12	...	...	1	7	4
Nassau	50	...	...	2	25	23
Niagara	83	...	...	1	44	38
Oneida	53	...	...	...	34	19
Onondaga	277	...	2	10	155	110
Ontario	20	...	...	...	10	10
Orange	28	...	...	1	18	9
Orleans	7	...	...	...	4	3
Oswego	22	...	...	...	11	11
Otsego	5	...	...	...	2	3
Putman	21	...	...	...	7	14
Rensselaer	122	...	3	6	62	51
Rockland	25	...	...	...	10	15
St. Lawrence	9	...	...	...	5	4
Saratoga	66	...	...	...	34	32
Schenectady	80	...	...	3	44	33
Schoharie	9	...	...	...	4	5
Schuyler	1	...	...	...	1	...
Seneca	9	...	...	1	7	1
Steuben	33	...	...	...	27	6
Suffolk	153	...	...	2	52	99
Sullivan	34	...	...	...	8	26
Tioga	22	...	...	...	9	13
Tompkins	22	...	...	1	11	10
Ulster	86	...	...	3	38	45
Warren	13	...	...	...	5	8
Washington	12	...	...	...	8	4
Wayne	19	...	...	2	9	8
Westchester	104	...	...	...	43	61
Wyoming	16	...	...	2	9	5
Yates	5	...	...	...	2	3

Table A-116
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Type of Petition
1989

Location	Total	Original Pins Petition	Pins Petition Substituted for JD Petition
Total New York State	7233	6932	301
Total New York City	1429	1382	47
New York	326	315	11
Kings	649	636	13
Queens	328	313	15
Bronx	57	54	3
Richmond	69	64	5
Total Upstate	5804	5550	254
Albany	206	202	4
Allegany	53	52	1
Broome	123	116	7
Cattaraugus	55	51	4
Cayuga	43	43	...
Chautauqua	31	31	...
Chemung	76	76	...
Chenango	10	7	3
Clinton	27	27	...
Columbia	46	41	5
Cortland	28	28	...
Delaware	3	2	1
Dutchess	84	78	6
Erie	1358	1357	1
Essex	15	15	...
Franklin	17	17	...
Fulton	26	26	...
Genessee	18	12	6
Greene	33	29	4
Hamilton	2	2	...
Herkimer	28	28	...
Jefferson	68	64	4
Lewis	20	19	1
Livingston	49	47	2
Madison	57	57	...
Monroe	372	347	25
Montgomery	23	23	...
Nassau	101	99	2
Niagara	178	173	5
Oneida	101	101	...
Onondaga	521	514	7
Ontario	31	29	2
Orange	41	40	1
Orleans	11	11	...
Oswego	60	60	...
Otsego	13	13	...
Putman	42	42	...
Rensselaer	284	278	6
Rockland	47	45	2
St. Lawrence	27	19	8
Saratoga	130	130	...
Schenectady	205	203	2
Schoharie	22	19	3
Schuyler	9	4	5
Seneca	29	26	3
Steuben	78	77	1
Suffolk	336	248	88
Sullivan	101	100	1
Tioga	41	41	...
Tompkins	33	31	2
Ulster	155	155	...
Warren	23	22	1
Washington	62	31	31
Wayne	39	38	1
Westchester	175	173	2
Wyoming	26	25	1
Yates	12	6	6

Table A-117
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Type of Petitioner
1989

Location	Total	Police/ Peace Officer	Parent/ Legal Guardian	Injured Individual or Parent Relative Guardian of Injured Individual	Witness to Injury	School	Author- ized Agency	Presentment Agency that Consented to Substitute Pins for JD Petition	Other
Total New York State	7233	88	4773	100	...	1844	177	212	39
Total New York City	1429	22	1311	18	...	45	11	18	4
New York	326	1	306	5	...	6	1	5	2
Kings	649	6	592	3	...	33	10	3	2
Queens	328	9	302	8	...	2	...	7	...
Bronx	57	4	48	1	...	1	...	3	...
Richmond	69	2	63	1	...	3	...	...	...
Total Upstate	5804	66	3462	82	...	1799	166	194	35
Albany	206	1	128	4	...	68	1	4	...
Allegany	53	...	24	...	...	12	15	...	2
Broome	123	1	56	3	...	56	5	2	...
Cattaraugus	55	3	13	...	...	33	4	2	...
Cayuga	43	1	24	...	...	18	...	...	...
Chautauqua	31	...	13	1	...	17	...	...	...
Chemung	76	1	43	...	...	27	5	...	...
Chenango	10	...	6	...	...	1	...	3	...
Clinton	27	...	9	...	...	18	...	...	...
Columbia	46	...	19	...	...	20	2	5	...
Cortland	28	1	12	...	...	13	2	...	...
Delaware	3	...	2	...	...	...	...	1	...
Dutchess	84	2	32	...	...	41	2	6	1
Erie	1358	3	1124	52	...	166	9	1	3
Essex	15	...	8	...	...	5	2	...	...
Franklin	17	...	7	...	...	9	1	...	...
Fulton	26	...	7	1	...	17	1	...	...
Genessee	18	...	5	...	...	6	1	6	...
Greene	33	1	18	...	...	10	...	4	...
Hamilton	2	...	1	...	...	1	...	...	...
Herkimer	28	...	18	...	...	10	...	...	...
Jefferson	68	...	33	3	...	26	5	1	...
Lewis	20	...	11	...	...	4	4	1	...
Livingston	49	2	21	...	...	24	...	2	...
Madison	57	...	26	...	...	29	1	...	1
Monroe	372	9	274	...	...	58	15	15	1
Montgomery	23	...	11	...	...	11	1	...	...
Nassau	101	2	62	1	...	28	6	...	2
Niagara	178	...	121	...	...	51	...	5	1
Oneida	101	...	39	...	...	60	2	...	...
Onondaga	521	11	312	3	...	174	19	2	...
Ontario	31	...	16	...	...	13	...	2	...
Orange	41	...	14	1	...	25	...	1	...
Orleans	11	...	7	...	...	4	...	...	...
Oswego	60	...	30	1	...	26	3	...	...
Otsego	13	...	9	...	...	3	1	...	...
Putman	42	1	21	...	...	20	...	...	...
Rensselaer	284	2	118	...	...	155	3	6	...
Rockland	47	1	25	1	...	17	...	2	1
St. Lawrence	27	...	8	...	...	11	...	8	...
Saratoga	130	2	94	...	...	32	2	...	...
Schenectady	205	...	100	...	...	82	22	1	...
Schoharie	22	...	8	1	...	10	...	3	...
Schuyler	9	...	2	...	...	1	1	5	...
Seneca	29	...	10	...	...	15	1	3	...
Steuben	78	1	38	3	...	35	...	1	...
Suffolk	336	4	157	3	...	75	14	77	6
Sullivan	101	7	45	1	...	47	...	1	...
Tioga	41	...	28	3	...	10	...	...	...
Tompkins	33	...	15	...	...	12	4	2	...
Ulster	155	1	60	...	...	91	3	...	...
Warren	23	...	11	...	...	9	2	1	...
Washington	62	3	9	...	...	18	1	14	17
Wayne	39	1	18	...	...	20	...	...	...
Westchester	175	3	127	...	...	43	2	...	...
Wyoming	26	...	13	...	...	8	4	1	...
Yates	12	2	...	...	...	4	...	6	...

Table A-118
FAMILY COURT
Original Dispositions of Persons in Need of Supervision: Allegations in Petitions
1989

Location	Total	Habitual Truancy	Incorrigible Ungovernable or Habitual Disobedience	211.05 Penal Law	Other
Total New York State	9058	3017	5401	157	483
Total New York City	2405	874	1250	36	245
New York	443	124	297	6	16
Kings	1159	497	544	3	115
Queens	566	181	300	25	60
Bronx	91	29	48	2	12
Richmond	146	43	61	...	42
Total Upstate	6653	2143	4151	121	238
Albany	213	73	134	2	4
Allegany	66	16	47	...	3
Broome	157	73	83	...	1
Cattaraugus	63	32	28	3	...
Cayuga	53	16	31	...	6
Chautauqua	35	17	17	...	1
Chemung	93	33	59	1	...
Chenango	11	2	6	...	3
Clinton	38	13	25	...	...
Columbia	47	20	22	...	5
Cortland	32	9	21	...	2
Delaware	6	3	3	...	...
Dutchess	119	53	56	4	6
Erie	1362	164	1196	1	1
Essex	18	3	14	1	...
Franklin	19	9	10	...	...
Fulton	30	16	13	...	1
Genessee	27	11	9	1	6
Greene	39	15	23	...	1
Hamilton	4	2	1	1	...
Herkimer	30	11	19	...	...
Jefferson	73	23	46	...	4
Lewis	33	14	18	1	...
Livingston	54	22	29	1	2
Madison	76	32	44	...	...
Monroe	427	111	290	8	18
Montgomery	38	17	17	2	2
Nassau	103	33	66	1	3
Niagara	217	70	136	1	10
Oneida	110	67	41	2	...
Onondaga	541	194	338	5	4
Ontario	50	17	26	4	3
Orange	50	29	21	...	...
Orleans	14	5	9	...	...
Oswego	80	32	48	...	...
Otsego	13	...	13	...	...
Putman	46	22	24	...	...
Rensselaer	341	155	170	11	5
Rockland	70	34	35	...	1
St. Lawrence	29	2	27	...	...
Saratoga	145	32	113	...	...
Schenectady	286	154	132	...	...
Schoharie	23	9	12	...	2
Schuyler	10	1	9	...	...
Seneca	33	15	12	...	6
Steuben	141	40	68	32	1
Suffolk	340	85	161	6	88
Sullivan	110	40	64	...	6
Tioga	58	18	37	3	...
Tompkins	51	19	28	3	1
Ulster	229	118	86	25	...
Warren	31	14	16	...	1
Washington	75	15	29	...	31
Wayne	49	19	29	1	...
Westchester	202	74	122	1	5
Wyoming	31	16	15	...	...
Yates	12	4	3	...	5

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
1989

Location	Total	Allegations Established in Whole or in Part After Fact-Finding Hearing	Allegations Established in Whole or in Part by Admission	Allegations Not Established After Fact-Finding Hearing	Not Applicable*
Total New York State	7233	147	3280	144	3662
Total New York City	1429	12	204	18	1195
New York	326	...	21	1	304
Kings	649	5	86	12	546
Queens	328	2	83	4	239
Bronx	57	3	8	...	46
Richmond	69	2	6	1	60
Total Upstate	5804	135	3076	126	2467
Albany	206	...	126	1	79
Allegany	53	...	32	1	20
Broome	123	10	71	2	40
Cattaraugus	55	...	32	2	21
Cayuga	43	1	34	2	6
Chautauqua	31	...	15	1	15
Chemung	76	...	62	3	11
Chenango	10	...	10	...	...
Clinton	27	2	20	...	5
Columbia	46	1	34	...	11
Cortland	28	...	15	...	13
Delaware	3	...	2	...	1
Dutchess	84	2	53	4	25
Erie	1358	19	710	26	603
Essex	15	...	12	1	2
Franklin	17	...	9	...	8
Fulton	26	...	12	2	12
Genessee	18	...	14	...	4
Greene	33	1	21	...	11
Hamilton	2	...	1	...	1
Herkimer	28	1	7	2	18
Jefferson	68	...	42	...	26
Lewis	20	...	13	...	7
Livingston	49	3	11	...	35
Madison	57	...	24	...	33
Monroe	372	6	201	3	162
Montgomery	23	1	15	1	6
Nassau	101	6	66	4	25
Niagara	178	...	132	2	44
Oneida	101	1	82	2	16
Onondaga	521	6	138	10	367
Ontario	31	...	11	7	13
Orange	41	3	32	...	6
Orleans	11	1	7	...	3
Oswego	60	...	46	6	8
Otsego	13	5	4	...	4
Putman	42	...	8	1	33
Rensselaer	284	5	175	4	100
Rockland	47	...	32	1	14
St. Lawrence	27	...	25	...	2
Saratoga	130	8	88	2	32
Schenectady	205	4	122	9	70
Schoharie	22	1	11	...	10
Schuyler	9	2	6	...	1
Seneca	29	1	22	...	6
Steuben	78	4	47	1	26
Suffolk	336	21	64	13	238
Sullivan	101	4	62	2	33
Tioga	41	5	26	...	10
Tompkins	33	3	18	...	12
Ulster	155	1	68	4	82
Warren	23	...	17	...	6
Washington	62	2	50	...	10
Wayne	39	1	26	1	11
Westchester	175	4	73	5	93
Wyoming	26	...	9	1	16
Yates	12	...	11	...	1

* Disposed before fact-finding

Table A-120
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Duration of Probation
1989

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	7233	5324	4	48	7	7	1843
Total New York City	1429	1394	...	4	...	...	31
New York	326	326	...	...	...	...	...
Kings	649	639	...	1	...	...	9
Queens	328	307	...	3	...	...	18
Bronx	57	55	...	...	...	...	2
Richmond	69	67	...	...	...	...	2
Total Upstate	5804	3930	4	44	7	7	1812
Albany	206	104	...	1	...	...	101
Allegany	53	34	...	...	...	...	19
Broome	123	96	...	...	...	...	27
Cattaraugus	55	33	...	...	...	1	21
Cayuga	43	31	...	...	...	...	12
Chautauqua	31	22	...	1	...	...	8
Chemung	76	48	...	...	...	...	28
Chenango	10	3	...	...	...	...	7
Clinton	27	17	...	2	...	...	8
Columbia	46	18	...	...	...	...	28
Cortland	28	25	...	...	...	...	3
Delaware	3	3	...	...	...	...	...
Dutchess	84	56	...	1	...	...	27
Erie	1358	922	...	12	...	...	424
Essex	15	13	...	...	...	...	2
Franklin	17	13	...	...	...	...	4
Fulton	26	23	...	...	...	...	3
Genessee	18	8	...	...	...	...	10
Greene	33	17	...	...	...	...	16
Hamilton	2	2	...	...	...	...	...
Herkimer	28	25	...	1	...	...	2
Jefferson	68	38	...	2	...	...	28
Lewis	20	9	...	...	...	...	11
Livingston	49	39	...	...	...	...	10
Madison	57	53	...	...	...	...	4
Monroe	372	293	...	...	...	...	79
Montgomery	23	14	...	...	...	...	9
Nassau	101	48	...	2	...	...	51
Niagara	178	110	1	7	2	3	55
Oneida	101	66	...	1	4	...	30
Onondaga	521	428	1	1	...	2	89
Ontario	31	28	...	1	...	...	2
Orange	41	34	...	...	...	...	7
Orleans	11	6	...	...	...	...	5
Oswego	60	24	...	...	...	...	36
Otsego	13	10	...	...	...	...	3
Putman	42	39	...	...	...	...	3
Rensselaer	284	143	...	...	...	...	141
Rockland	47	27	...	...	...	...	20
St. Lawrence	27	14	...	...	...	...	13
Saratoga	130	101	...	...	...	...	29
Schenectady	205	117	...	...	...	...	88
Schoharie	22	15	...	1	...	...	6
Schuyler	9	7	...	...	...	...	2
Seneca	29	15	...	...	...	...	14
Steuben	78	67	...	...	...	...	11
Suffolk	336	263	...	1	...	1	71
Sullivan	101	62	1	2	1	...	35
Tioga	41	22	...	...	...	...	19
Tompkins	33	28	...	1	...	...	4
Ulster	155	98	...	...	...	...	57
Warren	23	19	...	1	...	...	3
Washington	62	18	1	1	...	...	42
Wayne	39	18	...	1	...	...	20
Westchester	175	116	...	4	...	...	55
Wyoming	26	22	...	...	...	...	4
Yates	12	6	...	...	...	...	6

Table A-121
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Breakdown of Dispositions (Allegations Not Established)
1989

Location	Total	Dispositions—Allegations Not Established						Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Transferred to Other County	Dismissed After FF Hearing	ACD	Other Dismissal	
Total New York State	7233	868	32	39	34	1264	1714	3282
Total New York City	1429	216	...	1	9	107	919	177
New York	326	49	...	1	3	5	251	17
Kings	649	78	...	...	5	61	441	64
Queens	328	48	...	...	1	28	172	79
Bronx	57	18	...	...	...	4	27	8
Richmond	69	23	...	...	...	9	28	9
Total Upstate	5804	652	32	38	25	1157	795	3105
Albany	206	3	...	3	1	21	24	154
Allegany	53	5	2	...	...	11	...	35
Broome	123	...	...	1	...	6	27	89
Cattaraugus	55	10	...	...	...	9	3	33
Cayuga	43	1	1	...	...	6	3	32
Chautauqua	31	4	1	...	...	...	12	14
Chemung	76	2	5	2	...	...	...	67
Chenango	10	...	...	...	...	1	...	9
Clinton	27	1	...	...	...	3	1	22
Columbia	46	6	...	...	...	3	2	35
Cortland	28	4	1	1	...	1	6	15
Delaware	3	...	...	...	...	1	...	2
Dutchess	84	5	6	2	...	14	5	52
Erie	1358	54	...	1	4	552	200	547
Essex	15	1	...	...	...	3	...	11
Franklin	17	3	...	...	...	2	2	10
Fulton	26	7	...	...	...	7	1	11
Genessee	18	4	...	1	...	2	...	11
Greene	33	3	...	...	...	2	5	23
Hamilton	2	...	...	...	...	1	1	...
Herkimer	28	10	...	...	...	7	2	9
Jefferson	68	11	3	...	...	7	5	42
Lewis	20	3	...	...	...	4	...	13
Livingston	49	7	1	...	...	23	4	14
Madison	57	5	...	3	...	13	10	26
Monroe	372	55	...	...	...	34	83	200
Montgomery	23	3	...	...	...	4	4	12
Nassau	101	14	...	1	1	3	9	73
Niagara	178	15	2	...	...	28	8	125
Oneida	101	11	...	...	1	3	4	82
Onondaga	521	101	1	4	2	103	119	191
Ontario	31	6	...	...	2	6	6	11
Orange	41	1	...	...	1	9	4	26
Orleans	11	3	...	...	...	...	...	8
Oswego	60	8	...	2	...	4	3	43
Otsego	13	...	1	...	...	1	1	10
Putman	42	13	...	...	1	17	6	5
Rensselaer	284	46	1	3	5	34	18	177
Rockland	47	8	...	...	...	10	1	28
St. Lawrence	27	2	...	...	...	...	...	25
Saratoga	130	10	...	2	1	41	17	59
Schenectady	205	24	3	4	...	15	28	131
Schoharie	22	4	...	...	...	4	1	13
Schuyler	9	...	...	...	...	2	...	7
Seneca	29	1	...	...	...	5	2	21
Steuben	78	8	...	1	2	17	11	39
Suffolk	336	78	...	3	3	24	116	112
Sullivan	101	9	1	...	...	14	9	68
Tioga	41	2	...	...	...	9	1	29
Tompkins	33	4	...	3	...	6	2	18
Ulster	155	36	...	...	1	30	2	86
Warren	23	3	...	...	...	...	2	18
Washington	62	4	...	...	...	6	...	52
Wayne	39	2	...	1	...	3	3	30
Westchester	175	32	...	...	...	15	18	110
Wyoming	26	...	3	...	...	10	4	9
Yates	12	...	...	...	...	1	...	11

Table A-122
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Breakdown of Dispositions (Allegations Established)
1989

Location	Total	Discharged with Warning	Suspended Judgement	Probation	Placement		
					Home Relative Private Person	Comm. of Social Service	DFY
Total New York State	3282	42	92	1910	116	1021	101
Total New York City	177	6	...	35	2	126	8
New York	17	...	...	...	...	15	2
Kings	64	1	...	10	1	49	3
Queens	79	3	...	21	1	51	3
Bronx	8	...	...	2	...	6	...
Richmond	9	2	...	2	...	5	...
Total Upstate	3105	36	92	1875	114	895	93
Albany	154	...	5	102	1	36	10
Allegany	35	1	...	19	5	6	4
Broome	89	...	1	27	6	54	1
Cattaraugus	33	...	...	23	1	8	1
Cayuga	32	1	1	12	1	12	5
Chautauqua	14	...	...	9	...	5	...
Chemung	67	1	8	28	5	14	11
Chenango	9	...	...	7	...	1	1
Clinton	22	...	3	10	1	5	3
Columbia	35	...	...	28	...	7	...
Cortland	15	...	1	3	...	10	1
Delaware	2	...	...	...	...	2	...
Dutchess	52	...	...	28	3	21	...
Erie	547	...	8	436	2	89	12
Essex	11	...	2	2	...	7	...
Franklin	10	...	...	4	...	6	...
Fulton	11	...	...	3	...	7	1
Genessee	11	...	...	10	...	1	...
Greene	23	...	...	16	...	6	1
Hamilton	...	...	...	...	...	...	...
Herkimer	9	...	...	3	...	6	...
Jefferson	42	...	...	30	...	12	...
Lewis	13	...	...	11	...	2	...
Livingston	14	...	2	10	...	2	...
Madison	26	1	6	4	1	14	...
Monroe	200	1	6	79	...	114	...
Montgomery	12	...	...	9	...	3	...
Nassau	73	1	3	53	...	3	13
Niagara	125	4	...	68	2	50	1
Oneida	82	2	...	35	...	42	3
Onondaga	191	1	10	93	10	69	8
Ontario	11	...	3	3	1	4	...
Orange	26	...	...	7	7	12	...
Orleans	8	...	...	5	...	3	...
Oswego	43	...	1	36	5	1	...
Otsego	10	...	...	3	1	6	...
Putman	5	...	...	3	...	2	...
Rensselaer	177	18	1	141	...	16	1
Rockland	28	...	1	20	2	5	...
St. Lawrence	25	...	...	13	...	12	...
Saratoga	59	...	...	29	1	29	...
Schenectady	131	...	1	88	8	31	3
Schoharie	13	...	...	7	1	5	...
Schuyler	7	...	...	2	...	2	3
Seneca	21	...	2	14	...	4	1
Steuben	39	...	...	11	2	25	1
Suffolk	112	2	10	73	22	5	...
Sullivan	68	...	3	39	2	24	...
Tioga	29	...	...	19	...	10	...
Tompkins	18	...	...	5	...	13	...
Ulster	86	...	4	57	1	20	4
Warren	18	2	5	4	...	7	...
Washington	52	...	1	44	...	7	...
Wayne	30	1	3	21	1	3	1
Westchester	110	...	...	59	20	29	2
Wyoming	9	...	...	4	...	4	1
Yates	11	...	1	6	2	2	...

Table A-123
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Restitution of Public Service Recommended or Ordered
1989

Location	Total	Rest. or Public Service Recomm. or Ordered	Rest. or Public Service Not Recomm. or Ordered
Total New York State	7233	99	7134
Total New York City	1429	8	1421
New York	326	2	324
Kings	649	5	644
Queens	328	1	327
Bronx	57	...	57
Richmond	69	...	69
Total Upstate	5804	91	5713
Albany	206	2	204
Allegany	53	...	53
Broome	123	2	121
Cattaraugus	55	1	54
Cayuga	43	...	43
Chautauqua	31	...	31
Chemung	76	1	75
Chenango	10	1	9
Clinton	27	...	27
Columbia	46	...	46
Cortland	28	1	27
Delaware	3	...	3
Dutchess	84	1	83
Erie	1358	...	1358
Essex	15	...	15
Franklin	17	2	15
Fulton	26	...	26
Genessee	18	2	16
Greene	33	1	32
Hamilton	2	...	2
Herkimer	28	1	27
Jefferson	68	2	66
Lewis	20	...	20
Livingston	49	...	49
Madison	57	...	57
Monroe	372	1	371
Montgomery	23	...	23
Nassau	101	...	101
Niagara	178	...	178
Oneida	101	2	99
Onondaga	521	2	519
Ontario	31	1	30
Orange	41	...	41
Orleans	11	...	11
Oswego	60	...	60
Otsego	13	...	13
Putman	42	...	42
Rensselaer	284	8	276
Rockland	47	...	47
St. Lawrence	27	5	22
Saratoga	130	...	130
Schenectady	205	...	205
Schoharie	22	...	22
Schuyler	9	...	9
Seneca	29	2	27
Steuben	78	1	77
Suffolk	336	40	296
Sullivan	101	1	100
Tioga	41	...	41
Tompkins	33	...	33
Ulster	155	2	153
Warren	23	...	23
Washington	62	6	56
Wayne	39	...	39
Westchester	175	2	173
Wyoming	26	1	25
Yates	12	...	12

Table A-124
FAMILY COURT
Original Dispositions of Persons in Need of Supervision Petitions: Children Released and Detained Before Petition Filed
1989

Location	Total	Not Released Pursuant to 728	Released Pursuant to 728	Not Applicable*
Total New York State	7228	139	30	7059
Total New York City	1428	84	16	1328
New York	326	13	12	301
Kings	648	56	2	590
Queens	328	8	1	319
Bronx	57	7	1	49
Richmond	69	...	...	69
Total Upstate	5800	55	14	5731
Albany	206	2	...	204
Allegany	53	3	...	50
Broome	123	...	...	123
Cattaraugus	55	...	...	55
Cayuga	43	...	...	43
Chautauqua	31	...	...	31
Chemung	76	1	...	75
Chenango	10	...	...	10
Clinton	27	2	...	25
Columbia	46	3	...	43
Cortland	28	1	...	27
Delaware	3	...	...	3
Dutchess	84	...	...	84
Erie	1356	2	2	1352
Essex	15	...	...	15
Franklin	17	...	...	17
Fulton	26	...	...	26
Genessee	18	...	...	18
Greene	33	...	...	33
Hamilton	2	...	...	2
Herkimer	28	1	...	27
Jefferson	68	...	1	67
Lewis	20	...	...	20
Livingston	49	...	...	49
Madison	57	...	...	57
Monroe	372	...	...	372
Montgomery	23	...	...	23
Nassau	101	1	...	100
Niagara	178	...	...	178
Oneida	101	...	...	101
Onondaga	521	10	1	510
Ontario	31	5	1	25
Orange	41	...	...	41
Orleans	11	...	...	11
Oswego	60	...	...	60
Otsego	13	1	...	12
Putman	42	...	...	42
Rensselaer	284	1	...	283
Rockland	47	...	...	47
St. Lawrence	27	...	...	27
Saratoga	129	...	...	129
Schenectady	204	10	...	194
Schoharie	22	...	...	22
Schuyler	9	1	...	8
Seneca	29	...	...	29
Steuben	78	1	3	74
Suffolk	336	2	2	332
Sullivan	101	...	...	101
Tioga	41	...	...	41
Tompkins	33	2	...	31
Ulster	155	...	...	155
Warren	23	2	...	21
Washington	62	...	...	62
Wayne	39	...	1	38
Westchester	175	2	2	171
Wyoming	26	...	...	26
Yates	12	2	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
1989

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	7230	264	161	128	179	483	101	22	5892
Total New York City	1426	54	28	13	20	121	50	18	1122
New York	326	11	6	3	4	19	5	1	277
Kings	649	27	15	8	9	55	26	8	501
Queens	325	9	4	1	5	33	15	8	250
Bronx	57	4	3	1	2	10	3	1	34
Richmond	69	3	...	...	1	4	1	...	60
Total Upstate	5804	210	133	115	159	362	51	4	4770
Albany	206	1	1	3	37	18	4	...	142
Allegany	53	3	2	1	...	5	...	...	42
Broome	123	2	...	1	7	6	3	...	104
Cattaraugus	55	...	...	...	...	4	2	...	49
Cayuga	43	...	1	...	...	...	...	...	42
Chautauqua	31	...	...	...	...	1	...	...	30
Chemung	76	1	2	1	3	13	3	...	53
Chenango	10	...	...	...	1	1	...	...	8
Clinton	27	1	1	...	1	1	...	...	23
Columbia	46	...	...	2	...	4	...	...	40
Cortland	28	...	1	...	...	5	...	...	22
Delaware	3	...	...	...	...	...	...	...	3
Dutchess	84	...	2	1	2	1	...	...	78
Erie	1358	118	23	23	22	71	2	...	1099
Essex	15	1	...	1	1	1	...	...	11
Franklin	17	...	...	...	...	...	...	...	17
Fulton	26	...	1	1	...	...	...	...	24
Genessee	18	...	...	...	...	...	...	...	18
Greene	33	1	...	...	3	...	...	...	29
Hamilton	2	...	...	...	...	...	...	...	2
Herkimer	28	1	...	...	...	...	...	...	27
Jefferson	68	...	...	...	...	...	...	...	68
Lewis	20	...	...	1	...	...	...	...	19
Livingston	49	...	...	...	...	...	...	...	49
Madison	57	...	3	...	...	4	4	...	46
Monroe	372	27	31	19	23	109	4	1	158
Montgomery	23	1	5	...	...	...	...	...	17
Nassau	101	1	...	...	...	...	...	...	100
Niagara	178	1	4	5	1	2	...	...	165
Oneida	101	2	4	3	4	3	...	...	85
Onondaga	521	15	5	15	10	44	15	2	415
Ontario	31	2	1	2	1	1	...	...	24
Orange	41	...	...	1	1	...	3	...	36
Orleans	11	...	...	...	...	...	...	...	11
Oswego	60	...	3	...	...	...	...	...	57
Otsego	13	...	...	...	...	1	1	1	10
Putman	42	...	1	...	...	...	...	...	41
Rensselaer	284	...	11	3	5	6	...	...	259
Rockland	47	...	2	1	...	4	...	...	40
St. Lawrence	27	...	...	...	...	2	...	...	25
Saratoga	130	2	6	13	7	1	...	...	101
Schenectady	205	10	4	2	11	17	1	...	160
Schoharie	22	...	2	...	1	1	...	...	18
Schuyler	9	1	1	...	...	1	...	...	6
Seneca	29	1	...	2	1	1	1	...	23
Steuben	78	4	2	2	3	1	5	...	61
Suffolk	336	...	1	1	3	3	...	...	328
Sullivan	101	...	3	3	3	1	...	...	91
Tioga	41	1	2	...	1	3	1	...	33
Tompkins	33	3	...	1	1	2	...	...	26
Ulster	155	1	...	...	...	...	...	...	154
Warren	23	2	3	2	1	4	...	...	11
Washington	62	...	...	...	...	...	...	...	62
Wayne	39	1	2	1	...	4	...	...	31
Westchester	175	3	3	4	4	14	1	...	146
Wyoming	26	1	...	...	...	2	1	...	22
Yates	12	2	...	...	1	...	...	...	9

Table A-126
FAMILY COURT
Persons in Need of Supervision Petitions:
Orders Extending Placement
1989

Placement	Total Orders Extending Placement	First Order Extending Placement	Second Order Extending Placement	Third Order Extending Placement	Fourth or More Order Extending Placement
NEW YORK STATE					
Home, Relative, Pvt. Person	20	13	6	...	1
Comm. Social Service	969	551	253	91	74
DFY Title II	142	85	34	13	10
Total	1131	649	293	104	85
NEW YORK CITY					
Home, Relative, Pvt. Person	...	...	...	...	...
Comm. Social Service	125	45	32	27	21
DFY Title II	16	7	7	2	...
Total	141	52	39	29	21
OUTSIDE NEW YORK CITY					
Home, Relative, Pvt. Person	20	13	6	...	1
Comm. Social Service	844	506	221	64	53
DFY Title II	126	78	27	11	10
Total	990	597	254	75	64

This table only includes those 110 forms where petition type (Section E) is code 3-pins.