



STATE OF NEW YORK
UNIFIED COURT SYSTEM
NEW YORK CITY FAMILY COURT
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JONATHAN LIPPMAN
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New York City Courts

JOSEPH M. LAURIA
Administrative Judge
New York City Family Court

MEMORANDUM

TO: All Judges, JHOs, Referees
FROM: Hon. Joseph M. Lauria
RE: Court Appearance of Subject Children
DATE: February 25, 2004

While I am aware that some Judges, JHOs and Referees are already so doing, we should continue to expand the effort to have age appropriate children, perhaps 10 years and older present in court.

Child Protective and Custody/Visitation Referees and Foster Care Review parts should have subject children, 10 years or older, appear in court at least once during every 12 months that their matter is pending.

I have selected this time frame in the child protection proceeding since it follows the original fact finding and disposition and may be less contentious. Best Practices Referees should confer with their team Judge to determine an appropriate protocol as it relates to proceedings that may still be pre fact finding or disposition.

These appearances may be accomplished either while the child happens to be present in the courthouse or by specific request by the Referee. If by specific request, please have the matter called in a timely fashion, whether AM or PM, so that the child does not remain in the courthouse unnecessarily. Good case management should continue to be observed in such scheduling.

Some children who have felt disconnected from our system may merely wish to "meet" the Referee who is presiding over their family. Certainly any substantive discussion with the child concerning any pending matter must adhere to due process requirements.

Of course there may be exceptions, in the discretion of the Referee, and at the request of the Law Guardian or other attorneys should such appearance be inappropriate or burdensome to the child(ren) or family, however the appearance of subject children as described in the foregoing should be the general rule.

As always, if you require any additional guidance or have any questions or comment, contact my chambers.

cc: Supervising Judges
James Kenny, Chief Clerk
Joseph Cardieri, General Counsel ACS
Monica Drinane, Attorney in Charge, Juvenile Rights Division
Carol Sherman, Executive Director, Children's Law Center
Emily Olshansky, Law Guardian Director, First Department
Harriet Weinberger, Law Guardian Director, Second Department
James Purcell, Executive Director, COFCCA

JML:ps