

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend, effective September 2, 1997, section 205.4 of the Uniform Rules of the Family Court [22 NYCRR §205.4], relating to access to Family Court proceedings, to read as follows:

§ 205.4 Access to Family Court Proceedings

(a) The Family Court is open to the public. Members of the public, including the news media, shall have access to all courtrooms, lobbies, public waiting areas and other common areas of the Family Court otherwise open to individuals having business before the court.

(b) The general public or any person may be excluded from a courtroom only if the judge presiding in the courtroom determines, on a case-by-case basis based upon supporting evidence, that such exclusion is warranted in that case. In exercising [the] this inherent and statutory discretion [possessed by the judge who is presiding in the courtroom to exclude any person or the

general public from a proceeding in the Family Court], the judge may consider, among other factors, whether:

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

(2) the presence of [a] the person is objected to by one of the parties, including the law guardian, for a compelling reason;

(3) the orderly and sound administration of justice, including the nature of the proceeding, [and] the privacy interests of [the parties] individuals before the court, and the need for protection of the litigants, in particular, children, from harm requires that some or all observers be excluded from the courtroom;

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

Whenever the judge exercises discretion to exclude any person or the general public from a proceeding or part of a proceeding in Family Court, the judge shall make findings prior to ordering exclusion.

~~[(b)]~~(c) [The judge shall, when] When necessary to preserve the decorum of the proceedings, the judge shall instruct representatives of the news media and others regarding the permissible use of the courtroom and other facilities of the court, the assignment of seats to representatives of the news media on an equitable basis, and any other matters that may affect the conduct of the proceedings and the well-being and safety of the litigants therein.

(d) Audio-visual coverage of Family Court facilities and proceedings shall be governed by Part 29 of the Rules of the Chief Judge and Part 131 of the Rules of the Chief Administrator.

(e) Nothing in this section shall limit the responsibility and authority of the Chief Administrator of the Courts, or the administrative judges with the approval of the Chief Administrator

of the Courts, to formulate and effectuate such reasonable rules and procedures consistent with this section as may be necessary and proper to ensure that the access by the public, including the press, to proceedings in the Family Court shall comport with the security needs of the courthouse, the safety of persons having business before the court and the proper conduct of court business.

  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Dated: June 18, 1997

AO/466/97