

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE  
COURTS

Pursuant to the authority vested in me, and with the approval of the Administrative Board of the Courts, I hereby authorize a pilot program in the use of electronic means in family court for (1) the origination of certain proceedings in such court, and (2) the filing and service of papers in certain proceedings pending therein. The counties and classes of proceedings to which this pilot program shall apply are set forth in Appendix A attached hereto.

This pilot program shall be conducted in accordance with the following rules.

(a) Application.

(1) As provided in these rules, documents may be filed and served by electronic means in Family Court in such proceedings and in such counties as shall be authorized by order of the Chief Administrator of the Courts and only to the extent and in the manner provided in these rules.

(2) Definitions. For purposes of these rules:

(2.1) “electronic means” shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;

(2.2) “NYSCEF” shall mean the New York State Courts Electronic Filing System and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

(2.3) “e-filing”, “electronic filing” and “electronically filing” shall mean the filing and service of documents in a proceeding by electronic means through the NYSCEF site;

(2.4) an “authorized e-filing user” shall mean a person who has registered to use e-filing pursuant to subdivision (c) of these rules;

(2.5) a “proceeding” shall mean each new petition or supplemental petition in which documents are to be filed and served;

(2.6) “hard copy,” where authorized, shall mean a document set forth in paper form;

(2.7) “working copy” shall mean a hard copy that is an exact copy of a document that has been electronically filed in accordance with these rules;

(2.8) “party” or “parties” to a proceeding shall include a party (petitioner/respondent) and counsel of record, attorney for the child, and an unrepresented litigant, or interested party or intervener as permitted by the court;

(2.9) “unrepresented litigant” shall mean a party to a proceeding who is not represented by counsel;

(2.10) “Participating party” shall mean a party who consents to e-filing pursuant to subdivisions (b)(3) and (b)(4) of these rules;

(2.11) “expedited processing” shall mean the expedited registration of an unrepresented party as an authorized e-filing user; and

(2.12) “Resource Center” shall mean the NYSCEF Resource Center, the e-filing help center available at 646-386-3033 or [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov) and through the NYSCEF site.

(b) Electronic Filing and Service: Proceedings in Family Court.

(1) Except as otherwise provided in these rules, the following shall apply to all proceedings in which electronic filing is authorized in the Family Court.

(2) Commencing a proceeding by filing a new petition or supplemental petition by electronic means; and initial service.

(2.1) Except as otherwise provided in subdivision (a) of these rules, a party may commence a proceeding in the Family Court (provided that e-filing has been authorized for both the county of filing and the designated case type pursuant to subdivision (a)(1) of these rules) by electronically filing with the court each new petition or supplemental petition through the NYSCEF site. A party who has commenced a proceeding by e-filing a new petition or supplemental petition is deemed to have consented to e-filing in that matter and shall be bound by the rules herein. An attorney commencing a proceeding is required to electronically file a notice of appearance.

(2.2) Upon receipt of a petition transmitted to the NYSCEF site, a notification of such receipt shall be electronically transmitted from the NYSCEF site to the person filing such document as confirmation. Upon the assignment of a

file and/or docket number, a second notification shall be transmitted by the NYSCEF site to the email service address of the filing party.

(3) Service of initiating documents: petition, summons, and related documents.

(3.1) Service of initiating documents cannot be made through the NYSCEF system. Initiating documents may be served pursuant to the Family Court Act, CPLR, or by any other applicable method authorized by law.

(3.2) A party who has commenced a proceeding electronically shall serve upon the other parties a notice of e-filing in a form approved by the Chief Administrator for each new petition, supplemental petition, and summons e-filed. Such notice of e-filing shall provide sufficient information in plain language explaining e-filing procedures and options. An attorney served with such a notice shall promptly electronically file his or her notice of appearance in the manner provided at the NYSCEF site or file with the court and serve on all parties of record a declination of consent. An unrepresented litigant is exempt from having to file and serve documents electronically in accordance with these rules and need not respond to the notice of e-filing described herein; except that he or she may choose to e-file by recording his or her consent to participate electronically by registering at the NYSCEF site provided the court has made available sufficient information in plain language which explains the e-filing procedures and options, including the option for expedited processing of their User ID.

(3.3) The document(s) served shall bear full signatures of all signatories.

(4) E-filing in a proceeding after commencement: subsequent filing and service of documents.

(4.1) After commencement of an e-filed proceeding in accordance with subdivision (b)(2) of these rules, subsequent documents may be electronically filed and served, but only by, and electronic service shall be made only upon, a party or parties who have recorded their consent in the manner provided at the NYSCEF site for each new petition or supplemental petition. A party's failure to record their consent to participation in electronic filing and service shall not bar any other party to the proceeding from filing documents electronically with the court or serving documents upon any other party who has recorded their consent to participate in e-filing. A party who has not recorded their consent to participate shall file with the court the document(s) in hard copy form or as permitted by the court and serve and be served with documents in hard copy or by any other applicable method authorized by law. When a participating party serves a document in hard copy or any other applicable method authorized by law on a non-participating party, the document served shall bear full signatures of all signatories and proof of such service shall be filed electronically.

(4.2) No party shall be compelled, directly or indirectly, to participate in e-filing pursuant to these rules. However, the recording of consent to participate in

e-filing shall bind the party to the filing and service provisions in these rules. When an unrepresented litigant chooses to participate in e-filing in accordance with these rules, he or she may at any time opt out of such participation by filing and serving a Notice of Intent to Cease (Stop) E-filing, in a form approved by the Chief Administrator.

(5) Service of Documents after commencement of an e-filed proceeding; e-mail address for service.

(5.1) In any proceeding subject to e-filing, all documents required to be filed with the court by an e-filing party shall be filed and served electronically, except as otherwise directed.

(5.2) The e-mail service address recorded at the time of registration is the e-mail address at which service of documents on that party shall be made through notification transmitted by the NYSCEF site. It is the responsibility of each filing user to monitor that address and promptly notify the Resource Center and the court in the event of a change in his or her e-mail service address.

(5.3) How service is made. A participating party causes service of a document to be made upon another participating party by filing the document electronically. Upon receipt of a document, (after commencement of an e-filed proceeding), the NYSCEF site shall automatically transmit electronic notification to all e-mail service addresses in such proceeding.

(5.3.1) Such notification shall provide the title of the document received, the date received, and the names of those appearing on the list of e-mail service addresses to whom that notification is being sent. Each party receiving the notification shall be responsible for accessing the NYSCEF site to obtain a copy of the document received.

(5.3.2) The electronic transmission of the notification shall constitute service of the document on the e-mail service addresses provided. Proof of such notification of service will be recorded on the NYSCEF site. If the filing party learns that the notification did not reach the address of the person to be served, the party should utilize other service methods permitted by the Family Court Act, CPLR, or by any other applicable method authorized by law and proof of that service shall be filed electronically.

(5.4) When an e-filing party serves a document in hard copy on a non-participating party, the document served shall bear full signatures of all signatories. Proof of such service shall be filed electronically.

(6) When documents are filed. Documents may be transmitted at any time of the day or night to the NYSCEF site. A document other than an order or judgment is filed when its electronic transmission is recorded at that site. Except that, documents that are

received after 5:00 P.M. or on a Saturday, Sunday, or on a legal holiday will be considered filed at 9:00 A.M. on the next business day.

(7) Attorneys: recording of consent and notice of appearance. An attorney who is served with a Notice of Electronic Filing shall promptly electronically file a notice of appearance and record his or her consent in each proceeding in the manner provided on the NYSCEF site.

(c) Authorized E-filing Users, Passwords and Registration.

(1) Registration required. Documents may be filed or served electronically only by a person who has registered as an authorized e-filing user or as otherwise provided in this subdivision.

(2) Registering as an authorized e-filing user.

(2.1) Who may register. An attorney admitted to practice in the State of New York may register as an authorized e-filing user of the NYSCEF site. An attorney admitted *pro hac vice* in a proceeding, an unrepresented litigant, or where permitted a represented party, may also register as an authorized e-filing user, but solely for purposes of such proceeding.

(2.2) How to register. Registration shall be made in a manner provided at the NYSCEF site and shall not be complete until the registering person has been approved as an e-filing user. An authorized e-filing user shall notify the court immediately of any change in the information provided upon registration.

(3) Identification and password. Upon approval of registration, an authorized e-filing user shall be issued a confidential User Identification Designation ("User ID") and a password by the Unified Court System ("UCS"). An authorized e-filing user shall maintain his or her User ID and password as confidential, except as provided in paragraph (4) of this subdivision. Upon learning of the compromise of the confidentiality of either the User ID or the password, an authorized e-filing user shall immediately notify the court. At its initiative or upon request, the UCS may at any time issue a new User ID or password to any authorized e-filing user.

(4) User ID and password: use by authorized person. An authorized e-filing user may authorize another person to file a document electronically on his or her behalf in a particular proceeding using the User ID and password of the user, but, in such event, the authorized e-filing user shall retain full responsibility for any document filed.

(d) Format of E-Filed Documents. All e- filed documents shall comply with the technical requirements set forth at the NYSCEF site.

(e) Termination/modification of e-filing procedures and conversion.

(1) The court may at any time order discontinuation of e-filing in such proceeding or modification of e-filing procedures therein in order to prevent prejudice and promote substantial justice.

(2) Conversion of pending proceedings. Where procedurally permitted, upon stipulation of the parties, the court may direct that a proceeding be converted to electronic form. The court may require the parties to e-file previously filed hard copy documents.

(f) Exception to E-filing: Notice of Hard Copy Submission. Where a proceeding is subject to e-filing, a document that is required to be filed and served electronically in accordance with these rules, may nevertheless be filed and served in hard copy by a participating party. Such document shall include, on a separate page firmly affixed thereto, a Notice of Hard Copy Submission, in a form approved by the Chief Administrator, that states one of the following reasons why the document is being filed in hard copy:

(1) in a consensual case, an attorney on behalf of his/her client, has filed a declination of consent to e-filing pursuant to subdivision (b)(3) of these rules; or

(2) when a party seeks expedited review of an application, the party may file and serve the application in hard copy upon providing within the notice of hard copy submission a showing of good cause stating the reason(s) the electronic filing of such application is impractical. The party shall file the application with the NYSCEF site within three business days after it is heard, or as otherwise directed by the court; or

(3) when a participating party is unable to file and serve a document electronically because of technical problems with his or her computer equipment or Internet connection, the party may file and serve the document in hard copy. The party shall file the document with the NYSCEF site within three business days of resolving the technical/internet issues, or as otherwise directed by the court; or

(4) if the NYSCEF site is subject to technical failure and e-filing is hindered by this failure pursuant to subdivision (l) of these rules, the filer shall file and serve the document in hard copy and file the document with the NYSCEF site within three business days of restoration of normal operations at the site, or as otherwise directed by the court; or

(5) when there is an application to restrict or limit access to a document from one or more parties the filer may submit this application in hard copy. The court may direct a party to e-file the application and all or part of any related document after review; or

(6) when a participating party is submitting a document for in camera review, the court may direct a party to e-file all or part of that document after review; or

(7) when a participating party filing an exhibit that cannot be e-filed because such exhibit is impractical to e-file, pursuant to subdivision (g) of these rules.

(g) Exhibits in Hard Copy. Notwithstanding any other provision of these rules and in accordance with court procedures, when it is impractical to electronically file an exhibit, (i.e., an oversized map, video/audio recording, or other object), the filing party must e-file a form approved by the Chief Administrator, *Notice of Hard Copy or Physical Evidence Exhibit Filing*, in its place.

(h) Signatures of Filing Parties.

(1) Signing of a document. An electronically filed document shall be considered to have been signed by, and shall be binding upon, the person identified as a signatory, if:

(1.1) it bears the physical signature of such person and is scanned into an electronic format that reproduces such signature; or

(1.2) the signatory has electronically affixed the digital image of his or her signature to the document; or

(1.3) it is electronically filed under the User ID and password of that person; or

(1.4) it otherwise bears the electronic signature of the signatory in a format conforming to such standards and requirements as may hereafter be established by the Chief Administrator.

(2) Compliance with Part 130. A document shall be considered to have been signed by an attorney or party in compliance with section 130-1.1-a of the Rules of the Chief Administrator (22 NYCRR §130-1.1-a) if it has been signed by such attorney or party as provided in paragraph (1) of this subdivision and it bears the signatory's name.

(i) Addition of Parties in a Pending E-Filed Proceeding. A party to be added in an e-filed proceeding shall be served with a copy of the petition, summons, and related documents in hard copy together with the notice of e-filing form, unless the court directs otherwise.

(j) Decisions, Orders, Judgments and Other Documents: signed by court.

(1) Any document that is sent to the court by a participating party seeking a judge's signature shall be transmitted electronically, unless otherwise directed by the court.

(2) Any document signed by the court shall be transmitted electronically to the NYSCEF site.

(k) Filing and Service of Orders and Judgments.

(1) Filing Orders and Judgments. In a proceeding subject to e-filing, the clerk of the court or his or her designee shall file orders and judgments of the court electronically.

The filed date is the date the Order or Judgment is signed by the court, unless otherwise indicated.

(2) Service of Orders and Judgments. Upon the uploading of an order and/or judgment, the NYSCEF system shall transmit to the e-mail service addresses a notification of receipt. Such notification shall not constitute service upon any party. An order and/or judgment shall be served pursuant to the Family Court Act, CPLR, or by any other applicable method authorized by law.

(l) Technical Failures. The NYSCEF site shall be considered to be subject to a technical failure on a given day if the site is unable to accept filings or provide access to filed documents continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon of that day. Notice of all such technical failures shall be provided on the site. When e-filing is hindered by a technical failure, a party may file with the appropriate clerk of the court and serve in hard copy. With the exception of deadlines that by law cannot be extended, the time for filing of any document that is delayed due to technical failure of the site shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the court. In the event an attorney or party shall file and serve documents in hard copy pursuant to this paragraph, each such document shall include the notice required by subdivision (f)(4) of these rules, and the filer shall file those documents with the NYSCEF site within three business days after restoration of normal operations at that site.

(m) Electronic Filing of Discovery Materials. In any proceeding subject to e-filing, parties and non-parties producing materials in response to discovery demands may enter into a stipulation, which shall be e-filed, authorizing the electronic filing of discovery responses and discovery materials to the degree and upon terms and conditions set forth in the stipulation. In the absence of such a stipulation, no party shall file electronically any such materials except in the form of excerpts, quotations, or selected exhibits from such materials as part of motion papers, pleadings, or other filings with the court.

(n) Official Record; Maintenance of Files; Sealing and Confidentiality; Working Copies.

(1) Official record. When a document has been filed electronically pursuant to these rules, the official record shall be the electronic recording of the document as stored by the court. The clerk of the court or his or her designee may scan and e-file documents that were filed in hard copy in a proceeding subject to e-filing or maintain those documents in hard copy form. The clerk of the court or his or her designee who maintains documents in hard copy or other form in a particular matter shall so indicate in the NYSCEF record.

(2) Maintenance/Correction. If an electronically filed document has been filed in error, the filer shall promptly notify the parties of the error, and request the court return or remove the document. The clerk of the court or his or her designee may remove or return the document or proceed as directed by the court.

(3) Sealing and confidentiality.



(3.1) Submissions pursuant to e-filing procedures are subject to the same sealing and confidentiality protections as paper documents.

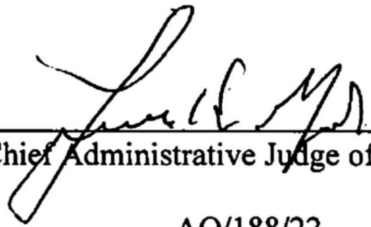
(3.2) No information or documents in a Family Court proceeding shall be available for public inspection on-line via NYSCEF.

(3.3) Personal contact information, other than that of an attorney, shall not be displayed to other parties on the NYSCEF site.

(3.4) Nothing in these rules shall affect or change any existing procedure governing a request or order for address confidentiality.

(4) Working copies. Parties participating in e-filing shall not be required to submit working copies of documents filed electronically.

This Order shall take effect August 10, 2022, and shall remain in effect until further order.

  
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Chief Administrative Judge of the Courts

Dated: August 10, 2022

AO/188/22

**APPENDIX A**  
**AUTHORIZED E-Filing Matters**  
**FAMILY COURT**

<p><b><u>New York City</u></b></p> <p><b><u>Consensual/Voluntary:</u></b></p> <p>NYC Family Court: <u>Case Types</u> Custody/Visitation Guardianship Paternity Parentage – Assisted Reproduction Parentage – Surrogacy Support</p> <ul style="list-style-type: none"><li>- Effective 8/10/22 New York County (Manhattan)</li></ul> <p><b><u>Mandatory:</u></b> None</p>	
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