

Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts
Rules of the Chief Administrative Judge

PART 144. New York State Parent Education and Awareness Program
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- 144.1 Scope of Program
- 144.2 Definitions
- 144.3 Application of Program
- 144.4 Provider Certification
- 144.5 Fees
- 144.6 Confidentiality

PART 144. NEW YORK STATE PARENT EDUCATION AND AWARENESS PROGRAM

§ 144.1 Scope of Program

The New York State Parent Education and Awareness Program (“Program”) provides information to parents about the impact of parental breakup or conflict on children, how children experience family change, and ways in which parents can help their children manage the family reorganization. The curriculum is child-centered and directed primarily toward promoting children's healthy adjustment and development by educating parents about ways they can minimize the stress of family change and protect their children from the negative effects of ongoing parental conflict. The administration and curriculum of the parent education program is sensitive to domestic violence concerns and must be in compliance with the Guidelines and Procedures for Certification of Parent Education and Awareness Programs.

§ 144.2 Definitions

- (a) “Parent education and awareness program”: A parent education and awareness program certified by the Office of Court Administration.
- (b) “Provider”: The entity responsible for applying for certification and for presentation of a parent education and awareness program.
- (c) “Program administrator”: The individual associated with the parent education provider ultimately responsible for administering all aspects of the parent education and awareness program.
- (d) “Court”: A justice, judge, judicial hearing officer, matrimonial referee, court attorney-referee, or support magistrate who handles issues of child custody and visitation and child support.
- (e) “Guidelines”: The Guidelines and Procedures for Certification of Parent Education and Awareness Programs, which contain the minimum standards for parent education programs to be certified and approved by the Office of Court Administration to accept participants referred by the courts of the State of New York.
- (f) “Program Director”: The individual employed by the Office of Court Administration

responsible for administration and oversight of the New York State Parent Education and Awareness Program.

§ 144.3 Application of Program

(a) The New York State Parent Education and Awareness Program may apply in any action or proceeding:

(1) that affects the interests of children under 18 years of age; and

(2) that is brought in Supreme Court or Family Court: (I) to annul a marriage or declare the nullity of a void marriage, (ii) for separation, (iii) for divorce, (iv) to obtain custody of or visitation with minor children, (v) to obtain a modification of a prior order of custody or visitation with minor children, or (vi) where, in the exercise of the court's discretion, a determination is made in a particular matter that attendance by the parents would provide information that would be of benefit to them and their children.

(b) In any action or proceeding to which the Program may apply, the court, in its discretion, may order both parents to attend a parent education and awareness program. The order must direct that both parents attend, not just one parent, but the parents shall not attend the same class session. Such order shall be made as early in the proceeding as practicable.

© In determining whether to order parents to attend a parent education and awareness program, a court shall consider all relevant factors bearing upon the parties to the underlying action or proceeding and their children, including, but not limited to, any history, specific allegations or pleadings of domestic violence or other abuse; medical, financial or travel hardship; language barrier; and whether a parent has previously attended parent education. Where there is any history, or there are specific allegations or pleadings, of domestic violence or other abuse involving the parents or their children, the court shall not mandate attendance at the program.

(d) An order to attend a parent education and awareness program shall not delay the expeditious progress of the underlying proceeding.

(e) A parent who is a victim of domestic violence may opt out of attendance by contacting a program administrator.

§ 144.4 Provider Certification

(a) General. Each provider that wishes to accept court-referred participants must be certified by the Office of Court Administration. In order to receive certification, potential providers must submit a certification application and any requested materials to the Program Director and be in compliance prior to being eligible to receive court-referred participants. A provider is under a continuing duty to advise the Program Director of changes in its education and awareness program or administration, including changes in staff, contact information, presenters/facilitators, locations, and class schedules.

(b) Certification Application (“application”). To receive certification, a provider must submit information and documentation that demonstrates that it is in compliance with the Guidelines.

Each provider must submit three copies of the application and appended materials for each program, which must address all of the elements. If a provider expects that it will not be able to comply with a requirement, an explanation must be provided. A provider may also be required to submit additional information and materials for continued certification or re-certification, or in the event a complaint or other information is received by the Program Director indicating that the program may not be in compliance with the Guidelines.

© Waiver or Modification of Requirements. A waiver or modification of one or more of the requirements for certification or re-certification may be requested by a provider and must be included in the provider's application as well as in the cover letter to the application. Requests must be made by letter to the Program Director sent via first class mail. Such request may be granted in the discretion of the Program Director in consultation with the Chief Administrator of the Courts or his or her designee after review and consideration of the impact of the deviation upon the underlying intent and purpose of the Guidelines.

(d) Review Process. Certification applications shall be reviewed by the Program Director in a timely manner. After a satisfactory initial review of the application, an on-site review of the program shall be conducted by the Program Director or his or her designee. During the on-site review, the Program Director shall observe the presentation of a full program cycle and may interview the program administrator. To promote consistency in the review process, the Program Director shall use a uniform written instrument to evaluate the programs. The determination of the Program Director shall be communicated to the provider by letter sent via first class mail. The opportunity for a provider to seek a review of any denial of certification or re-certification or suspension or revocation of certification shall be in accordance with the provisions set forth in the Guidelines.

(e) Approved Providers. Approved providers will be compiled in a list that will be updated and distributed regularly to the courts, Supreme and County and Family Court Chief Clerks, and others, as appropriate, and posted on the Program website. A provider is required to keep the Program Director apprised of its current information. Approved providers may indicate in advertisements and other uses that their program is certified by the Office of Court Administration.

§ 144.5 Fees

In accordance with the Guidelines, parent education and awareness programs may require attendees to pay a fee. The fee must be reasonably related to the cost of providing the services, cannot exceed the maximum authorized fee as set forth in the Guidelines, and must be subject to waiver or reduction if requiring a person to pay the full fee would work a hardship on the person or his or her immediate family.

§ 144.6 Confidentiality

(a) Any communication made by a party as part of his or her participation in a parent education

and awareness program shall be a confidential communication and shall not be available for evidentiary use in any action or proceeding.

(b) The Court shall obtain information about compliance with its order sending parents to parent education only from the provider pursuant to the provisions in the Guidelines.

(c) Any provider, its program administrator or designee who is provided information from a parent, either in writing or orally, shall not divulge that information to the attorneys representing the parties, the attorney(s) for the children, the other party, or the court, and its chambers or administrative staffs, except that information may be provided, without indication of a parent's name, to the Program Director or his or her designee as part of the certification and evaluation process.