



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. MCCONNELL, ESQ.
EXECUTIVE DIRECTOR

NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

MEMORANDUM

March 4, 2021

To: Hon. George J. Silver
Hon. Vito C. Caruso

From: John W. McConnell *JW*
Nancy Barry *NB*

Re: Child-Parent Security Act (L.2020, c. 56, Part L [eff. Feb. 15, 2021]) --
Letter Application for Use of an Anonymous Caption in Court Records Subject to
Public View

=====

As you know, proceedings for establishing parentage under the Child-Parent Security Act (L. 2020, c. 56, Part L; "CPSA", "Act") are subject to various confidentiality provisions under State law, including a general sealing provision under the Act itself. Accordingly, the court file and papers in these proceedings may only be viewed by the parties or counsel or by court order.

To further this goal of confidentiality, the Hon. Jeffrey Sunshine, Statewide Coordinating Judge for Matrimonial Cases, has developed a model letter application by which an applicant may seek a court order directing use of an anonymous caption in all publicly viewable court records in CPSA matters, including the clerk's minutes, public docket listings, and similar records. A copy of this application, which is expected to be filed along with the commencement documents in a CPSA proceeding, is attached as Exh. A.

In addition, two new case types have been added to the "Other Special Proceeding" dropdown window list in the UCS NYSCEF system: "Child-Parent Security Act (Assisted Reproduction)" and "Child-Parent Security Act (Surrogacy Agreement)". Documents uploaded through NYSCEF in these case types will automatically be shielded from public view, as the Act requires.

Please note, however, that if a CPSA proceeding is filed in paper format rather than electronically and includes an application similar to Exh. A, the County Clerk should not enter the child's name in the clerk's minutes if such minutes are immediately available for public view. Instead, the child's name should be listed as "ANONYMOUS" until the court has ruled on the application.

Please distribute this memorandum further as you deem appropriate. Questions on this subject can be directed to the Hon. Jeffrey Sunshine, Statewide Coordinating Judge for

Matrimonial Cases (jsunshin@nycourts.gov). Questions regarding e-filing can be directed to NYSCEF@nycourts.gov. As always, thank you for your kind assistance.

c: Hon. Jeffrey S. Sunshine
County Clerks
District Executives
New York City Chief Clerks
Surrogate's Court Chief Clerks
Jeffrey Carucci
Michele Gartner
Susan Kaufman

EXHIBIT A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

-----X

**In the Matter of a Parentage Proceeding
Concerning [Child's Name] _____**

Index No. _____

Assigned Judge: _____

A child conceived as a result of
[] Surrogacy Agreement [] Assisted Reproduction
Agreement

Letter Application for Order
Directing Use of an Anonymous
Caption in All Publicly Viewable
Case Listings

Petitioner(s)

-----X

I, _____, a party in this matter, counsel in good standing representing a party in this matter, and/or counsel admitted pro hac vice, hereby respectfully request that the Court direct the use of an anonymous caption in all publicly-viewable listings of the case, including the clerk's minutes, public dockets, and similar court records and publications.

As per the CPSA, the documents filed or e-filed within the proceeding shall remain under seal and therefore are required to include the child's name in the caption.

Dated: _____

[] Attorney [] Pro Hac [] Party (unrepresented)

Signature: _____

Print Name: _____

Attorney Representing - (Identify Party): _____

Firm Name: _____

Address: _____

E-mail: _____

Phone#: _____

-----X
FOR COURT USE:

[] application is **APPROVED**; and the County Clerk is directed to maintain the anonymous caption in any publicly-viewable case listing.

Dated: _____

Hon.