

Procedures Relating to Matters Revived Under the Child Victims Act (L.2019, c.11)

Due to the high volume of cases that may be filed under the Child Victims Act (CVA) commencing on August 14, 2019, and the confidentiality issues that may arise in those filings, The New York County Clerk's Office has instituted the following special procedures addressing anonymous captions and related issues in CVA matters:

1. Case Type Selection. To commence a CVA action, select the case type "Torts – Child Victims Act."
2. Anonymous Captions Initially Accepted. Initial e-filed papers (Summons with Notice, Summons and Complaint, Petition and Notice of Petition, application for pre-action disclosure, etc.) in an action or proceeding under the Child Victims Act that include an anonymous caption (e.g., "Anonymous v. Anonymous;" "A.B. v. C.D.") will be accepted by the County Clerk without an accompanying judicial order authorizing the anonymous caption.
3. OSC Application Required. Such initial CVA filings with anonymous captions **must** include an application for an Order to Show Cause seeking judicial permission to continue use of the anonymous caption. (The OSC may also contain requests for any other relief—for example, a request for restriction of access to confidential documents.)

**NOTE: When a matter is filed electronically – even when filed under an anonymous caption – any documents uploaded via NYSCEF will be visible to the public unless otherwise directed by court order.**

4. Rejection of CVA Initiating Papers. Initiating papers e-filed in a CVA matter that do not include, upon commencement, an OSC addressing the anonymous caption, or a judicial order permitting the anonymous filing, will be rejected and refunded by the County Clerk.
5. Pre-Action Disclosure Applications. Initiating e-filed papers seeking pre-action disclosure in a proposed CVA action must be filed as a "Tort – Child Victims Act" case type.
6. Requests for Restricted Status. E-filed papers (with or without an anonymous caption) that include an application for a judicial order of confidentiality or restricted status to the contents of the filing shall, absent the granting of such an application, become public five days after the filing.
7. CVA Matters Not Subject to Electronic Filing. These special procedures also apply to CVA cases filed in hard copy by unrepresented parties or by attorneys who lack the knowledge or resources for electronic filing.