

NY CLS CPLR R 2103-a

Current through 2025 released Chapters 1-207

New York

Consolidated Laws Service >

Civil Practice Law And Rules (Arts. 1 — 100) >

Article 21 Papers (§§ 2101 — 2106)

R 2103-a. Confidentiality of addresses in civil proceedings

(a) Notwithstanding any other provision of law, in any civil proceeding, whether or not an order of protection or temporary order of protection is sought or has been sought in the past, the court may, upon its own motion or upon the motion of any party, authorize any party to keep his or her residential and business addresses and telephone numbers confidential from any party in any pleadings or other papers submitted to the court, where the court makes specific findings on the record supporting a conclusion that disclosure of such addresses or telephone numbers would pose an unreasonable risk to the health or safety of a party. Pending such a finding, any such addresses or telephone numbers of the party seeking confidentiality shall be safeguarded and sealed in order to prevent its inadvertent or unauthorized use or disclosure.

(b) Notwithstanding any other provision of law, if a party has resided or resides in a residential program for victims of domestic violence as defined in section four hundred fifty-nine-a of the social services law, the present address of such party and the address of the residential program for victims of domestic violence shall not be revealed by the court or any court personnel who may have access to such information.

(c) Upon such authorization, the court shall designate the clerk of the court or such other disinterested person as it deems appropriate, with consent of such disinterested person, as the agent for service of process for the party whose residential and business

addresses or telephone numbers are to remain confidential and shall notify the parties of such designation and the address of the agent in writing. The clerk or disinterested person designated by the court shall, when served with process on behalf of the party whose information is to remain confidential, promptly notify such party whose information is to remain confidential and forward such process to him or her in a manner calculated to be timely received.

(d) In any case in which such confidentiality authorization is made, the party whose information is to remain confidential shall inform the clerk of the court or disinterested person designated by the court of any change in address for purposes of receipt of service of process or any papers.

History

Add, L 2004, ch 111, § 1, eff July 15, 2004.

Annotations

Notes

Editor's Notes:

Laws 2004, ch 111, § 2, eff July 15, 2004, provides as follows:

§ 2. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all actions and proceedings pending or commenced on or after such effective date.

Notes to Decisions

Ex-wife and son were entitled to a copy of the petition for appointment of co-guardians that the second son and third son had filed regarding the alleged incapacitated person; normally, any person could obtain a copy of the petition since, as in any other special proceeding, the petition had to be filed with the county clerk of the appropriate county, which also meant that it was not

necessary to file an order to show cause at the outset of the proceedings, as the ex-wife and one son had done, and N.Y. C.P.L.R. 2103-a was not applicable to restrain any abuses. Matter of Harold G., 820 N.Y.S.2d 426, 12 Misc. 3d 232, 235 N.Y.L.J. 62, 2006 N.Y. Misc. LEXIS 483 (N.Y. Sup. Ct. 2006).

Research References & Practice Aids

Treatises

Matthew Bender's New York Civil Practice:

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. R2103-a, Confidentiality of addresses in civil proceedings.

Matthew Bender's New York CPLR Manual:

Weinstein, Korn & Miller CPLR Manual § 3.11, Form and content of the summons.

Weinstein, Korn & Miller CPLR Manual § 14.02, Form of papers.

Hierarchy Notes:

NY CLS CPLR, Art. 21

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