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October 29, 2009

Hon. Sheldon Silver
Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Silver:

We write on behalf of the Council on Children of the New York City Bar Association (the "Council"), a group comprised of a wide range of lawyers of diverse perspectives who practice in the area of children and family law. The Council urges you to place A.8957 on the November 10, 2009 Assembly Special Session Agenda so that this bill - which adds 21 family court judges statewide (7 for New York City) - can be considered and passed by the Assembly before the January 1, 2010 effective date of the Senate's "same as" bill (S.5968), which passed the Senate on September 10, 2009.

New York City's Family Courts are in crisis. Judges are drowning under the weight of unacceptable caseloads. This caseload burden leads to unconscionably long adjournments, protracted trials, and devastatingly long delays in resolving the most crucial and intimate details of a child's life in the context of custody, foster care, abuse, neglect, termination of parental rights and adoption cases.

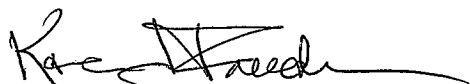
Despite significant legislative changes regarding enhanced judicial oversight of children in foster care (e.g., the 1999 NY Adoption and Safe Families Act and the 2005 NY Permanency Law), legislation increasing the responsibilities for Family Court Judges (e.g., the 2008 law allowing intimate partners to obtain orders of protection), and a sustained increase in Family Court filings, there has not been an increase in the number of Family Court Judges in nearly thirty years. New York City has not had an additional Family Court Judge since 1991.

On October 20, 2009, the Senate Judiciary Committee issued a report highlighting the importance of immediately creating these new judgeships, *Kids and Families Still Can't Wait: The Urgent Case for New Family Court Judgeships*. The Senate report explains why the enactment of A.8957 is not only essential but budget neutral. The Council's 2008 report on this issue, *The Permanency Legislation of 2005: An Unfunded Mandate – Critical Resource Needs of New York City's Children and Families*, also documents the need for these new judgeships.¹


We must give the family court system the judges necessary to make critical and timely decisions about child safety and family integrity. The children of New York cannot wait.

Please bring this bill to a vote so that this critical piece of legislation reaches the Governor's desk.

Sincerely,



Karen Freedman
Chair, Council on Children



Stephanie Gendell
Vice-Chair, Council on Children

¹ The report can be found at http://www.nycbar.org/pdf/report/Position_Paper_Permanency.pdf.