

DOMESTIC VIOLENCE COMMITTEE

A.10615
S.07587

M. of A. Weinstein
Senator DeFrancisco

AN ACT to amend the Family Court Act, in relation to family court judges

THIS BILL IS APPROVED

The Domestic Violence Committee of the New York City Bar Association supports Senate Bill 07587 and Assembly Bill 10615. This legislation provides that “the family court within the city of New York shall consist of 44 judges...and, as of January 1, 2009, shall consist of 54 judges and, as of January 1, 2010, shall consist of 61 judges.” This legislation would also add 25 more state judges outside of New York City.

This bill would provide much needed resources to the family court system, which in the past 20 years has seen a dramatic increase in the number and complexity of cases. According to the Office of Court Administration, statewide filings have increased by 58%, with only a 16% increase in the number of judges. Significantly, since 2006, filings have increased by 147% in New York City’s Family Courts. As a result, New York City Family Court judges’ caseloads have increased from 1,500 cases in 2004 to 2,200 cases in 2007. According to the Center for Family Representation: “In New York City alone, the number of Article 10 abuse/neglect petitions filed in the Family Court increased from 4,270 in 2005 to 11,233 in 2006, which is over a 250% increase. *See A Position Paper of New York City Bar Association’s Council on Children, The Permanency Legislation of 2005: An Unfunded Mandate – Critical Resource Needs for New York City’s Children and Families 7 (2007)*. In addition, the Permanency Legislation enacted in December of 2005 required that the courts hold permanency hearings every six months rather than every 12 months, and also expanded the range of children who would need permanency hearings to include 18-21 year olds who were voluntarily placed in foster care. *See Governor’s Permanency Bill, S. 5805, 2005-2006 Leg., Reg. Sess. § 27 (N.Y. 2005)*.” Despite this staggering rise in cases, no new judges have been added in the New York City Family Court since 1991. The family courts are overburdened and court calendars reflect this in the long delays between court dates, difficulties in trying cases over consecutive days and pressure to resolve cases more rapidly and with less information

about the family, all of which can leave families uncertain about the resolution of their sensitive cases.

While the lack of resources and judgeships in New York City is exacerbated by the sheer volume of families that appear in its family courts, the City is not alone in its unmet need. Family courts across the state are facing calendar delays and unmanageable caseloads. The enactment of A10615/S7587 and its provision of 39 family court judges statewide is essential to ensuring that New York's children and families get the attention and support they so desperately need.

The Legislature is urged to also budget for appropriate non-judicial staff and supplies. Likewise, municipalities that will be recipients of the additional judges are urged to provide them with proper courtrooms and chambers.

The issues faced by judges in Family Court are vital to our communities, our families and our children. Judges are asked to consider weighty issues, such as how to adequately protect victims of domestic violence, how to determine the best interest of children in custody matters and where to place children in foster care matters - with their families or in a foster home. Yet judges' ability to adequately address these crises has been severely compromised by the current burdens of their caseloads and the lack of additional judges to meet the increased demand for court intervention. This legislation would provide the courts with the judges needed to provide justice for all New Yorkers.

For the foregoing reasons, the Domestic Violence Committee recommends enactment of S7587/A10615.