

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

FAMILY COURT AND FAMILY LAW COMMITTEE

REPORT ON LEGISLATION

S. 8096
A. 10447

Senator Skelos
M. of A. Weinstein

An ACT to amend the judiciary law in relation to assignment of counsel to the indigent by supreme court in proceedings over which family court has a jurisdiction

THIS BILL IS APPROVED

A.10447/S.8096 addresses a gap in current law regarding counsel for indigent litigants in the state supreme court on certain family law issues. As it currently stands, an indigent person involved in a custody dispute in Family Court is entitled to court-appointed legal counsel, but if the same dispute is in Supreme Court, no such right exists. Consequently, many are denied any form of representation in these Supreme Court proceedings.

Not only is this unfair, it can lead to abuse: a spouse can push a dispute from Family Court to the Supreme Court with the intent to deny the other party counsel. While this is mitigated to a certain degree by the fact that a non-monied spouse can apply for attorney's fees in a divorce action, there is no reason to make this a discretionary matter since the counsel provided to the party in Family Court was mandated by statute and the rationale for mandating such representation is if anything more compelling in the Supreme Court.

The New York City Bar Association supports the passage of this bill.