NEW YORK CITY BAR

REPORT BY THE COUNCIL ON CHILDREN

POLICY RECOMMENDATIONS RESPECTFULLY SUBMITTED TO MAYOR MAMDANI

On behalf of the Council on Children ("the Council") of the New York City Bar Association ("the City Bar"), which is comprised of representatives of the City Bar committees that deal with children, education, family, family court, juvenile justice, child welfare and foster care communities, we write to share policy recommendations that we believe are essential to helping to ensure the well-being of New York City's children and families. Our Council includes attorneys who represent children and parents, as well as the major City agencies and organizations that serve the afore-mentioned constituencies.

However, before addressing specific policy recommendations, we wish to highlight the deep connection between our work and your priorities for the city. Your concerns regarding affordability and economic insecurity resonate with members of the Council, given the impact that financial instability has on the mental and physical health of New York's children and families. Involvement in the child welfare and/or juvenile justice systems is frequently the by-product of the inequities experienced by children and families who are struggling financially. Further, as you well know, the racial disparities in these systems are shocking, but unsurprising, as the disproportionate impact of poverty in New York City is borne primarily by communities of color and immigrants. Moreover, the court system that is supposed to serve the most at-risk and in-need children and families are historically overburdened and underfunded.

Given these realities, this Council has a lengthy list of policy efforts and best practices that we wish to see undertaken, by both our City and State elected officials and agencies. We have identified four primary areas of concern for the City government, as well as concrete actions that you and your administration can take to improve outcomes for the most vulnerable New York City children and families. Those top priorities are:

I. Prioritize Family Court appointments by the Mayor's Advisory Committee on the Judiciary (MACJ), so that interested, experienced, and well-qualified individuals are expeditiously appointed to serve as judges on the Family Court bench.

II. Support efforts to protect the NYS Raise the Age law and improve funding for its proper implementation in NYC.

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

III. Provide adequate funding to support and expand NYC-funded parent-child supervised visitation programs.

IV. Ensure that the Administration for Children's Services (ACS) intervenes in the lives of families only when absolutely necessary and provides high quality, meaningful services to children and parents in need of assistance.

I. REFORM OF THE MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY

The Mayor's Advisory Committee on the Judiciary (MACJ) was created in 2014 to evaluate, consider, and nominate judicial candidates highly qualified for appointment, and to evaluate incumbent judges for reappointment, to the NYC Criminal Court and Family Court, and for interim appointments to Civil Court. While the State funds the judiciary in NYC, the Mayor appoints these judges after MAJC screens them. MACJ is obligated to present three qualified nominees for each judicial vacancy and to recommend reappointments.

We are encouraged by the swift action you and your administration have taken with respect to MACJ. We are particularly hopeful that the appointment of Ali Najmi as the new Chair of MACJ will be a positive step forward, and that he will serve the public well in that capacity.

We also strongly support your executive order requiring MACJ to engage with the wider legal community, including public defenders, attorneys who represent parents in Family Court, attorneys for children, and those working in indigent legal services in the judiciary selection process.[1] Indeed, there are already a number of jurists with such experience serving on the NYC Family Court bench, and their perspectives, knowledge of the law, and understanding of the nuanced problems faced by children and families engaged in Family Court litigation undoubtedly has had a positive impact on their work.

Moreover, your call for increased transparency about the selection process and promoting engagement is critically important, as both litigants and advocates should have greater understanding of how jurists are selected and reappointed.

Challenges in MACJ Processes Not Addressed by the Executive Order:

- There are numerous vacancies in the Family Courts. This is particularly the case because in recent years the State has allocated more desperately needed judicial seats to NYC's Family Court, but MACJ has been slow to fill those positions.[2] This

[1] N.Y.C., Exec. Order No. 06 (Jan. 2, 2026), https://www.nyc.gov/mayors-office/news/2026/01/executive-order-06. (All websites last accessed February 4, 2026)

[2] The recommendation that Family Court judicial vacancies be filled in a timely manner is, specifically, calling for MACJ to present its slate of nominees for each vacancy as soon as practicable so that the formal evaluation process for each candidate can begin promptly. That evaluation process should include some form of the independent review that the City Bar has provided for more than a century and that was discontinued in 2024 by the Adams Administration. The City Bar's Judiciary Committee has been a cornerstone of judicial evaluation in New York City. Comprised of approximately fifty experienced lawyers drawn from diverse practices and backgrounds, the Committee conducts rigorous, independent assessments of candidates seeking election, appointment, or reappointment to judicial office. For decades, the Judiciary Committee worked in parallel with MACJ as part of a dual-review system for mayoral judicial appointments. Under that framework, candidates for Criminal Court,

unacceptable lethargy is due to the appointment process itself, which is cumbersome and lengthy.

- Appointment delays have significant consequences for the court system and its users. Delays create major hurdles and barriers to justice for Family Court litigants and the children who are subjects of Family Court cases. For example, delayed appointments mean that sitting jurists have enormous caseloads, and very little ability to grant each case the substantial time and consideration that it deserves.

- The delays also result in litigants appearing unnecessarily when their cases have been adjourned due to reassignment or vacancy but notice of adjournment has not been given to the litigants. It also impacts the litigants' ability to obtain necessary interim relief requested in emergency situations. As Family Court cases are often lengthy, multiple jurists can be involved in cases and this leads to confusion and frustration and inhibits access to justice, as evidence grows stale, witnesses become unavailable, and trials are rendered mistrials.

- In order to fill the many Family Court vacancies, "acting" judges (often elected Civil Court judges) who have no experience or expertise in family law are temporarily appointed to Family Court. These judges serve on the Family Court bench for only a limited time, but their lack of expertise causes significant disruption in cases. That disruption is compounded when the judge's temporary tenure in Family Court concludes, and the cases over which they presided must be transferred to another jurist, who then has to learn about the family's case anew, while also struggling to fit additional cases into their already over-burdened court calendar.

- Currently, there is little transparency regarding how an applicant's application gets "pulled" for review by MACJ, and how reappointment is evaluated. This leaves the process open to substandard candidates, the threat of political and ideological pressure, including from outside groups, and a great deal of uncertainty and confusion among jurists and litigants. Your administration already promised to address this issue, and we look forward to meaningful improvement in this area.

Family Court, and interim Civil Court vacancies underwent separate vetting processes by MACJ and the Judiciary Committee. Appointment by the Mayor was contingent upon approval by both bodies. The Judiciary Committee's review was not just a second, duplicative check. It was an important step in the process that followed the initial selection, and it was free from any political considerations. This structure reflected a shared understanding that independent, overlapping scrutiny was not a flaw in the system, but a safeguard—one designed to ensure that no single institution bore sole responsibility for screening candidates entrusted with judicial power. In late 2024, MACJ discontinued this partnership, citing concerns about redundancy and confidentiality. The City Bar maintains that those concerns, while important, do not outweigh the substantial benefits of independent review.

Recommendations to Improve the MACJ Process, Beyond Increasing Selection Process Transparency and Efforts to Attract a More Diverse Applicant Pool:

- Increase the number of MACJ members – the job is time consuming – and provide more administrative support for committee members.

- There are mayoral committees in other cities that offer pension system-related time accruals for members who serve on the committees. Currently the MACJ does not have this option.

- Encourage the new Chair and new members of the MACJ to come and observe Family Court proceedings. This will help deepen their understanding of what is essential for new appointments and reappointments of jurists.

- Cultivate a larger standing pool of candidates who are ready for immediate placement – a "bench" for appointments.

- Consider a review of the current application process for appointment and reappointment and undertake a study of the actual numbers of delays in the candidate review process and the making of appointments and reappointments.

- Enhance communication and planning between MACJ and the Office of Court Administration (OCA), and conduct regular meetings to discuss upcoming vacancies, reassignments, case filing data and trends

- Reevaluate some of the internal bureaucratic procedures within MACJ, especially around reappointment. Make clear what criteria are used for appointments and reappointments to encourage better public understanding and increase applications.

- MACJ should work more closely with the New York City Bar Association.

II. THE STATUS OF NEW YORK STATE'S RAISE THE AGE (RTA) LAW IN NEW YORK CITY

In 2017, Albany enacted the Raise the Age ("RTA") legislation, which raised the age of adult criminal responsibility to 18. Prior to this, New York State was one of only two states in the country to charge all 16- and 17-year-olds in adult criminal court. This practice was particularly problematic because young people incarcerated in adult facilities are more likely to suffer physical and emotional abuse and to recidivate.

RTA went into effect in 2018 with full implementation for 17-year-olds in 2019. RTA changed the way 16- and 17-year-old youth proceed through the court system depending on the level of offense and severity of the felony charge. RTA created a Youth Part in the Supreme Court; matters involving 16- and 17-year-olds charged with felonies begin in the Youth Part, with the possibility of removal to the Family Court. Matters involving 16- and 17-year-olds charged with misdemeanors are now handled in the Family Court, where the statutory goal is rehabilitation,

education, and connection to community-based alternatives that both give young people the opportunity to change their futures and promote public safety.

Since its implementation, RTA has been successful in New York State. As a percentage of overall crime, youth crime is lower than it was in 2017, before RTA was implemented, and youth re-arrests remain flat. "New York City's age-crime curve no longer shows a sharp spike in criminal activity during the teenage years…. Today people in their 30s are more likely to commit crimes than juveniles and adolescents."[3]

Despite these successes, there are calls to roll back New York's historic RTA law. These calls are largely based on the misapprehension that children whose cases are sent to Family Court are not held accountable for their actions. As professionals who work in the field of family law, including attorneys who have both defended and prosecuted children in juvenile delinquency proceedings in Family Court, we assure you that this is not the case.

Children who are prosecuted in Family Court face the possibility of adjustment, diversion, probation supervision, and detention and placement facilities operated by the Administration for Children's Services. Not only are youth offered programs and services, but the entire family is able to receive support in addressing the root causes of the delinquent behavior. In addition, the confidential nature of Family Court allows children and their families to engage openly with service providers with the protections of the Family Court Act and the Social Services Law, which limits disclosures of certain information without parental consent or judicial order.

However, there remains a significant need for programs to support young people involved in both the Family Court and the Youth Part of the Criminal Court. The COVID-19 pandemic and reductions in funding to local non-profits have exacerbated social and educational impacts for youth. Furthermore, because of the way NYC contracts for programs that serve the Youth Part and Family Court, programs cannot continue working with a young person whose case is transferred from the Youth Part to Family Court, leading to a gap in services at what may be a critical time.

To achieve the full benefits of RTA, NYC must fund a continuum of evidence-based programs that produce better outcomes for young people and increase community safety, allowing opportunities for restorative practices, rather than responding to youth gun violence[4] and juvenile delinquency solely through the criminal legal system, which often results in higher rates of recidivism.[5] "Although RTA implementation has succeeded in sparing many young people the harms of adult prosecution and criminal conviction without a concomitant increase in youth crime rates, more can and must be done to ensure that developmentally appropriate programs are available in NYC and across the state. NYC should support changes that would enable more RTA

[3] Reality Check: Has Youth Crime in New York Risen After Raise the Age?, *Vital City* (Dec. 9, 2025), https://www.vitalcitynyc.org/articles/youth-crime-in-new-york-after-raise-the-age.

[4] We note that under the RTA law, youth who are charged with displaying or using a firearm in the commission of a crime are already prosecuted in the Youth Part of adult Criminal Court.

[5] Richard Mendel, "Effective Alternatives to Youth Incarceration, The Sentencing Project." June 2023.

funds to reach the counties and should also restore and increase NYC funding to programs that work with young people who have contact with the legal system.

Currently, New York State appropriates $250 million each year for a range of services including detention; probation; alternatives to detention, placement and incarceration; early intervention; and prevention services. However, to be eligible for RTA funds, each county must have a county RTA plan approved by the state and comply with the State's property tax cap. In addition, counties must spend local funds on RTA programs up front and then seek reimbursement from the State.

As a result of the complicated structure of RTA funding, only a fraction of the appropriated funds have been spent as intended since 2017. There is currently nearly $1 billion in unspent state funds for RTA implementation. In addition, none of this money has been allocated to NYC because the city does not comply with the NYS property tax cap.

To Ensure the Continuing Success of Raise The Age Implementation in NYC:

- Oppose any efforts to roll back the RTA law;
- Apply for a hardship waiver from compliance with the property tax cap to enable NYC to receive State RTA funds;
- Adapt how NYC contracts with programs providing services to court-involved youth so that there is not a gap in services if a young person's case is transferred from the Youth Part to Family Court; and
- Support efforts to adjust RTA funding so that appropriated State funds reach counties and community-based organizations, which would allow every county to offer a continuum of programs and services, including:
    - Supporting passage of the Youth Justice Innovation Fund (S.643), which would provide grants to community-based organizations for RTA programs, including organizations in NYC.

III. SUPPORT HIGH QUALITY, FREE AND LOW-COST SUPERVISED VISITATION PROGRAMS IN CUSTODY/VISITATION CASES

When concerns are raised about a child's physical or emotional safety in the course of a custody, visitation, family offense, or divorce case, the judge may order that a trained individual supervise visits between the child and non-custodial parent in a safe location. Unfortunately, every day in NYC, there are children who cannot see their parents simply because no one is available to supervise a safe visit, or the family cannot afford to pay a supervisor.

Access to free supervised visitation is important for the children's emotional and psychological well-being. These programs keep children and survivors safe when domestic violence, parental substance use, and/or mental health challenges are present in a family.

The lack of supervised visitation services also causes significant court delays in already-overburdened NYC Family Courts, as it prevents efficient resolution of cases, and strains limited resources.

Currently, only three providers in the five boroughs provide free or low-cost supervised visitation services to families engaged in custody/visitation cases.[6] The combined capacity of these three organizations is nowhere near enough to meet the significant demand for this service. Consequently, families in need of safe spaces and supports to repair fractured parent-child relationships find themselves placed on lengthy waiting lists. Indeed, some NYC families wait more than six months to begin parent-child visits.

This past year highlighted a significant lapse in NYC's provision of these services. There was a gap in City-provided funding for Safe Horizon's programming in the Bronx, Queens, and Staten Island, which left many children and parents, as well as the courts, without recourse to continue, or in some cases start, parent-child visits. After a delay, programming was reinstated in the Bronx and Staten Island, but the significant delay was prolonged in Queens. The entire episode demonstrated how fragile the funding for supervised visitation is, and how valuable supervised visitation is for families.

Across the state, more than half of the state's 62 counties lack a supervised visitation program. Even where supervised visitation does exist, the available programming is insufficient to meet the need. As a result, there is a statewide coalition dedicated to ensuring that a statewide supervised visitation program is established and funded. However, the establishment of a statewide program is certainly not guaranteed in these challenging fiscal times and, even if a statewide program were established, there is no certainty that NYC would see an adequate expansion of its existing programming.

We hope your administration will work with us to ensure there is ongoing and reliable funding in the city budget for these important services.

IV. REFORMS OF THE CHILD WELFARE SYSTEM

In 1991, there were nearly 50,000 children in foster care in New York City. By 2013, that number had dropped to under 12,000. At the time, the Administration for Children's Services ("ACS") was praised for bringing the number to historic lows. Many thought the number couldn't possibly go lower. And yet, today, there are barely 6,000 children in foster care. But even that number is too high. The number of children in foster care can and must continue to be significantly reduced, especially because low income Black and brown families are disproportionately targeted by ACS, and the trauma experienced by families is profound.

Even when families are not involved with ACS, they still need supportive preventive services. Many of these cases end up in Family Court as custody and visitation cases and the Court

[6] Safe Horizon, "Comprehensive Family Services, NY Society for the Prevention of Cruelty to Children." https://www.safehorizon.org/

is very limited to provide essential and impactful services to these families. We must recognize their need for ongoing support.

It is well-known that poverty is often confused with neglect – parents who leave their children home alone while they go to work because they have no child care, who live with their children in substandard housing, who are overwhelmed by the pressures of trying to make ends meet and care for their children and keep a roof over their heads, have all been charged with neglecting their children. We applaud your commitment to addressing the critical shortage of affordable housing, the need for quality childcare for all children, and the need to ensure that marginalized New Yorkers have the resources they need to care for their children. We expect that this commitment will help to further reduce the number of families targeted by ACS.

We urge your administration and ACS to openly acknowledge the relationship between poverty and so-called neglect and commit to providing community-based services and assistance to struggling families, rather than bringing them to court and threatening to place their children in foster care.

In this regard, ACS has created 30 Family Enrichment Centers throughout New York City in an effort to provide community-based services for families in need of assistance. The effectiveness of these centers is severely limited by parents' fear that voluntarily participating in services offered by ACS will open them up to investigation, scrutiny and a family court case. We hope your administration will examine the utility of these Centers and consider redirecting the funds to independent agencies and organizations serving their communities.

V. RECOMMENDATIONS TO REFORM THE CHILD WELFARE SYSTEM

- **Respect for Parental and Children's Rights**: ACS should uphold the rights of children and parents to be free from unwarranted government intrusion. This includes by supporting legislation pending in both the NYS legislature and the NYC Council that would require ACS to inform parents of their rights at the outset of an investigation -- including the right to consult with an attorney and the right to refuse permission for ACS to interview their children, conduct body searches or enter their home without a court order.

- **Minimizing Time in Foster Care**: While some children must be temporarily removed from their homes and placed in foster care, we hope your administration takes steps to ensure that no child spends a minute longer in foster care than absolutely necessary. All children and their parents should receive high quality services from the agencies that are responsible for their care. In particular, ACS should take a critical look at the congregate care facilities – group homes and residential treatment centers – where too many young people are placed and receive inadequate therapeutic services.

- **Protecting Children in Schools**: ACS should end the practice of entering children's schools to interview the children for a child protective investigation. School should be a safe place for children, not one where they are pulled from class to be threatened with removal from their homes. Schools should only be used as a last resort.

- **Supporting Youth Aging Out of Foster Care**: Each year, nearly 400 young people leave foster care to live on their own. Too many of them turn 21 without having permanent housing. ACS must commit to developing safe, stable, permanent housing for these young people.

- **Sustaining Innovative Youth Programs**: ACS should commit to continuing innovations that provide critical support for young people – including Fair Futures, College Choice, and Career Choice programs.

- **Expanding Holistic Legal Representation**: The City should ensure holistic, interdisciplinary, and high-quality legal representation for parents and children who are subject to ACS investigations. Advocacy at the inception of an investigation can reduce family court involvement and family separation by helping parents understand the system and access the services they need for their families to thrive. The City must ensure that organizations representing parents and children in family court have adequate funding, so that the attorneys maintain manageable caseloads. This has been shown to result in more positive outcomes for families, improve court efficiency, and reduce the time children spend in foster care.

- **Supporting ACS Caseworkers**: Funding and additional training for ACS caseworkers should be prioritized. Overburdened caseloads compromise the quality of work and the effectiveness of the child welfare system. Providing adequate resources and support is essential to ensuring the well-being of children and families.

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We thank Mayor Mamdani and the transition team for your consideration of these important matters. We look forward to discussing these issues in greater depth and to collaborating with the Mayor and the administration to advance the well-being New York City's children and families. We would welcome the opportunity to meet with your team to further discuss our concerns and recommendations and to build a productive partnership moving forward.

Council on Children
Cathy Cramer, Chair

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