

Memorandum Urging Approval

NYSBA Memorandum #20-Gov

June 20, 2014

S. 7883
A. 10139

By: Senator Bonacic
By: M of A Weinstein
Senate Committee: Judiciary
Assembly Committee: Judiciary

THE NEW YORK STATE BAR ASSOCIATION **SUPPORTS APPROVAL OF LEGISLATION** **TO AUTHORIZE NEW FAMILY COURT JUDGES**

Consistent with the 2014-2015 enacted state budget, which provided funding for 20 new judges for the last quarter of this fiscal year, this bill would authorize 20 new Family Court Judges to take office on January 1, 2015. Additionally, this bill would authorize 5 new Family Court Judges to take office on January 1, 2016. Funding for these five additional judges, will necessarily be a subject of budget negotiations for the 2015-2016 state fiscal year.

The Association and its 75,000 members commends the Legislature for passing a measure to create these additional Family Court judgeships, which would help address overwhelming caseloads in the courts. In particular, we are grateful to Assemblymember Helene Weinstein and Senator John Bonacic for their tireless leadership on this issue.

We urge Governor Cuomo to sign the authorization bill without delay.

The State Bar strongly supports increasing the number of Family Court judges. Indeed, this issue is among our legislative priorities for 2014. The lack of judges to hear the overwhelming number of cases involving the safety and well-being of children results in long delays, piecemeal trials, uneven access to justice and a public perception that the forum is ineffectual and unworthy of community confidence.

In 2010, the Task Force on Family Court of the New York State Bar Association was appointed by then President Stephen P. Younger to examine the challenges that New York Family Courts face and recommend measures that would better enable the courts to meet the demands placed upon them. In forming the Task Force, President Younger stated:

There may be no place where shaping the future and restoring confidence in our government institutions comes together as clearly as in our family court system. To thousands of New Yorkers, family courts are the face of our legal system but, unfortunately, with overcrowded dockets, too few judges, and far too many delays, these courts resemble hospital emergency rooms and our family law attorneys are forced to perform triage.

Family Court has jurisdiction over child custody and visitation cases, child and spousal support cases, adoptions, proceedings to determine paternity of children, family offenses, PINS and juvenile delinquency matters, child abuse and neglect cases, termination of parental rights petitions and foster care reviews. The issues are as personal and serious as they come -- Family Court determines the fate of our children.

For those who have never been to Family Court and wonder why we they should care about what goes on there, you need only observe any classroom in any community in New York State. As any school teacher knows, trouble rides the school bus. A child, whose family has problems, brings his or her problems with him or her on the bus and into the classroom. The problems surface on the playground and at childcare. One child's problems affect all of the children around him or her. The quality of decisions made in Family Court affects all of us. It affects the quality of life in a community. The conditions and circumstances in which serious decision-making occurs are an issue for all of us.

Lengthy delays in hearing and disposing of cases, multiple adjournments as well as the inability to hear cases to conclusion on consecutive days are systemic problems that result from too few judges. Without an increase in the number of Family Court judges, the system-wide challenges of the court will not be fully or successfully addressed. To abide a system which is understaffed is to accede to the conclusion that problems of child welfare and family violence are unimportant and unworthy of serious government attention.

CONCLUSION

Based on the foregoing, the New York State Bar Association urges Governor Cuomo to **APPROVE** this legislation to authorize new Family Court judges.