



Prevent Child Abuse New York™

Testimony at the Hearing on New York State Family Court

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Thank you for the opportunity to submit testimony. I am Timothy Hathaway, Executive Director of Prevent Child Abuse New York (PCANY). PCANY is the only private, nonprofit agency serving the entire state whose single mission is to prevent child abuse in all its forms. We provide training and technical assistance to professionals to help make great environments for children and participate in community awareness efforts to strengthen families. Our policy and advocacy portfolio drives initiatives at both the local and state levels. We advocate for evidence-based policies that target the root causes of child abuse and neglect – such as working to eliminate poverty with economic investments and preserving concrete supports for families such as safe, stable housing and affordable, accessible, high-quality child care and afterschool programs.

At PCANY, we work to remove barriers for parents and to support the healthy development and prosperity of New York's children, families, and communities. Our work is rooted in a belief in families and in the knowledge that, given adequate and appropriate resources, all families can thrive. Our vision is a continuum of prevention – to prevent negative outcomes before they ever occur and meet the needs of children and families by mitigating existing trauma(s) and halting the risk of future harm. **This builds stronger families, ensures safe children, and preserves successful communities.**

Although our work is grounded in preventing children and families from interacting with the court system, our role is also to ensure family and criminal courts are equipped to minimize stress, support children and families, and produce the best possible outcomes if families do have an open case. **Kyra's Law is an example of crucial legislation to strengthen the current training and update court processes while ensuring child safety.** Navigating the family court system can be a confusing, scary, and invasive experience for families. While the vast majority of child abuse and neglect cases are handled by family court (with the exception of the most severe cases), the nature of each case differs (such as if the child is in imminent danger or when a case

is open due to reports that a family is unable to provide the minimum degree of care). Charges such as assault, battery, sexual abuse, and homicide are prosecuted by Criminal Court.¹

The system for how cases are triaged and handled by different branches of the court system, and the variability in severity of each case, makes child protective proceedings complex. There are many details for judges to discern, and complexity of cases may not be evident just through a Child Protective Services Investigation. **This is especially poignant in cases involving child maltreatment and interpersonal/domestic violence.** In some cases, there may be underlying or co-occurring abuse/neglect. There is a 30 - 50% estimated overlap between domestic violence and child physical or sexual abuse.² Furthermore, according to the NYS Office for the Prevention of Domestic Violence, although many adults believe they have protected children from exposure to domestic violence, 80-90% of children in those homes can recount incidences of violence in detail.³

Exposure to domestic violence and child abuse/neglect are Adverse Childhood Experiences (ACEs). Children who experience ACEs have a greater risk of developing chronic disease and mental health/behavioral issues, which in turn impact development, educational outcomes, and future relationships.⁴ Treatment of children who have experienced trauma should be grounded in the science of mitigating harm and preventing the perpetuation of intergenerational violence. **Judges and other court professionals must be educated on ACEs to ensure appropriate treatment of children and families in the court system.** An understanding of the negative impacts of ACEs – both long and short-term – will lead to more informed decisions about custody and visitation. Legislation to expand and implement more comprehensive training for judges, referees, and other hearing officers has been introduced in the form of Kyra’s Law, which PCANY strongly supports in pursuit of a more trauma-informed court system that prioritizes strengthening and supporting families. To date, 24 children have lost their lives by the hands of their own parent in a custody, separation, or divorce case in the last 6 years in New York State. **Provisions in Kyra’s Law will ensure more holistic evaluation of custody cases and ensure child safety.**

Unfortunately, professionals on the continuum of the child welfare and the family court systems report overwhelming caseloads and “jam packed” dockets, only worsened by the pandemic. In New York City, courts were so overwhelmed that cases involving custody, visitation, child support, and adoption were deemed ‘non-essential.’⁵ Large caseloads and an overburdened

¹ <https://www.preventchildabuse.org/guide-child-protective-services>

² Jaffe, P., D. Wolfe, and S. Wilson. 1990. Children of battered women. Newbury Park, CA: Sage Publications. and

³ Children Exposed to Intimate Partner Violence,” *National Electronic Network on Violence Against Women: VAWnet Applied Research Forum*; (March 2002)

⁴ <https://www.cdc.gov/violenceprevention/aces/index.html>

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<https://imprintnews.org/child-welfare-2/more-judges-for-new-york-family-courts/66290#:~:text=%E2%80%9CDuring%20the%20pandemic%2C%20New%20York.home%20be%20non%2Dessential%3F%E2%80%9D>

family court system are two factors that contribute to missed details and escalating situations. **Child safety is of the highest priority. Equipping judges and professionals within the court systems with holistic training is the first step to prevent tragedies from occurring.** While the “fix” will not happen overnight, measures in addition to training can be put in place to streamline processes and better equip systems to function as intended. For example, The Legal Aid Society recommends upgrading technology to an electronic filing system, improvements in external communication, and “enacting uniform procedural rules to create a system that can be easily navigated by those who rely upon it.”⁶ It is crucial to note that reports and investigations about the family court system have been conducted and can only go so far. There comes a time when action, such as passing legislation to ensure protections, is the next step.

The nature of family court cases is complex and devastating. It is our vision for all New York State children and families to be safe and thriving. This is possible when systems and structures prioritize family strengthening, child safety, and child wellbeing. **A comprehensive and effective family court system that prioritizes prevention has mechanisms in place both upstream, before children and families interact with the system, and downstream, when there is an active case, to produce the best possible outcome and mitigate the risk of further harm. Kyra’s law is an example of a multifaceted effort to improve decision-making and treatment of families and prevent future child fatalities, while also ensuring children are protected from harm by ensuring visitation isn’t granted with an abusive parent.** In addition to passage of Kyra’s Law, PCANY urges meaningful evaluation of the court systems that families rely upon, in pursuit of the most trauma-informed and trauma-responsive systems in New York State.

Thank you for the opportunity to provide testimony on this topic.

⁶ <https://legalaidnyc.org/news/significant-change-required-family-court-crisis/>