



NEW YORK STATE SENATOR

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## The Crisis in New York's Family Courts

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A Report on the Senate Hearing from the NYS Senate Committee on Judiciary & NYS Senate Committee on Children & Families

New York State Family Courts are charged with deciding nearly all legal matters involving children and families, ranging from juvenile delinquency matters to custody battles to child support matters. In Family Courtrooms, child protective services (“CPS”) agencies are some of the most common litigants, filing petitions to have children removed from their parents and placed into foster care, or another process of court-ordered supervision. The overwhelming

majority of these cases do not involve allegations of state-defined abuse, but rather allegations of neglect; in either instance, these allegations fall disproportionately on Black and Latino parents, and many cases center on murky issues that are traceable to poverty. For New York's families, the stakes are desperately high, and the consequences of any mistakes are severe. Despite the supreme importance of these matters, New York's Family Courts are overburdened and under-resourced, plagued by untenable caseloads, overworked staff, and a legacy of dysfunction. The results have been unacceptable, and require deep re-examination.

On November 1, 2023, the Senate Committee on Judiciary and Senate Committee on Children & Families held a joint oversight hearing on the New York State Family Courts. This hearing was called in response to several prominent reports in recent years documenting substantial problems within the court system, including reports from the Franklin H. Williams Judicial Commission (the "Williams Commission Report"), the New York State Bar Association (the "NYSBA Report"), the New York City Bar Association (the "NYCBA Report") and the Special Adviser on Equal Justice in the New York State Courts (the "Johnson Report," authored by former U.S. Secretary for Homeland Security Jeh Johnson). These reports described "a second-class system of justice for people of color in New York State" Family Court, where a "dehumanizing" and "cattle-call" system confronts litigants. Families have faced Kafka-esque dilemmas with life-changing consequences, courts and attorneys have faced unacceptably burdensome caseloads, litigants have faced unnecessary delays, and resources have been unjustifiably withheld. The joint hearing was held in order to confront these problems head-on, hear testimony from all participants in Family Court, and solicit ideas for reform. Chief Judge of the New York Court of Appeals Rowan Wilson was in attendance for much of the hearing. Because the problems with Family Court are felt most by the families forced to navigate this complex system, the committees heard testimony from impacted families first. The committees also heard from the Office of Court

Administration (“OCA”), Family Court judges, experts who have studied and issued reports on Family Court, government officials, attorneys representing indigent families, bar defense groups, attorneys for children (“AFCs”), and service providers for pro se litigants, among others.