



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

LEGISLATORS, LEGAL EXPERTS, AND ADVOCATES CALL TO FULLY FUND NEW YORK'S FAMILY COURTS IN FY 2024-25 BUDGET

SENATOR BRAD HOYLMAN-SIGAL, SENATOR JABARI BRISPORT, ASSEMBLY MEMBER CHARLES LAVINE & ASSEMBLY MEMBER ANDREW HEVESI

February 12, 2024

| ISSUE: **FAMILY COURT, FAMILY JUDGE; SUPREME COURT; JUDICIAL DISTRICTS, INDIGENT LEGAL SERVICES**



Leaders of Judiciary and Children and Families Committees Call for Historic \$102 Million Investment in Family Court System

NEW YORK - Today, New York State Senator Brad Hoylman-Sigal (D-WFP, Manhattan), Chair of the Judiciary Committee, and Senator Jabari Brisport (D-WFP, Brooklyn), Chair of

the Children and Families Committee, joined Assembly Member Chair Charles Lavine (D-Long Island), Chair of the Assembly Judiciary Committee, and Assembly Member Andrew Hevesi (D-Queens), Chair of the Children and Families Committee, to call for a historic \$102 million investment in the Family Court system in the FY 2025 Budget.

The New York Family Court system is in crisis. 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 in response to several prominent reports in recent years documenting substantial problems within the court system. 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. Reported problems were wide ranging and included unjustified family separation, exceptional difficulties for indigent litigants and people of color, and a lack of resources that make it difficult to manage cases adequately, retain staff, and hear cases in a timely manner. The hearing made it abundantly clear that New York’s Family Courts are overburdened and under-resourced, plagued by untenable caseloads, overworked staff, and a legacy of dysfunction.

The investment proposed today would address these issues by expanding parent and child representation, adding more family court judges, increasing assigned counsel pay rates, and securing supervised visitation throughout the state. The \$102 million allocation of funds would be broken down as follows:

- **\$50 million for Indigent Legal Services to support improved and expanded parent representation**
- **\$19.7 million increase in funding to the Office of Court Administration for Attorneys for Children contracts**
- **\$6 million to raise the 18-B Assigned Counsel pay rate to match federal compensation standards**

- **\$20.3 million to add 41 new Family Court judgeships**
- **\$6 million to establish supervised visitation programs in the twenty counties lacking them and to improve services across the state**

A joint report was also released today by the New York State Senate Committee on Judiciary and the New York State Senate Committee on Children and Families titled, “The Crisis in New York's Family Courts.” The report provides further details on the November 1, 2023 hearing and the funding recommendations announced today. It can be read in full [here](#).

Video of today’s press conference can be found [here](#).

Senator Brad Hoylman-Sigal said, “Our Family Court system is in crisis here in New York and we need to do something about it. The funding we are calling for will help to make up for the years of underinvestment that have led to a dysfunctional system that is simply not capable of providing justice to those who need it most. Family Courts decide some of the most important legal matters children and families face, including custody battles, child support issues, juvenile delinquency, and cases of abuse and neglect. We cannot guarantee that we are giving children across this state fair legal protection and justice under the law if we are not properly funding the courts that hear their cases. I am calling on all my colleagues in the Legislature and Governor Hochul to accept our proposal to give Family Courts the money they need to operate successfully.”

Senator Jabari Brisport said, “We’re living under a two-tiered system of family protections in which the rights of low-income and Black and Brown families are regularly disregarded. Resolving the issues with Family Court is not simply a matter of better funding for the

existing systems of professionals and public servants. Rather, we need to "narrow the front door" by both providing families with necessary services — so that they are not reported to CPS agencies for symptoms of poverty — and by broadly re-examining the systemic problems with how we police families.”

Assembly Member Charles Lavine said, “It is critically important for us to take the steps necessary to maintain, protect, and enhance our family courts.”

Assembly Member Andrew Hevesi said, “ The shortcomings of New York's Family Court System are due in large part to decades of underinvestment. Our state must prioritize funding for programs such as Indigent legal Services, 18-b attorneys, attorneys for children, and supervised visitation. I am grateful to all of our partners, especially my counterpart Senator Brisport, and Judiciary Chairs Lavine and Hoylman-Sigal for helping advance these efforts.”

Richard Lewis, President of the New York State Bar Association said, “The cases decided in Family Court have a deep and lasting impact on the lives of children and their parents, and a shortage of judges in this crucial court is harming ordinary New Yorkers. The money we are requesting today will allow the judiciary to significantly increase the number of Family Court judges, pay for raises for 18-B attorneys in Family Court, and increase funding for Indigent Legal Services. The New York State Bar Association strongly believes that this is one of the most important investments we can be making in our state’s future.”

Michael Weinstein, Co-Chair of the New York City Bar Association Family Court and Family Law Committee said, “Parent representation has far too often been underfunded and neglected when our State has addressed public defense. Most recently, Governor Hochul’s proposal to sweep Indigent Legal Services (ILS) funds into the general fund unjustly disregards and undervalues parent defense. The City Bar urges the Legislature to support the proposal

being advanced today by Senators Hoylman-Sigal and Brisport and Assembly Members Lavine and Hevesi to instead fully protect New York's families."

Hon. Liberty Aldrich, Children's Law Center Executive Director, said, "On behalf of The Children's Law Center, I am grateful to Senators Brad Hoylman-Sigal and Jabari Brisport for their leadership in supporting a historic \$102 million investment in New York's Family Courts. It is simple: without this funding, children and families' fundamental rights and well-being are at stake. As attorneys for children, we know that each child we represent has a unique story and distinct needs that deserve the life-altering advocacy and access to wrap-around services we provide. Unfortunately, years of stagnated funding have caused skyrocketing caseloads that have made it almost impossible for offices like ours across the state to deliver the individualized care and representation at the scale needed to help vulnerable and at-risk children. On top of that, the dearth of supervised visitation providers means that the children we represent aren't able to maintain crucial family bonds and exacerbates already-egregious court delays. This commitment by the Chairs and New York State Judiciary constitutes a downpayment towards a better, more equitable future."

Susan C. Bryant, Executive Director of the New York State Defenders Association said, "There is crisis in family defense representation. For many years, NYSDA and others have written and testified about the lack of critical State support. Counties are failing to provide the funds needed for family defense representation, which has an equitable and racial justice impact. Now is the time for the State to accept its responsibility to fund quality representation of parents and adults in family court. We applaud Senators Brad Hoylman-Sigal and Jabari Brisport and Assembly Members Charles Lavine and Andrew Hevesi for their leadership in the area of family court reform and strongly support their call to include in this year's State Budget an appropriation of \$50 million for family defense, with a commitment to future incremental increases patterned after the Hurrell- Haring settlement expansion, as well as

funding for an assigned counsel rate increase to match the federal assigned counsel rate and funding for institutional providers of attorney for the child representation. And we urge the Legislature to reject the Executive's budget proposal to take hundreds of millions of dollars intended for improving public defense representation from the Indigent Legal Services Fund, which would reverse New York's progress in reforming public defense and leave the State at risk of liability under Hurrell- Harring."

Liz Roberts, CEO of Safe Horizon said, "Safe Horizon, the nation's largest nonprofit victim assistance organization, applauds Senator Brad Hoylman-Sigal, Assembly Member Charles Lavine, Senator Jabari Brisport and Assembly Member Andrew Hevesi for putting forth a bold new funding proposal to tackle some of the most persistent shortcomings in New York's Family Courts. Safe Horizon's attorneys in our Domestic Violence Law Project and our staff in New York City's five Family Courts have long recognized all of the many ways that Family Courts too often fail families in need of safety and assistance. The lawmaker's proposal to significantly increase funding for family representation, bring on more family court judges and increase access to supervised visitation will be immensely helpful to survivors of domestic violence and their children who turn to Family Court for help. We look forward to working with lawmakers, advocates and survivors to bring this budget proposal to fruition in the coming weeks."

Rachel Braunstein, Director of Policy for Her Justice said, "Family Court decisions impact the very livelihood and well-being of Her Justice clients and other women living in poverty. Yet these courts are historically and systematically under-resourced. The lack of resources, paired with the substantial volume of cases in Family Court, causes delays. Families spend months and even years returning to Family Court to secure basic freedoms – personal autonomy, financial independence, and safety from abuse – that are unacceptably deferred. The proposal championed by Senator Hoylman-Sigal and Senator Brisport will infuse the

Family Courts with resources needed to help alleviate the significant backlog of cases and make other improvements and deliver greater justice to the most vulnerable New Yorkers.”

Mark Funk, Monroe County Assigned Counsel Administrator and past president of CDANY, said,

“The Chief Defenders Association of New York whole-heartedly supports the Senate Children & Families and Judiciary Committees’ \$100 million budget proposal for funding New York’s Family Court. This proposal acknowledges the crisis in our family courts that have contributed to prolonged family separation and the dehumanizing nature of this court system. We thank the Senate Committees for advocating for the resources needed to immediately address these conditions that disproportionately impact Black, Brown, and low-income families. This support is particularly gratifying as it shows that these Senate Committees value the important work that public defense institutions and 18-b attorneys do in family court daily. It must be acknowledged, however, that this is just the beginning of funding and structural changes that are required in family court to make the promise of justice a reality for low-income families across New York.”