



NEW YORK STATE SENATOR

Malcolm Smith

Senate Acts To Improve Family Court System

MALCOLM A. SMITH September 9, 2009

| ISSUE: **FAMILIES, JUDICIARY**

21 New judgeships will ease overwhelming burden on system in crisis

(Albany, NY) The New York State Senate today passed legislation (S5968/Sampson) that will protect families and children by updating the state's Family Court system, creating 21 much-needed new Family Court judgeships.

The Family Court system is currently in a state of crisis, as current state law limits the number of judges who can handle family law to just 153 statewide—New York City is limited to just 47 of those. This limitation—enacted more than three decades ago—has placed an overwhelming burden on the system; last year alone, the courts dealt with more than 728,000 caseloads and two millions court appearances, an increase of 4% over the year before.

The new judgeships will lessen the demanding court caseloads and help families better navigate complex proceedings, leading to better results for families, and alleviating the number of repeat appearances

Senate Democratic Conference Leader John L. Sampson, lead sponsor of this legislation said: "Family Court cases typically involve children, and the protecting their best interests is something we must all support. Expanding the number of Family Court judges will reduce

caseloads and speed the resolution of cases, this is a long-overdue reform that will provide relief to families and children in need.”

Some judgeships carry an overwhelming caseload, servicing as many as 8,000 cases annually. As a result, important legal matters dealing with children’s housing and safety may receive only a few minutes attention. This legislation will allow judges to give each case the attention they would like, and which each case deserves.

Outside of the seven new judgeships in New York City, the Family Court Act establishes one new judgeship in each of the following fourteen counties: Albany, Broome, Chautauqua, Chemung, Erie, Monroe, Nassau, Niagara, Oneida, Oswego, St. Lawrence, Schenectady, Suffolk and Westchester.

The bill is awaiting action in the Assembly (A8957).

Additional Quotes

Senator Suzi Oppenheimer (D-Mamaroneck) said: “I am pleased to have supported this legislation, which will provide an additional Family Court judge in Westchester County, as well as other counties in the state. The Family Court system has been overwhelmed in recent years, delaying justice and critical intervention for children and families in need. The resources this bill provides will better enable the family court system to assist those vulnerable children that it was designed to protect.”

Senator William T. Stachowski (D-C, Lake View) said: “The number of cases being filed in Erie County family court just keeps increasing. Creating a position for one more family court judge will help decrease the case load in a system that is seriously backlogged and overburdened. When you are dealing with cases of domestic violence, child abuse and neglect, support payments, custody, and adoption, for example, it is extremely important

to resolve cases as quickly as possible, especially since an individual's physical safety can often be at risk. To expect people to wait months for their case to be heard is unacceptable, which is why we need to enact this legislation immediately."

Victor A. Kovner, chair of The Fund for Modern Courts, said: "Modern Courts is grateful for the Senate's leadership to address one of Family Court's most pressing problems -- the lack of adequate judgeships. New York families statewide urgently need the 21 new judgeships that the Senate bill would create to help keep families and children safe. As Modern Courts' Family Court Task Force Report found in 2008, the caseloads of New York's Family Court judges, and the disparity between Family Court caseloads and dockets in other courts, are conscionable and unsustainable. The Senate bill will go a long way toward correcting this inequality and improving access to justice for all New Yorkers."

Patti Jo Newell, acting chief executive officer of the New York State Coalition Against Domestic Violence, said: "We greatly appreciate the Senate leadership for passing the bill to add 21 Family Court judges. Whether domestic violence survivors seek safety from abusers through orders of protection, or in decisions about custody and visitation, Family Court often is the first place New Yorkers turn for protection and justice. These new judgeships are badly needed: they will help ensure the thorough and speedy case review that is essential to the safety and well-being of domestic violence survivors and their children."

William C. Silverman, founding member of the New York Statewide Coalition for More Family Court Judges, representing over 40 organizations dedicated to passing this bill, said: "The lack of enough Family Court judges to adequately handle the tremendous volume of cases directly threatens the safety and stability of thousands of families and children. We applaud the Senate for addressing this critical problem."