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**The New York State Coalition Against Domestic Violence (NYSCADV)**

### Supports

***Adding Twenty More Judges to the Family Court Bench***

*Proposed NYS Judiciary Budget for FY ’14-‘15*

NYSCADV asks the Governor and the Legislature to help the overburdened family court system by granting the Judiciary’s request for more family court resources.

**Background**

Family court is a widely sought after source of assistance for victims of domestic violence seeking safety for themselves and their children from the violence that their batterer chooses to perpetrate against them. In New York State, it is the forum in which victims of domestic violence can request protection from their abuser through an order of protection as well as address custody, visitation, and support. And, considering that civil protection orders are the predominant legal remedy victims use to extricate themselves from the violence[[1]](#footnote-1), this forum must be assessable to meet the needs of the community.

According to the National Council of Juvenile and Family Court Judges (NCJFCJ), a guiding value is that the civil protection order system is “open, available, and barrier free[[2]](#footnote-2).” This value is hard to achieve when a shortage of judicial resources leads to unconscionable delays. Family court case loads have been increasing dramatically – “from 366,000 filings a year in 1983 to more than 698,000 today[[3]](#footnote-3)” while at the same time, few new judgeships have been added. And, this data does not reflect the increased administrative burden that the family courts have incurred over the years. Currently, 153 judges across New York State do their best to meet the demand, but what is clear is that the family court should not have to continue under this burden any longer.

New York’s most vulnerable children and families depend on the Family Court system to address some of the most important decisions of their lives. Current limited resources create a backlog that has led to long delays for families, victims of violence and children. While the Family Court has made extraordinary efforts to address the overwhelming needs of the children and families before it, the instability, trauma and uncertainty of delays cause irreparable damage to New York’s children and grave risk to victims of domestic violence. These delays cost taxpayers money.

**The Governor and the Legislature Must Approve the Judiciary’s Budget to Fix This Crisis**

There is a crisis in our Family Court system. It should be enough to say that children are in foster care too long, that victims of domestic violence fear for their safety, and that support payments are delayed to make elected officials agree that more Family Court judges must be approved. But, it also makes economic sense.

Overburdened court calendars lead to long adjournments and court delays. Delayed court proceedings cost every level of government unnecessary expenditures whether from repeat court appearances by county attorneys, extra months spent in foster care or institutional placement paid by the state and counties, the expense of homelessness, and missed work for litigants. In addition, when child support awards are delayed, the daily expenses of families cannot be met. But, most importantly, the instability, trauma and uncertainty of delays cause irreparable damage to New York’s children and grave risk to victims of domestic violence.

The temporary remedies that the Office of Court Administration (OCA) has implemented over the years are no longer sustainable. Because of this, the Judiciary budget includes funding for twenty family court judgeships effective January 1, 2015. Approving this is a simple step that meets the Governor’s agenda of ensuring equality for all people in New York State, protecting children and women, building New York’s infrastructure, and lowering the costs for local, county and state government. Twenty more Family Court judges will benefit every locality and the state, while enhancing the delivery of justice to those who are the most vulnerable in New York.

1. Sally F. Goldfarb, *Re-conceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship,* 29 Cardozo L. Rev. 1487, 1503-04 (2008). [↑](#footnote-ref-1)
2. Sheeran, M., Meyer, E. (2010). Civil protection orders: A guide for improving practice. National Council of Juvenile and Family Court Judges, Family Violence Department. Retrieven on January 31, 2014 from <http://www.ncjfcj.org/sites/default/files/cpo_guide.pdf>. [↑](#footnote-ref-2)
3. NYS Unified Court System (2014). Budget: Fiscal year 2014-2015. [↑](#footnote-ref-3)