

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON COURTS AND LEGAL SERVICES

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September 18, 2017

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HELD AT: Committee Room - City Hall

B E F O R E:

RORY I. LANCMAN  
Chairperson

COUNCIL MEMBERS:

Andrew Cohen  
Vanessa L. Gibson  
Ben Kallos  
Carlos Menchaca  
Paul A. Vallone  
Barry S. Grodenchik

## A P P E A R A N C E S (CONTINUED)

Judge Esther Morgenstern  
Presiding Judge  
Kings County IDV Court

Elizabeth Dank  
Deputy Commissioner/General Counsel  
Mayor's Office to Combat Domestic  
Violence

Nicole Torres  
Mayor's Office of Criminal Justice

Stephanie Conners  
Integrated Domestic Violence Specialist  
New York County Defender Services

Daniel Kay  
Staff Attorney  
Bronx Defenders

Jamie Burke  
Supervising Attorney  
Brooklyn Defender Services

Lindsey Wallace  
Civil Legal Attorney  
Sanctuary for Families

Kathleen Daniel  
Representing Herself

[sound check]

[pause]

CHAIRPERSON LANCMAN: Good afternoon everyone. Are we ready? [background comment] Terrific. Thank you.

Good afternoon everyone, I'm Councilman Rory Lancman, chair of the Courts and Legal Services Committee and welcome to this hearing on the operations of the Criminal Domestic Violence and Integrated Domestic Violence Courts in New York City.

In recent years domestic violence has remained stubbornly immune to this city's generally falling crime rate. In fact, domestic violence offenses have risen both in total number and as a percentage of all crime in the city. We have thankfully moved beyond the time when domestic violence was considered just a private family matter; we now realize that every act of domestic violence ripples out to affect our city; it leads to homelessness, health problems and hospital visits, police intervention, lost jobs or missed time; not to mention its affect on children's wellbeing and education. Indeed, domestic violence recently surpassed eviction as the leading cause of

homelessness in the city; now accounting for 30% of the families with children who find themselves in the shelter system.

In 2016, the NYPD responded to over 91,000 intimate partner related domestic violence calls, up 22.6% from the previous year. There were also 63 family-related homicides; 38 of those were intimate partner homicides, up 46% from 26 homicides in 2015 and representing 11% of all homicides in New York City last year. A 2013 survey found 58% of survivors reported taking time off from work and 28% said they had lost a job as a result of domestic violence.

Domestic violence also profoundly impacts our court system. More and more courts have realized that a domestic violence assault is different than a typical assault that might lead to the same charges -- family ties, power dynamics, and financial dependence may all come into play. An intimate partner relationship may be longstanding or have children in common.

Since the 1990s, New York courts have been at the forefront of the movement to create specialty courts to handle these delicate cases. One

1 innovation has been the creation and spread of New  
2 York's Integrated Domestic Violence, or IDV court,  
3 which now operates in every borough. With a one  
4 family, one judge model, these courts allow a single  
5 judge to hear multiple cases involving the same  
6 family, including not only criminal but custody,  
7 visitation, civil protection, and divorce when the  
8 underlying issue is domestic violence. These courts  
9 treat the whole family, but they also expose other  
10 areas where we are perhaps not as holistic in our  
11 approach. We must ensure that services available to  
12 victims and families are uniformly excellent and  
13 comprehensive at every level of the justice system  
14 that deals with domestic violence.

16 Questions have been raised about whether  
17 families involved with felony DV cases are being  
18 provided with the appropriate level of services or  
19 whether more resources go to those charged with  
20 lesser offenses. Services must be robust enough to  
21 meet every family's requirements and be available to  
22 all who need them. Many of these families will  
23 continue, in one form or another, long after the  
24 justice system leaves their lives; we must ensure  
25 that all families impacted by domestic violence have

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1  
2 thank Councilman Lancman for inviting me here to  
3 share my experience in the IDV court with the  
4 Committee on Courts and Legal Services. I also wanna  
5 commend his chief of staff; she was the one  
6 **[inaudible]** arranging this for me.

7 The IDV court in Kings County is a model  
8 court; we are also a mentor court; we have received  
9 the Department of Justice Award and we've received  
10 grants from the Justice Department because we have  
11 developed the best practices in terms of dealing with  
12 domestic violence. We have had visitors from around  
13 the country come see our part, as well as  
14 internationally; they've come from as far as Japan,  
15 Australia, and I travelled to Korea recently to speak  
16 about domestic violence.

17 I wanna just give you a little history;  
18 you mentioned 1990s. I was elected in 1995 and they  
19 sent me from Civil Court immediately to Criminal  
20 Court and in 1997 they opened the Misdemeanor  
21 Domestic Violence Court. At the time in Brooklyn we  
22 arraigned 100,000 defendants; 10% of those were  
23 domestic violence cases; a third of those 10% were  
24 stamped with subject to the family court's orders of  
25 visitation; I never knew what happened in Family

Court because our volume was so high we had no time to speak to Family Court.

Fast forward six years; I was given an Acting Supreme Court Justice position, sent to Family Court; here I am seeing the same people that I had seen in Criminal Court and I asked: How's the criminal case going? And I had access to the Domestic Violence Registry, so I knew there was a criminal case; again, I got no information.

At the time, former Chief Judge Kaye realized this was an untenable place to be because we never knew what was going on, and so by Administrative Order she created problem-solving courts and started with the IDV court. It was established to provide one family, one judge, as you indicated; it was a problem-solving court which delivers a more comprehensive judicial solution than if the litigants were forced to go from court to court, hearing different judges decide the same issue with different results. At the time, Judge Kaye told me that she had heard about a case that litigated for five years with 14 cases before 7 judges and 4 courts -- Supreme Court, Family Court, Criminal Court, Housing Court -- it was impossible. IDV simplifies



1 that; we bring the intimate partner of domestic  
2 violence criminal cases before the court; we issue  
3 consistence orders; we're very concerned about  
4 increasing victim safety, eliminating multiple court  
5 appearances, coordinating information, and making  
6 informed decisions. The biggest advantage is shorter  
7 adjourn dates. Once the defendant is arrested for a  
8 criminal domestic violence case in Brooklyn -- that's  
9 the jurisdiction -- if there is a family case pending  
10 -- a visitation, custody or family offense where  
11 there's concurrent jurisdiction -- we transfer all  
12 the cases to IDV. Once the matrimonial is filed, we  
13 bring that right to IDV as well. It cuts down on the  
14 number of supplemental petitions because they know  
15 they're gonna come right back and see me again, so  
16 once in IDV; always in IDV and so the numbers are cut  
17 down.  
18

19 Before we started the court to establish  
20 the protocol -- which I've given you a copy of,  
21 Councilman, and if they want additional copies,  
22 they're available -- we held many stakeholder  
23 meetings, where the different stakeholders expressed  
24 their position; we had the Center for Court  
25 Innovation, Safe Horizon, of course the Mayor's

Office, the DA's Office, Brooklyn Defenders, Legal Aid, the New York Society for the Prevention of Cruelty to Children, CFS, the 18B lawyers, who we cross-trained down the road to handle both criminal and family petitions; we had the Children's Law Center represented, Probation, the Police Department, NYCHA housing, and we even included the clergy, because we wanted to get their position in how they can help us in this new adventure.

Also at the time we were provided with a lot of resources, so we have one dedicated sergeant, three officers (always the same, they don't rotate out of the court), we have a resource coordinator; some of the agencies -- Safe Horizon -- have social workers assigned to us in the courtroom, and access to the Justice Center is really important for us, so if our resource coordinator notices there's someone who doesn't have representation or needs additional information in terms of immigration, housing, etc., we have access to the Justice Center.

The Statewide Coordinating Judge for Family Violence, Judge Kaplan, has provided support to our mentor court and continues to provide training throughout the state.

Now if you wanna compare this to the DV court; again, it's just stamping those orders where the judge has no idea of what's going on in family court with a limited jurisdiction; we've combined all of those cases including the matrimonials, which once they're in our part, we deal with child support, because if the parties never married or if they haven't filed their matrimonial yet, the support matter stays with the support magistrate and that's difficult as well; it forces the litigants to run to another part.

Our vision, again, is to deal with the one family, one judge unit. When I started with the model part, I started in Queens because they wanted to start the model part in a smaller jurisdiction; I sat there for three years, and we were able to do the juvenile delinquency cases; the abuse and neglect cases as well; Housing Court. Brooklyn is just a much bigger jurisdiction and so we're unable to bring those other cases in.

Some of the obstacles and challenges -- I just wanted to mention those -- the confidentiality issues; we create one family file but in that file it has the family petitions, the criminal cases and the

1 divorce, they don't just get merged together. If the  
2 defendant seeks a trial, it goes back to square one;  
3 the criminal defense attorney is not entitled to the  
4 mental health forensic evaluation from the Family  
5 Court file and likewise, the Family Court attorneys  
6 are not entitled to the rap sheets necessarily and  
7 they may have to subpoena some of those records. Of  
8 course, with our cross-trained attorneys and with our  
9 wonderful attorneys from BDS and Legal Aid, they're  
10 representing on all sides, so obviously they have  
11 access to all the information, but it's just not open  
12 to everybody to have all the paperwork, we look at  
13 those very clearly and keep them separate.

14 Another thing that concerned me at first,  
15 and I'm still concerned about, is not allowing the  
16 attorneys to bargain away safety or custody to have a  
17 complaining witness not cooperate with the DA in the  
18 prosecution. So we're aware that that goes on; no  
19 one comes to the bench and says I have a global  
20 solution and you know, she's not gonna testify in the  
21 criminal case if she gets this or that. So we do  
22 look at that.

23 We have a lot of services that we offer  
24 in IDV; we have the resource coordinator who is the  
25

link to the services and the court; ACS provides preventive services, drug and alcohol treatment, batterers' intervention programs, supervised visitation with trauma counseling for the victim as well as the children, and parent education for the non-custodial parents, parenting skills. We also have access, because we are in the criminal building, Supreme Court, access to the Veterans Court and the Mental Health Court, which occasionally we're forced to send cases there when there are mental health issues that our part cannot deal with.

Also we have the ability to order drug tests and do warrant checks and SORA, Sex Offender Registration checks before we issue Orders of Protection. So if the defendant or respondent is living with somebody new and we're sending ACS out to the home, we want an SCR clearance on that person before we send a child out to that home.

Again, into consolidation we also bring in our paternity cases and we also are the compliance part, and this is, if a defendant takes a plea or is found guilty after trial and we send them to drug treatment, alcohol probation, they come back to court and again are seen by the court; if they're

rearrested for drugs or alcohol, driving while intoxicated, I'll transfer those cases in as well while I'm monitoring the visitation and custody.

Once we get to the matrimonials, if we're doing a trial on the matrimonial case, we do business evaluations, a home appraisal if it's a regular matrimonial trial, which can take a long time when you're talking about more money parties.

I find that IDV criminal cases are disposed of more quickly because the victim is always in the courtroom for her visitation case or the custody case or the matrimonial and I find all of our cases are resolve more quickly.

Our biggest challenge is supervised visitation, because we do have The Legal Aid Society defenders, 18B representing criminal defendants; we also assign the cross-trained attorneys on the visitation portion, and the Batterer Intervention Program the criminal defendants need to pay for, but when it comes to supervised visitation there's a real lacking of services for that and when you're at the end of the case, two years have gone by, the criminal cases have resolved, and matrimonial has resolved, the children, you still want them to reconnect with

the noncustodial parent, and very often I sign 722c orders which allows the court to use, you know City and State funds to have those visitations occur, but there's a real need for additional funds for supervised visitation and I hope the Council can see maybe to give us a grant for that; that would be something that would really be an addition to our part.

Thank you.

CHAIRPERSON LANCMAN: Terrific. Thank you very much; that's a good overview; I know I've got a bunch of questions. Let me just mention that we've been joined by Council Members Carlos Menchaca from Brooklyn and Paul Vallone from Queens.

So let's get right into it. Can you just distinguish for the Council Member and layperson alike the difference between the Integrated Domestic Violence Courts or Part and the regular plain vanilla [bell] DV Part?

JUDGE MORGENSTERN: The DV Part is only a criminal misdemeanor court... [interpose]

CHAIRPERSON LANCMAN: Say it again.

JUDGE MORGENSTERN: It is a criminal misdemeanor court.

CHAIRPERSON LANCMAN: So the regular DV Part is just criminal court misdemeanors?

JUDGE MORGENSTERN: Correct and it remains there. We take, in addition to everything else I said, when there's a violation of an Order of Protection and it rises to a felony, we bring those felonies in as well. As a Supreme Court justice, I can hear criminal... [interpose]

CHAIRPERSON LANCMAN: When you say "we," you mean the IDV?

JUDGE MORGENSTERN: IDV, yes.

CHAIRPERSON LANCMAN: Okay. So the IDV hears felonies?

JUDGE MORGENSTERN: Correct.

CHAIRPERSON LANCMAN: And also certain qualifying misdemeanors?

JUDGE MORGENSTERN: No, most of our docket is misdemeanor dockets; we transfer the cases from the criminal lower court to our part when we see there's a match in Family Court or someone's filed for divorce. So once that match is made... [crosstalk]

CHAIRPERSON LANCMAN: Okay, so these are... Got it. So the underlying criminal charges in the IDV court, which is a Supreme Court Part; right...



1 COMMITTEE ON COURTS AND LEGAL 17  
2 JUDGE MORGENSTERN: Correct.  
3 CHAIRPERSON LANCMAN: are misdemeanor  
4 cases..  
5 JUDGE MORGENSTERN: Correct.  
6 CHAIRPERSON LANCMAN: but they're being  
7 heard at Supreme Court?  
8 JUDGE MORGENSTERN: Correct.  
9 CHAIRPERSON LANCMAN: The DV Parts, which  
10 are also misdemeanor cases by definition, they're in  
11 Criminal Court; why are those cases not being also  
12 transferred to IDV? What makes a case... [crosstalk]  
13 JUDGE MORGENSTERN: Because at the..  
14 CHAIRPERSON LANCMAN: ineligible for an  
15 IDV Part?  
16 JUDGE MORGENSTERN: At the time there is  
17 no open visitation, custody or family offense  
18 petition and there is not open matrimonial. You have  
19 to have a match to get into the part.  
20 CHAIRPERSON LANCMAN: And so does there  
21 need to be an open family or matrimonial or just  
22 there's a family or matrimonial issue that should be  
23 resolved; [background comment] it's gotta be a  
24 bonafide [background comment] existing case?  
25

JUDGE MORGENSTERN: The idea is, one family, one judge, so the protocol which we set up; if a case has been before a Family Court judge for two years and there are forensic evaluations already done and they're set for trial; even though there's a new criminal arrest, I won't transfer that out... [crosstalk]

CHAIRPERSON LANCMAN: Yeah, got it.

JUDGE MORGENSTERN: On one family, one judge, new cases that I can make a difference in the family.

CHAIRPERSON LANCMAN: Got it. Now the cases that you're hearing, which are -- you're a Supreme Court judge, so you're hearing it in Supreme Court -- just so I understand -- are they all misdemeanor cases; are felony DV cases eligible for the IDV felony part, or the IDV court... [crosstalk]

JUDGE MORGENSTERN: The IDV Part.

CHAIRPERSON LANCMAN: which is in the Supreme Court?

JUDGE MORGENSTERN: We have a felony DV judge -- Judge Matt D'Emic runs the felony DV Part -- so the more serious felonies go directly to Judge D'Emic. While, in my case, if I have several

1  
2 misdemeanors pending and suddenly they indict the  
3 defendant, that stays with me. If there's a criminal  
4 contempt, that goes to AP1 and they're waiting for  
5 the Grand Jury to act and it's my case that I've been  
6 sitting on; I can transfer them in. None of the  
7 judges or my colleagues are gonna say don't take my  
8 case, they're happy to have it come my way. If I  
9 want the case, I can transfer it in. I'm looking for  
10 the family to make... [crosstalk]

11 CHAIRPERSON LANCMAN: Yeah. Right.

12 JUDGE MORGENSTERN: a difference for the  
13 family.

14 CHAIRPERSON LANCMAN: If someone is  
15 charged with a felony and it's a DV animating -- you  
16 know there's a DV issue that is at the root of it but  
17 they're charged with a felony 'cause of the  
18 seriousness of what they did, are they ineligible,  
19 and is the family ineligible for the IDV Court?

20 JUDGE MORGENSTERN: Yeah. In other  
21 words, Judge D'Emic is presiding over the felony  
22 Domestic Violence Court and generally if there are  
23 major, major injuries we're not up to visitation and  
24 custody... [crosstalk]

25 CHAIRPERSON LANCMAN: So let me ask you...

JUDGE MORGENSTERN: defendant's incarcerated at the time and so he's not visiting; if they file for divorce, of course the divorce is gonna be heard, but it's not coming to my part with a violent felony pending.

CHAIRPERSON LANCMAN: Right. So one of the things that we heard, and now I'm understanding what is being said when we had heard this, is that it seems odd that the more serious the case the less likely the victim -- and I'm gonna say... if I'm gonna out on a limb and say 98% of the time it's a woman...

JUDGE MORGENSTERN: 90%.

CHAIRPERSON LANCMAN: 90 [inaudible]...

JUDGE MORGENSTERN: Yeah.

CHAIRPERSON LANCMAN: it's a woman -- does not get the benefit of being in Integrated Domestic Violence Court with one judge; one case. Well that seems to not make sense.

JUDGE MORGENSTERN: The issues are a little different. Generally bail is set on the felony cases, Judge D'Emic is monitoring them in a different way; he may have assigned a probation officer or some officer to watch the defendant; the

overriding issue is safety for the victims in those cases...

CHAIRPERSON LANCMAN: But how would their safety be undermined if instead of being in front of Judge D'Emic they were in front of you and you at that same time were hearing whatever Family Court or Matrimonial Court case was also pending?

JUDGE MORGENSTERN: Alright, so the issue is visitation and custody; at that point I don't think the criminal defendant who's charged with a violent felony is a candidate for custody, so that's not really being litigated; the concurrent jurisdiction part on the family offense petition Judge D'Emic is issuing orders of protection, clearly, and so I don't know if they're going forward on those old dockets once it's a violent felony. And in terms of the matrimonial, I haven't seen that many **[inaudible]** with violent felony DVs pending, but I'm gonna look at this issue, 'cause I haven't really thought that deeply about it... [crosstalk]

CHAIRPERSON LANCMAN: I think, but I'm not certain, that when we do hear from the legal services providers they will raise the issue of why can't victims, 9 out of 10 of whom are women, can't

get the benefit of one judge; one case if the DV that they're a victim of is even more serious?

JUDGE MORGENSTERN: Right (sic).

CHAIRPERSON LANCMAN: Which courts -- I think I know the answer, but I wanna make it clear. So a DV victim might have cases pending in lots of different places because of the situation he or she is in and I think you mentioned earlier when you were in Queens maybe there were lots of different kinds of cases -- housing, etc. -- so which courts will be consolidated... which cases will be consolidated before you; only matrimonial and family court?

JUDGE MORGENSTERN: Family Court, visitation, custody, family offense petitions, and paternity, those are the transfers that I do in Family Court, the matrimonial cases, child support, once they file the MAT, otherwise child support has to remain with a designated magistrate, [background comment] and that's federal because for every dollar they collect the federal government gets two dollars, so that remains with the magistrate. In Queens I was able to do the Housing Court issues; in other words, if he comes in and says it's his lead, he wants to evict us; right now I have the ability, and I do

1 occasionally call Housing Court and stay the  
2 eviction, pending the outcome of my case, but it  
3 would be better if it was before me, [background  
4 comment] and the abuse and neglect, when I was in  
5 Queens I was able to do that; it's a different arm of  
6 ACS that deals with abuse and neglect cases and it  
7 takes a really long time and it's just much more  
8 complicated and we just have too many cases; in my  
9 part I currently have about 700 petitions between  
10 criminal, family and the divorces, and juvenile  
11 delinquency from those same families would make sense  
12 if I could bring that in, because [background  
13 comment] the parties are before me, their children  
14 are acting up or being charged with, you know, a  
15 juvenile delinquent act; it's just... (CROSSTALK)  
16 CHAIRPERSON LANCMAN: Is it just a matter of volume,  
17 'cause it seems to me it would be, if it's good to  
18 have certain, you know Family Court and matrimonial  
19 issues resolved by the same judge it would be even  
20 better to have the Housing Court and whatever other  
21 you know things are being adjudicated in these folks'  
22 lives; is it just a matter of your volume would then...  
23 [crosstalk]  
24

25 JUDGE MORGENSTERN: Volume.

CHAIRPERSON LANCMAN: triple and... and...

[crosstalk]

JUDGE MORGENSTERN: I don't know if it would triple, but it would get much larger; it's [background comment] the big volume of ca... Housing Court, plenty of those cases come up... [crosstalk]

CHAIRPERSON LANCMAN: But there's no... there...

JUDGE MORGENSTERN: There's no reason why I can't. Our jurisdiction was upheld; it was up to the Court of Appeals; they challenged IDV; I'm a Supreme Court justice, but I was not supposed to hear misdemeanors. As a justice I was only supposed... [crosstalk]

CHAIRPERSON LANCMAN: Right.

JUDGE MORGENSTERN: so that was challenged and that went out. I can transfer basically into my part what I want to transfer in; there's no jurisdictional bar to it, other than of course criminal cases that are committed outside of Brooklyn.

CHAIRPERSON LANCMAN: Right. And how do you deal -- like this Committee has had hearings on other specialty courts, like the Veterans Court,



JUDGE MORGENSTERN: Well we've had several cases that were sent to the Mental Health Court where the defendant was really in need of real mental health services; we do have access to those programs, but there's a certain level of monitoring that the Mental Health Court does, so we've taken advantage of using them. With the Veterans Court we've sent several criminal defendants to the Veterans Court. My concern with that is; when a defendant takes a plea in Veterans Court and admits to his guilt and then fast forward a year-and-a-half later and we're trying the custody portion and he gets on the stand and denies it. So I had one of those experiences and that really turned me off to sending cases to Veterans Court, but I'm still open to doing that in an appropriate case by making sure that the time the plea is taken that my court is aware of it, because I only found out that he had pled and had actually allocated to violence and then

got on the stand in the custody and denied that if ever happened. So those are my concerns and that's why one family, one judge makes sense, because that would be hard to do if it was before the same judge if you pled guilty and then denied that you did the act.

CHAIRPERSON LANCMAN: Right.

JUDGE MORGENSTERN: But they are available to us, as is the Drug Court.

CHAIRPERSON LANCMAN: Right. Are you able to mandate or provide the same services that this veteran would get in that Veterans Court for all practical purposes or?

JUDGE MORGENSTERN: I believe the Veterans Court has a veteran as a judge, so there's a certain connection that the defendant may have with a veteran.

CHAIRPERSON LANCMAN: There's also mentorship that I know we're trying to expand...  
[crosstalk]

JUDGE MORGENSTERN: Right. And I know in the Mental Health Court Judge D'Emic does a wonderful job and really connects with his defendants on a different level, but we do have access to EAC link

1 and the other mental health programs and the  
2 different attorneys come in and bring us you know  
3 mental health programs that they want their clients  
4 to go to and I'm not opposed to that as long as  
5 they're willing to sign releases and my resource  
6 coordinator can get the information directly from the  
7 program as to the defendant's attendance and whether  
8 they're benefiting from that.  
9

10 CHAIRPERSON LANCMAN: Right. So let's  
11 get to the services that are available to defendants,  
12 families that are in the IDV Court. What City  
13 agencies, if any, are in the court or involved in the  
14 work of the court?

15 JUDGE MORGENSTERN: In terms of services?

16 CHAIRPERSON LANCMAN: Yeah.

17 JUDGE MORGENSTERN: Again, the Justice  
18 Center provides social services and immigration  
19 advice; we have a batterers' intervention program,  
20 drug and alcohol program, mental health program,  
21 parenting skills. Again, my resource coordinator has  
22 access to the different programs that may be best  
23 suited to the defendant. We get our initial requests  
24 from the District Attorney who has spoken to the  
25 victim and will say in this case I'm offering this

1 and this plea with batterer intervention,  
2 alcohol/drug treatment, etc. or mental health if the  
3 complainant is saying the person has been on meds for  
4 years and that's what the offer will be. We then,  
5 when we will have both parties before us, we'll hear  
6 what the other side says that the other party needs  
7 and so we can have those other services made  
8 available. And if the defendant is or the respondent  
9 is seeing a private therapist and it's working for  
10 them, as long as they're willing to sign a release  
11 that the therapist will tell us the person is  
12 attending and we're addressing their issues. So  
13 **[inaudible]**... [crosstalk]

14  
15 CHAIRPERSON LANCMAN: The resource  
16 coordinator, that's an OCA employee...? [crosstalk]

17 JUDGE MORGENSTERN: That's the coord.. the  
18 OCA employee who works...

19 CHAIRPERSON LANCMAN: Right.

20 JUDGE MORGENSTERN: for me and she's in  
21 touch with all of these programs, ACS, etc., who are  
22 providing information and keeping track of the  
23 defendant's attendance, etc.

24 CHAIRPERSON LANCMAN: Right. I know the  
25 last thing I'm gonna wanna ask is you to explain the

1 lack of supervised visitation and what the City could  
2 essentially do to accommodate that, but that's my  
3 ultimate question. My **[inaudible]** ultimate question  
4 is; other than that, are there services that you  
5 would like there to be available that are not or are  
6 there services that there's just not enough of? So  
7 for example, two years ago we visited and had a  
8 hearing on the Human Trafficking Court and we  
9 received testimony that the services that were being  
10 provided were the right services, but the service  
11 providers were overwhelmed and they could not take  
12 all the people that judges would like to send their  
13 way. So are the services that you think need to be  
14 available available, either in scope or in  
15 availability?  
16

17 JUDGE MORGENSTERN: Well if somebody has  
18 insurance, obviously it's easy for them to get into a  
19 drug and alcohol program; if they don't have  
20 insurance, it's more difficult. I don't hear that  
21 there's a wait list necessarily to get into any other  
22 program, but I do hear that with the supervised  
23 visitation, where Safe Horizon, although they're in  
24 our building and they do a great job and for the most  
25 difficult cases we want them going through a

magnetometer with court officers around so we know we're ensuring victim safety... [crosstalk]

CHAIRPERSON LANCMAN: Right. So let's do supervised visitation, just what is that?

JUDGE MORGENSTERN: Alright. So they come in through different parts of the building; one through Supreme Court; one through Criminal Court, so they never have to meet the parties; the noncustodial parent waits; the custodial parent brings the child in, meets with the supervisor, they have a little conversation, set it up, and depending on the age of the child, they'll put out the toys and the games to get started. The custodial parent will walk out and the non-custodial parent will walk in; again, depending on the age; if it's an infant, it may be different, and they observe and they'll report back to the court how it went. Now we're not lulled into thinking that the victim's perfectly safe then, because we know they're being observed and we know we're gonna get a report back on how that went, but it is a good indication, a start. We've had cases where a child comes in, 10-11, will face the door, won't even look at the parent and that'll go on for a month or two; at that point, when we come back, we'll

1 try to see if we can do something else -- trauma  
2 counseling for the child, therapeutic visitation  
3 where the child can express how awful it is, I don't  
4 wanna see that person, and then there are cases where  
5 the custodial parent may be manipulating the child  
6 and the social workers will see that. We also have,  
7 and I neglected to mention, the Children's Law Center  
8 in our part and all eligible families get an attorney  
9 assigned for the child, and I get very good  
10 information through the Children's Law Center, who  
11 have social workers on their staff who can feel out  
12 whether they believe it's a case where the child is  
13 being manipulated, and I'll listen to that and...  
14 [interpose]

16 CHAIRPERSON LANCMAN: And is the prime  
17 purpose of these supervised visits to inform the  
18 court and the determinations you have to make about  
19 custody and... and visitation... [crosstalk]

20 JUDGE MORGENSTERN: And reuniting the  
21 children with their non-custodial parent; they have  
22 rights to see their children and children need to see  
23 their parent, and so the best... we can't force  
24 visitation, so there are defendants respond who say I  
25 don't wanna see the kid and I'll again put the case  
over and see if we can try to do something with a  
family member to intervene, but after that, at some

point I can't force visitation, but to have visitation where a non-custodial parent is seeking that, I do everything I can to try to connect in a safe way and there are long wait lists in some agencies for us to get into that... [crosstalk]

CHAIRPERSON LANCMAN: Right. So in terms of resources, there's not enough availability to... [crosstalk]

JUDGE MORGENSTERN: Correct.

CHAIRPERSON LANCMAN: to do these visits in the time that you'd like to do them?

JUDGE MORGENSTERN: And a safe place. Correct.

CHAIRPERSON LANCMAN: And they all take place at the courthouse?

JUDGE MORGENSTERN: Only Safe Horizon is in the courthouse; the other agencies are outside the courthouse; CFS, the New York Society for Prevention of Cruelty to Children, and then we use private social workers where I'll sign a 722c, again, for them to get that through court funding.

CHAIRPERSON LANCMAN: 722c is... [crosstalk]

JUDGE MORGENSTERN: Uhm order that they get... the city and state will pay for the supervised visit. But again, that'll be for therapeutic visits for three visits; that's not really long enough period... [crosstalk]

CHAIRPERSON LANCMAN: But what... what do you have to show or what has to be shown for you to...

JUDGE MORGENSTERN: They have to be eligible, in other words, they have to have assigned



1  
2 counsel; if they can't afford a lawyer we can look at  
3 their tax returns in terms of what they earn and  
4 whether they're eligible for that service. But the  
5 best way to do this would be for the agencies to have  
6 funding; we wouldn't have these long wait lists. I  
7 know in Family Court their wait lists are even longer  
8 because many of these agencies give priority to the  
9 IDV cases, so we still have wait lists.

10 CHAIRPERSON LANCMAN: Got it. Alright,  
11 thank you. We've been joined by Council Member  
12 Vanessa Gibson from the Bronx. Do any of my  
13 colleagues have questions? Barry was here first; you  
14 have questions? [background comment]

15 COUNCIL MEMBER GRODENCHIK: I think it's  
16 good afternoon. Thank you for being here today,  
17 Judge; this is obviously a very important topic in  
18 our great city.

19 One of the things that concerns me very  
20 much -- I sit on the General Welfare Committee as  
21 well -- and we have seen where the number of people  
22 coming into the homeless shelter system now  
23 [background comment] is 30% domestic violence  
24 victims, which unbelievably outstrips [background  
25 comment] people who are getting evicted by about  
three to one and I just wanted to know if you had any  
comments or thoughts on that and...

JUDGE MORGENSTERN: We deal with that  
regularly where there aren't even a DV shelter or  
just a shelter for families and it uproots the whole  
family, I mean the schools are changed; if there's  
visitation ongoing and the pick up and drop off from  
school to school so the parties don't have to see

each other, suddenly they're from Brooklyn, they're living in the Bronx and it is a big problem, so... [interpose]

COUNCIL MEMBER GRODENCHIK: It's a disaster for the family; I... I can... [crosstalk]

JUDGE MORGENSTERN: Absolutely.

COUNCIL MEMBER GRODENCHIK: you know and uhm...

JUDGE MORGENSTERN: Children not going to school and then their friends, they have... their property is... it's a problem and so we look at that.

COUNCIL MEMBER GRODENCHIK: Any thoughts that you might have on how we could... I know it's almost an impossible issue.

JUDGE MORGENSTERN: It's a funding... funding issue where uh I would hope they would try to at least keep them in the borough... unless they're changing boroughs for safety, at least keep them in the borough where the rest of the family is and so they can continue. But uprooting them has to be the worst thing for them and we deal with that pretty regularly.

COUNCIL MEMBER GRODENCHIK: Okay. Thank you, Mr. Chair. Thank you, your Honor.

CHAIRPERSON LANCMAN: Thank you. Council Member Menchaca.

COUNCIL MEMBER MENCHACA: Thank you, Chair and thank you Judge for being with us today.

[background comment] I wanted to maybe do a little bit of focus on a population that we believe is also not only represented but potentially underrepresented and what we're trying to do is to bring more cases out of the shadows and that's our immigrant families and our immigrant mothers, and I kinda wanna hear from you your experience in the last few years and the texture of that community, the special kind of attention or specific services, training that might be administered; more efficiencies.

JUDGE MORGENSTERN: Just anecdotally, there may be fewer people reporting, but the wonderful thing about my part is that we have the same lawyers basically there all the time who are very well aware of the immigration issues, and I know the agencies... [crosstalk]

COUNCIL MEMBER MENCHACA: Can you repeat that again, sorry; they are aware... they are... they're very aware... [crosstalk]

JUDGE MORGENSTERN: They are very well aware of the immigration... [crosstalk]

COUNCIL MEMBER MENCHACA: Okay.

JUDGE MORGENSTERN: issues. We're talking about the victims right now, and so they are

giving them immigration advice, the Justice Center, and when I started doing domestic violence there was always that threat, you know, you're not legal here, your kids will be taken from you and so I've been hearing that forever. I would hope that the DV officers who appear at the home [background comment] treat the documented and undocumented the same so that should not be an issue. When the criminal defendant is taking the plea, we go off the record and discuss whether the plea to this specific count is going to make it a deportable offense; the DA assigned to my part is very aware of that as well, and they're very, very often willing to have them plea to a non-deportable offense once the immigration advice has come through, and we've adjourned cases for possible disposition to allow the defendant to speak with immigration lawyers to see how that could be worked out. So nobody's trying to not give services to those who need it and other than being requested by the defense in terms of not taking the plea today and waiving the 30/30 right to proceed immediately, we don't really discuss immigration in the part or someone's legal status. And the services are available, whether it's supervised visitation or

the social services and we don't make any kind of, certainly not in the courtroom, in terms of somebody's eligibility for that, so.

COUNCIL MEMBER MENCHACA: How does the status question and the kind of... kind of the hesitation to even arrive at a report at a precinct level and once the case kind of gets to you, how does the immigration status issue impact? I think you kind of said it, but I kinda want a more clear... clearer kind of positioning; in what way does an immigration status impact the case itself with multiple kind of concerns for the individual?

JUDGE MORGENSTERN: Alright, so when we're talking about... IDV is a compliance part and so a defendant on a criminal case is directed to do a batterers' intervention program and the case is put over, so it's 16 weeks; 14 weeks, and we're monitoring that; if a defendant misses a session in the program, my resource coordinator's gonna know the next morning and I'll have the attorney bring the defendant in and we try to escalate the penalty, so the first time on they may have to plea to a VOCD, violating the condition, but after that it may be a jail sentence of even a weekend and that can expose

1  
2 someone who doesn't have status if they're  
3 incarcerated and ICE is doing something. So I'm  
4 aware of that. I'm aware of that and I've looked at  
5 that, so... [interpose]

6 COUNCIL MEMBER MENCHACA: And is that  
7 something that kinda goes across the system as far as  
8 training, understanding awareness?

9 JUDGE MORGENSTERN: I can't speak for the  
10 whole system; I know the defense bar, I know they've  
11 been speaking about doing their training on  
12 immigration; I know a lot of them have retained  
13 immigration lawyers on their staff, but it's  
14 something that I'm very well aware of, and especially  
15 if that's the custodial parent, because that person  
16 is taken where the children go. So I look at all of  
17 those issues and... [interpose]

18 COUNCIL MEMBER MENCHACA: Right. Well I  
19 look forward to continuing to work with you; last  
20 week we had a... I chaired an immigration hearing on U  
21 and T visas and the kind of real impact a city could  
22 have and the involvement of both legal services and  
23 our courts and our NYPD and the district attorneys in  
24 really unlocking that potential for certification,  
25

and I understand that you also have that ability; is that right?

JUDGE MORGENSTERN: Sure. If the complaining witness has assisted in the prosecution; I have signed several of those visas where they're allowed to stay because they did assist in it.

COUNCIL MEMBER MENCHACA: And the certifications really -- and this is what I was bringing awareness to -- it's not the visa, it's the next step toward the federal government doing their work to do that vetting and the more we can just certify, at the end of the day if they've cooperated in some way with some kind of information, that should be enough...

JUDGE MORGENSTERN: That should be.

COUNCIL MEMBER MENCHACA: and right now we're seeing a lot of denials for reasons that are... will continue to be revealed, and so this is a really great start of this conversation and I'd like to continue working with you to... [crosstalk]

JUDGE MORGENSTERN: **[inaudible]**

COUNCIL MEMBER MENCHACA: build that awareness within the whole system and really bring more justice to families at a time where this

president continues to make it very difficult for people to want to come out, engage in public safety in their neighborhood, either to report crimes or to come out themselves if they are a survivor or domestic violence in their homes, and that's what we're gonna need more of and the more immigrants we can get out seeking justice, the better the system will play out.

JUDGE MORGENSTERN: Better for our families. I agree.

COUNCIL MEMBER MENCHACA: Better for our families. So thank you for your work. Thank you, Chair.

CHAIRPERSON LANCMAN: Thank you. Council Member Vallone. Uh let me just mention we've been joined by Council Member Andy Cohen from the Bronx.

COUNCIL MEMBER VALLONE: Thank you, Chair and thank you, Judge for making it today. It's part of my DNA to stand when a judge enters the courtroom, [laugh] so it's very hard for me not to stand, but [background comment] thank you for taking time; I know how hard your parts are.

The Chair has raised these issues on almost all of these ongoing hearings to determine how



1 we can assist and how we can help, and I think being  
2 part as a practicing attorney there is an  
3 overwhelming, sometimes sadness on the delay in the  
4 courtrooms and how much is thrown onto your mantle to  
5 handle. I just wonder; how is the current backlog in  
6 the Domestic Violence Courts today as compared to  
7 maybe a few years ago?

9 JUDGE MORGENSTERN: I can't speak to the  
10 lower courts; I know that my clerk in IDV, the Family  
11 Court clerks; the matrimonial clerks are looking  
12 daily at the rosters, and so if you go into Family  
13 Court just to file for custody or for an order of  
14 protection, your return date on proof of service  
15 could be three months. In my part, when there's an  
16 arrest and a match is made, within two weeks you'll  
17 be before the IDV court. So IDV; the fact that we're  
18 looking at all of the cases, brings the issues before  
19 the court much quicker and our resolutions are much  
20 quicker because the victim has to be in the courtroom  
21 when her family case is on and when the matrimonial  
22 is on, so everybody has to be there on every  
23 appearance, and so that brings us much, much...

24 [crosstalk]

COUNCIL MEMBER VALLONE: But why... why is that not the case in the other courts that have a three-month backup? [background comment] So to you... you're doing it perf... two weeks, you're getting everyone there; why is that not the same...? [crosstalk]

JUDGE MORGENSTERN: But it's overwhelmed with petitions; the matrimonial bar -- I don't know if there are any matrimonial lawyers -- there's a culture of delay, consent delay and so matrimonials can be adjourned two or three months and then again two or three months; in my part, every time the criminal case is on, the divorce is on and so the issues are being addressed much quicker. Uhm...

COUNCIL MEMBER VALLONE: So is it part... there's an under... yeah, there's part of a culture where there sometimes... I remember being out in the hallway and the attorneys will go like, hey I, you know I've got something going on today; can you put this off for two weeks and you can see that happening; this is not one of those areas we can afford to have that happen at all; someone's waiting... [crosstalk]

JUDGE MORGENSTERN: Clearly.

COUNCIL MEMBER VALLONE: for a car accident case that's been sitting for four years; nobody cares about two weeks, but on a case with domestic violence, with immigration, with marital status, mental health awareness; criminal -- we had the district attorneys and the ADAs in here just not too few months ago saying that they had tried two cases 'cause there's no ready courts, there's no judges; that ready part, and it's not just the judge; it's the court officers, the law secretaries, the court reporters having a courtroom available and that's where my... [crosstalk]

JUDGE MORGENSTERN: Thankfully we don't have that issue in terms of resources; we have three officers, a sergeant... [crosstalk]

COUNCIL MEMBER VALLONE: Okay, wonderful; that's a good news that we...

JUDGE MORGENSTERN: three clerks at every given time and we don't wanna say it too loudly, but we're staffed and **[inaudible]** IDV **[inaudible]**... [crosstalk]

COUNCIL MEMBER VALLONE: It'll be our secret for the whole city, but that... So that's where I think we as council members can always try to help,

1  
2 especially when we're dealing with OCA and state  
3 issues where we on behalf of our boroughs and our  
4 districts can advocate for our judges and for our  
5 court officers and clerks and law secretaries to make  
6 sure the parts and the system between Queens and the  
7 Bronx and Staten Island is more of a uniform,  
8 following what you've done, and some of our judges  
9 have taken the lead to do that, to break that  
10 systemic barrier, so we thank you for that.

11 [background comment] And if there's any other ideas,  
12 please get them to our chair and we'll... [interpose]

13 JUDGE MORGENSTERN: I'm still gonna go  
14 back to my supervised visitations, so if we can get  
15 any funding for that; that would make a difference in  
16 my part without telling a respondent, you have to  
17 wait three months before you're gonna see your 2-  
18 year-old child, which is a lifetime to the child  
19 certainly.

20 COUNCIL MEMBER VALLONE: That one thing  
21 alone might make the whole hearing worthwhile. Thank  
22 you very much.

23 JUDGE MORGENSTERN: You're right.

24 [background comments]  
25

COUNCIL MEMBER VALLONE: Thank you,  
Chair.

CHAIRPERSON LANCMAN: Thank you. Council  
Member Gibson.

COUNCIL MEMBER GIBSON: Thank you very  
much, Chair Lancman, good afternoon. Good afternoon,  
Judge, it's good to see you today. Thank you for  
coming to City Hall. I am a council member  
representing Bronx County, so I speak from a lot of  
experience in terms of working with all the Courts; I  
represent the entire civic area of the Bronx --  
family, criminal; civil -- as well as the DA's Office  
and the Family Justice Center are all in the district  
I represent.

So I just had two questions, just based  
on your experience, and I know you talked about  
funding being obviously a challenge in terms of  
needing more funding for the level of resources that  
are needed. I also see another challenge; for us in  
the city is obviously the ongoing partnership that we  
have to have with OCA and it's not always as easy as  
we would like it to be, because I don't think... you  
know, we always have the same conversations at the  
same time; let me put it like that. So what I'd like

1 to understand -- and I have a high number of domestic  
2 incidents, particularly in public housing in the  
3 Bronx. I get reports, so I know my domestic incident  
4 reports; I have thousands every single year, and as  
5 Council Member Grodenchik said, you know a lot of  
6 those families obviously are in the shelter, but many  
7 of them are living their daily lives and they're  
8 living in a domestic incident; some may not even  
9 know. So I'd like to understand further, from your  
10 perspective, what can we do as a Council to make sure  
11 that there is a better coordination of services? So  
12 the Family Justice Centers really serve, for me, as  
13 an anchor of making sure that we deal with the health  
14 care, the housing, the emergency transfers, the  
15 access to benefits and food; getting school children  
16 moved through the system, which I think is great.  
17 I'm always looking at ways that we can improve  
18 because I think in light of what Council Member  
19 Menchaca has said with the immigration issue that,  
20 you know, lingers over our head but it's a real  
21 reality for many families; how can we find ways to  
22 make sure there is a better coordination of services,  
23 but also, how can we be more creative in bringing  
24 many victims out? Many of them are fearful, they  
25

don't like to talk to government, they don't like to go to buildings with metal detectors, they don't like to sign in and do intake, I mean it's a real challenge and we've noticed, you know since this Administration, that some are not going to medical appointments, they're not going to the health care centers; they may or may not be sending their children to school, it's a lot of things that we've seen just on the ground. So I'd like to get an understanding -- we're about to approach a new budget season in January -- what you think we can do to make sure that there's a better coordination of services. Obviously working with OCA; I don't forget about that critical partner, because we need their support. I used to be, as well as Council Member Lancman, we both served as assembly members, so we remember those conversations around OCA's budget and how we can make sure that if we are bringing in more judges we also bring in more support staff as well, right; you can't bring in more judges without support staff, but sometimes that happens. So just from your perspective as a sitting judge, what do you think we can do to make the system better?

JUDGE MORGENSTERN: Right. We do have a statewide coordinating judge for family violence; I'm sure you know her, Judge Deborah Kaplan, and she's dealing with a lot of these issues statewide and certainly focuses on the City of New York and you know she travels throughout the state and really advocates for problem-solving courts to deal with a lot of these issues. What I try to do in our stakeholder meetings is to bring as many people to the table as possible. So we had a meeting where NYCHA was present and we raised the issue of living in a NYCHA building and the lease in the defendant's name... [crosstalk]

COUNCIL MEMBER GIBSON: Yeah, [inaudible]. Right. Uhm-hm.

JUDGE MORGENSTERN: and NYCHA was right there on top of it and they will move the complaining witness to another NYCHA apartment, away from that and that's what they have promised to us, and I haven't heard any complaints since then, so I know they're doing what they can to ensure that their victim is moved and they're not evicted from that home although the lease is not theirs.

COUNCIL MEMBER GIBSON: Uhm-hm.



JUDGE MORGENSTERN: Other than that, bringing people to the table and telling us what their issues are; from where I sit, I'm not really involved in any budget issues in terms of bringing services; it's just being sensitive to the people who come before the court and dealing with the families that are before me.

COUNCIL MEMBER GIBSON: Okay. I think we've had a number of conversations and I've been privy to them, I'm a part of the Mayor's Domestic Violence Working Group, and I've had meetings with them -- MOCJ knows very much -- and you know, we have to reduce the burden of this bureaucracy; there's a lot of red tape we have to cut through -- the level of paperwork that sometimes is involved, even with NYCHA and fulfilling the safety transfer, sometimes it gets challenging, because if we're talking about a victim fleeing from you know his or her home, they don't necessarily concern themselves with paperwork all the time and the State has done an incredible amount of work on legislation that has been adopted that will protect their identities and make sure the victims are able to survive and you know, fulfill transfers and social services and other things that

are needed and I've been a part of that and I'm very grateful for that, where you can get an order of protection; it could be online now so you don't have to go into a police precinct. So things like that I feel like are great and they're a part of the overall conversation to make it better. I certainly don't want us to do anything to double victimize a victim; we wanna make it as easy as possible as we can, so I appreciate the input and certainly know that we have a lot more to do.

Can you provide any insight for me personally on what the Bronx IDV looks like, the Domestic Violence Court, [background comment] because I have never visited and I probably should take a visit?

JUDGE MORGENSTERN: You should take a visit... [crosstalk]

COUNCIL MEMBER GIBSON: Okay.

JUDGE MORGENSTERN: but uh it works basically the same way in terms of transfer of cases...

COUNCIL MEMBER GIBSON: Right.

JUDGE MORGENSTERN: so I don't know their volume and I don't know in terms of... [crosstalk]

COUNCIL MEMBER GIBSON: Okay.

JUDGE MORGENSTERN: services that are available, but I believe it uh, it works the same way. And just to mention the confidentiality issue, we're very, very aware of that in our IDV court...

COUNCIL MEMBER GIBSON: Uhm-hm.

JUDGE MORGENSTERN: we'll mark the file confidential... [crosstalk]

COUNCIL MEMBER GIBSON: Right.

JUDGE MORGENSTERN: and so the victim's address will not be released and any information once she or he is seeking confidentiality... [crosstalk]

COUNCIL MEMBER GIBSON: Okay.

JUDGE MORGENSTERN: So that goes a long way in, once a transfer is done, keeping the [inaudible] confidential... [crosstalk]

COUNCIL MEMBER GIBSON: Absolutely.  
'Kay. Thank you very much.

JUDGE MORGENSTERN: Alright.

COUNCIL MEMBER GIBSON: Thank you, Chair.  
Who's next? Thank you, Chair. [background comment]

CHAIRPERSON LANCMAN: Judge, thanks so much; we really appreciate your coming here; we're always very grateful when OCA sends a representative to testify and [background comment] it goes without

saying, we're all big fans of the work that you do  
and... [crosstalk]

JUDGE MORGENSTERN: Thank you.

CHAIRPERSON LANCMAN: we're gonna be  
looking to figure out ways that we can support that  
work.

JUDGE MORGENSTERN: Thank you very much.

CHAIRPERSON LANCMAN: Thank you so much.

JUDGE MORGENSTERN: Okay.

CHAIRPERSON LANCMAN: So next we're gonna  
hear from the Administration, which I understand is  
the Mayor's Office to Combat Domestic Violence and  
the Mayor's Office of Criminal Justice. So come on  
down. [pause] Could you raise your right hand? Do  
you swear or affirm the testimony you're about to  
give is the truth, the whole truth and nothing but  
the truth? Terrific. Let's put ten minutes on the  
clock for each, but... Oh you're the only one  
testifying? Terrific. And extra points for not  
using the whole ten minutes. [laughter, background  
comments] But it's there if you need it.

ELIZABETH DANK: No problem.

CHAIRPERSON LANCMAN: Go ahead.

ELIZABETH DANK: Good morning,  
Chairperson Lancman and members of the City Council  
Committee on Courts and Legal Services. I'm  
Elizabeth Dank, Deputy Commissioner and General  
Counsel at the Mayor's Office to Combat Domestic  
Violence (OCDV) and I'm joined by my colleague,  
Nicole Torres at the Mayor's Office of Criminal  
Justice. Thanks for the opportunity to speak with  
you today about the City's Integrated Domestic  
Violence Court.

The Mayor's Office to Combat Domestic  
Violence was established in 2001 and oversees the  
citywide delivery of domestic violence services,  
creates innovative policies, develops crisis  
intervention and prevention-based programs, and works  
to increase awareness through broad and diverse  
outreach efforts throughout New York City. OCDV also  
operates the City's five Family Justice Centers  
(FJCs) which provide holistic, multi-disciplinary and  
trauma-informed services for victims of intimate  
partner violence, sex trafficking and elder abuse in  
one location, and the services at the Family Justice  
Centers are provided by over 40 community-based  
organizations who are on-site at the Centers, as well

as other City agencies including the District Attorney's Office, the New York City Police Department and the Human Resources Administration. In 2016, the FJCs had over 62,000 client visits across the boroughs and over 10,600 of those clients were involved in an open criminal case. Many, if not the majority, of those cases would've been pending in the City's Domestic Violence or Integrated Domestic Violence (IDV) courts.

As Judge Morgenstern already testified about, Domestic Violence Courts have dedicated judges that preside over a domestic violence related criminal case from post-arraignment to disposition and the IDV courts are a one judge, one family model where a single judge has the authority to hear domestic violence related criminal, family and matrimonial cases that are related to the same petitioner/complainant and respondent/defendant.

The Family Justice Centers are closely connected to the DV and IDV courts and court staff, as appropriate, are able to provide referrals for victims to the FJCs and create linkages to resources. In addition, more broadly, we've been working closely with the Office of Court Administration (OCA) to

enhance court engagement and responses to domestic violence systemwide. Last year, the Mayor launched the New York City Domestic Violence Task Force which was co-chaired by the First Lady Chirlane McCray and Police Commissioner O'Neill and co-led by OCDV and the Mayor's Office of Criminal Justice (MOCJ). The Domestic Violence Task Force held working group meetings over the course of a month to develop 27 recommendations which were funded and released earlier this year.

OCA played a significant role in the Task Force. The Honorable Deborah Kaplan, Statewide Coordinating Judge for Family Violence Cases, was a co-chair of one of the working groups that specifically looked at long-term violence reduction. In addition, the Task Force convened subcommittees to further explore Family Court and Criminal Court related issues with the Courts and other key stakeholders. Several of the recommendations of the Task Force either directly or indirectly impact the court systems and we will be coordinating in varying degrees with the Courts for implementation plans. For example:

Expanding the Early Victim Engagement (EVE) program to the Bronx and Staten Island will enhance victim engagement at the time of an abusive partner's arraignment to provide critical information about the outcome of the arraignment, including bail and order of protection status, and create strong linkages to services and resources to promote safety.

Also, creating domestic violence programming within the Department of Probation through a pilot program in the Queens Domestic Violence Court will allow the courts, probation, prosecutors, and defense attorneys to more effectively utilize probation as a tool in risk assessment, accountability and linkages to trauma-informed services for abusive partners.

And finally, the City contract for abusive partner intervention programs which are for court-mandated criminal justice involved offender will soon require that the programming be trauma-informed and culturally-specific to ensure that criminal justice-involved offenders are attending a program that is using evidence-informed treatment modalities. Programming will also be expanded to include Staten Island.



The Task Force will have ongoing engagement with key stakeholders, including the Courts, to implement the current recommendations and develop durable and effective solutions to domestic violence citywide.

We look forward to continuing our work with the City, the Courts, community partners, and the Council on our shared goal of raising awareness about domestic violence and enhancing resources and innovative programs and models throughout the City. Thank you.

CHAIRPERSON LANCMAN: Thank you very much. So you heard the Judge's testimony; do you have anything to add or any insight into the problems that the Court is having with scheduling these supervised visitations [background comment] and what is the City funding for that, if any?

ELIZABETH DANK: Uhm-hm. So the supervised visitation issue has been brought up through the Task Force working groups and is an issue that the Task Force is continuing to explore. Currently, MOCJ and OCDV have partnered with Safe Horizon on a federal grant to supervise visitation in Queens, so that project is currently operating now

1 and I know that there are several other programs  
2 operating in the City through Safe Horizon and other  
3 community-based organizations. But we agree that  
4 this is something that needs additional resources and  
5 so we're looking at that matter through the Task  
6 Force currently.

8 CHAIRPERSON LANCMAN: One of the  
9 questions I raised with the Judge was whether or not  
10 it made sense that seemingly the more serious the  
11 offense -- to me [sic] it's a domestic violence  
12 offense -- and if it's a felony, the less likely it  
13 is that the victims will benefit from the one judge,  
14 one family policy of the Integrated Domestic Violence  
15 Court. Do you see in the Family Justice Centers  
16 where victims of domestic violence are coming, and  
17 you know, if they only had qualified to be in an IDV  
18 Court, their lives would've been a lot easier?

19 ELIZABETH DANK: Uhm-hm. So I can say  
20 that the resources available at the Family Justice  
21 Centers are available regardless of whether there's  
22 criminal case, criminal involvement or the level of  
23 the criminal offense and so our services are  
24 available for any of the clients that we see,  
25 regardless of [inaudible]... [crosstalk]

CHAIRPERSON LANCMAN: But it's... But it... I understand, but it's gotta complicate the handling of the matter for a lawyer or someone offering advocacy services...

ELIZABETH DANK: Uhm-hm.

CHAIRPERSON LANCMAN: if the case is being heard in different courts as opposed -- or the problem is being heard in different courts as opposed to one court. I guess I'm asking your opinion, the Administration's opinion as to whether or not advocating for and fighting for more serious cases, the felony cases to also be treated in... to be heard in the IDV Part is worthwhile.

ELIZABETH DANK: Uhm-hm.

CHAIRPERSON LANCMAN: 'Cause we have to pick and choose and that's what we're gonna try to do to improve the Courts and support the Courts.

ELIZABETH DANK: Uhm-hm. I mean I think that the key is ensuring that there are linkages to those resources and services regardless of which court part cases are heard and so we work very hard to engage OCA and our partners throughout the court system, but in addition, the District Attorney's offices and other community partners to ensure that

those resources are available and that clients and victims of domestic violence are made aware of those resources and can access them easily.

CHAIRPERSON LANCMAN: Uhm-hm. Alright. Do any of my colleagues have any questions? Oh, Council Member Grodenchik... let me just mention that Council Member Ben Kallos from Manhattan has joined us. Go ahead, Barry.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chair. Good afternoon; I want to thank you for being here today. In my previous life at Queens Borough Hall I had occasion to supervise the person who oversaw the Borough President's domestic violence work and we worked very closely with the Family Justice Center there and they're really wonderful, wonderful people, they do an outstanding job.

ELIZABETH DANK: Thank you.

COUNCIL MEMBER GRODENCHIK: I wanna ask you a question about homeless services and how closely you work with Department of Homeless Services and can you explain a little bit about that?

ELIZABETH DANK: Uhm-hm. Yeah, so our office works closely with the Department of Homeless Services, with DHS; currently right now we've been

1 working closely around training; earlier this year..  
2 or sorry; earlier last year our office launched a  
3 Policy and Training Institute to be able to enhance  
4 the training that is happening with City employees  
5 about the complexities of domestic violence,  
6 including linkages to resources and access to  
7 information. So we've been working closely with DHS  
8 to provide trainings across the shelter staff, both  
9 DHS employees and contracted providers. I don't have  
10 the current numbers on me, but I know that we've  
11 reached a significant number and are still continuing  
12 ongoing conversations with DHS around training and  
13 how to continue to enhance those efforts. DHS also is  
14 part of the Task Force and so one of the Task Force  
15 recommendations was to continue to explore housing  
16 and procedural mechanisms to enhance safety for  
17 victims around housing, so it's something that we are  
18 continuing conversations about and is definitely a  
19 priority of the Task Force to continue to explore.

21 COUNCIL MEMBER GRODENCHIK: It concerns  
22 all of us greatly because upwards of 20,000 of the  
23 people in the shelter system..

24 ELIZABETH DANK: Uhm-hm.  
25

COUNCIL MEMBER GRODENCHIK: are DV victims or the children of DV victims, so it's something that we need to focus on greatly.

Can I ask you what you think the biggest problem facing your agency or in dealing with victims with domestic violence? It's okay... [crosstalk]

ELIZABETH DANK: Uhm... Sure. So I think one of the great things about the Task Force which was just convened is the fact that it is a partnership between our two agencies, the Mayor's Office of Criminal Justice and Mayor's Office to Combat Domestic Violence, because it marries the criminal justice and social services, solutions and approaches in a way that we hadn't formalized them before. Of course our agencies have been partnering together for many, many years, but the Task Force created this more formal approach to be able to look at the issue from both the criminal justice and the social service blend [sic] and develop solutions that address it from both angles.

COUNCIL MEMBER GRODENCHIK: Thank you. I've been working on this issue since college and it just...

ELIZABETH DANK: Uhm-hm.

COUNCIL MEMBER GRODENCHIK: it doesn't seem to get better; maybe we're a little better at handling it, but that's been a long time. But I wanna thank you for your work. Thank you, Mr. Chairman for the time. [background comment]

CHAIRPERSON LANCMAN: Council Member Kallos.

COUNCIL MEMBER KALLOS: Thank you to the Chair for this hearing on this important issue, Rory Lancman, and thank you to the Mayor's Office to Combat Domestic Violence.

So in your testimony you indicated that there were more homeless families with children who found themselves in that situation because of domestic violence versus evictions, which is a first time, but a very sad fact to learn. What types of resources are available in terms of vouchers or other resources through the Courts or through your office to help victims of domestic violence find housing immediately and what's their average stay in the shelter system?

ELIZABETH DANK: Sure. So I didn't talk about that in my testimony, but I can definitely address, uhm that's okay [sic]... [crosstalk]

COUNCIL MEMBER KALLOS: Alright, that's in the... that's in the Committee Report...

ELIZABETH DANK: Oh that's fine; I can definitely address uhm the housing uhm... [crosstalk]

COUNCIL MEMBER KALLOS: it's available online.

ELIZABETH DANK: So right at the time the Task Force was launched we received funding through the City to be able to bring housing/legal services on-site to the Family Justice Centers, so we launched housing/legal services on-site in partnership with the Human Resources Administration and the Office of Civil Justice Coordinator's Office. At the end of last year and one of the recommendations of the Task Force that was released earlier this year was to continue those services on-site, so those services are remaining. So we are pleased that we'll be able to add that to the holistic services that we're offering on-site at the Family Justice Centers.

COUNCIL MEMBER KALLOS: With regard to early victim engagement, I think once folks are at the courts that's a good step and it means they've made it through a lot of places where they might've often been deferred...



ELIZABETH DANK: Uhm-hm.

COUNCIL MEMBER KALLOS: has the Mayor's Office to Combat Domestic Violence had any interaction with the NYPD in how they treat domestic violence complaints... [interpose]

ELIZABETH DANK: Uhm-hm.

COUNCIL MEMBER KALLOS: 911 calls or even just harassment complaints where I would say that quite often, in certain cases, and anecdotal stories I've heard from constituents, harassment complaints aren't necessarily taken as seriously until something bad has happened and what that bad has happened is often far beyond what's required for the legal definition of harassment...

ELIZABETH DANK: Uhm-hm.

COUNCIL MEMBER KALLOS: so...

ELIZABETH DANK: Yes.

COUNCIL MEMBER KALLOS: are you tracking harassment and 911 calls and what the responses are and how can we make sure that we take domestic violence at every level, even when it's at the harassment level, seriously and make sure people have the resources they need?

ELIZABETH DANK: Uhm-hm. Yeah, so we work closely with the NYPD and specifically, the Domestic Violence Unit; we have domestic violence prevention officers on-site at each of the five Family Justice Centers to provide opportunities for victims to have that level of engagement with NYPD, but also to be able to file police reports on-site at the FJC. We also work closely with NYPD around training, specifically trauma-informed approaches to engagement with domestic violence victims. And specifically to address the question about harassment, my office had launched the Coordinated Approach to Preventing Stalking Program in Staten Island several years ago in collaboration with the Staten Island District Attorney's Office and the NYPD and it was expanded to Queens about two years ago and one of the Task Force recommendations is to expand it further, and that program specifically looks at complaints for harassment and recognizing those cases early on as early indicators, potentially, of stalking incidents and how to increase awareness and understanding and law enforcement efforts around stalking.

COUNCIL MEMBER KALLOS: So is there a new management report or some sort of report that you're using to track how many harassment complaints they're getting there and how many folks are being turned away from precincts, I guess? The concern being that I feel that our precincts can sometimes -- while they're dealing with gun violence or other priorities, that [background comment] the harassment complaints folks can come, try to file a complaint and often they may give a warning or not necessarily invoke the formal process and then [background comment] you end up with folks not getting the support they need and is there a way to make sure that informational pamphlets are provided or something to make sure that there's some sort of compelled speech so that if somebody makes the complaint they get the support and services they need immediately versus once there's been a repeated incident?

ELIZABETH DANK: Uhm-hm. So we work closely with the Domestic Violence Unit, which has the Domestic Violence Prevention offices in each of the precincts, to ensure that they have information and access to resources; there was also recently a

1 City-funded program through NYPD to Safe Horizon to  
2 provide crime victim... it's called the Crime Victim  
3 Assistance Program (CVAP), that houses advocates in  
4 every precinct and one of those advocates will  
5 specifically be a domestic violence advocate, and so  
6 that's another avenue or entry point to services as  
7 well.  
8

9 COUNCIL MEMBER KALLOS: Thank you. And  
10 just please, take harassment as seriously as possible  
11 and get NYPD to make sure that every harassment  
12 complaint is properly investigated and prosecuted.

13 ELIZABETH DANK: Thank you.

14 CHAIRPERSON LANCMAN: Council Member  
15 Gibson; anything? [background comment] Good.  
16 Alright, thank you so much; appreciate your  
17 testimony.

18 ELIZABETH DANK: Thank you.

19 CHAIRPERSON LANCMAN: Okay. Next we're  
20 gonna hear from -- other than Sanctuary, are there  
21 any service providers that are here to testify?  
22 [background comment] Any direct service providers,  
23 other than Sanctuary for Families? Okay. So why  
24 don't we call up the legal services providers and  
25 Sanctuary in one panel? And that would be Sanctuary

1 for Families, New York County Defender Services,  
2 Bronx Defenders, Brooklyn Defenders -- we've got two  
3 Brooklyn Defenders. Come on down. [pause] Alright.  
4 Good afternoon. [background comments] Raise your  
5 right hand. Do you swear or affirm the testimony  
6 you're about to give is the truth, the whole truth  
7 and nothing but the truth? [background comments]  
8 Terrific. Welcome and whatever order makes sense to  
9 all of you. [background comment, pause] You've got  
10 five minutes; use them however you want. [background  
11 comments][pause]

12  
13 STEPHANIE CONNERS: [off mic]... but uh it  
14 is the only opportunity that we actually get to hear  
15 from the child in any form. In Manhattan..  
16 [interpose]

17 CHAIRPERSON LANCMAN: Let me just  
18 interrupt to understand. So primarily you would be  
19 representing the defendant...

20 STEPHANIE CONNERS: Yes. Right.

21 CHAIRPERSON LANCMAN: the criminal  
22 defendant in the DV charge?

23 STEPHANIE CONNERS: Exactly.

24 CHAIRPERSON LANCMAN: Got it.  
25

STEPHANIE CONNERS: We have two agencies that we kinda use in Manhattan, actually three, it was CFS, which we don't use very often now, NYSPCC (the New York Society for the Prevention of Cruelty to Children), and we also have a community organization which we're now relying on a lot, Treat Me Right; it is a church-based organization with volunteers that do the visitation. What's missing from that church-based is the fact that the individual counselors are not social workers, so if we think that there's a real problem that needs to be worked out between the parent and child, we'd rather have a certified social worker looking at the response, so the person who supervises the visitation at Treat Me Right is a social worker, but the people that actually do the one-on-one with the parent and the child are volunteers from the church community. What's good about the church is it is in the community, in the 160s on the West Side, and clients kinda feel comfortable at that setting.

We don't have -- I mean if your client can't afford to pay for the supervised visits, we're stuck with one hour with the visit. It's disappointing for the child; if the child is very

1 young it doesn't provide for continuity and sometimes  
2 we've had wait periods as long as seven or eight  
3 months. It significantly holds back what we can do  
4 in terms of visitation if there are questions about  
5 safety of the parent with the child, so we are really  
6 asking for more creative ways; the church was a  
7 creative way to sort of open up the amount of  
8 visitation that we could do, so not only could the  
9 visits be supervised one-on-one, sometimes we have  
10 what we call supervised exchanges -- the parent picks  
11 the child up at the agency, they do an assessment of  
12 the child and the parent before the visit starts,  
13 they do the visit, they return to the agency, they do  
14 a debrief after the visit, and then they report on  
15 what they're seeing so that we can monitor whether or  
16 not are there any issues with visitation, because the  
17 idea is eventually to have the parent take the child  
18 on their own, whether it's for day visits alone, but  
19 potentially for overnight visits and it's what we  
20 kinda use an assessment for whether or not regular  
21 visitation can occur, and because the child is being  
22 observed, we have some idea or least the court has  
23 some idea about how the child is progressing in the  
24 visit. When there's a social worker present, they  
25

1 actually coach the parent, give them advice about  
2 what to do, how to answer questions that the child  
3 might have, how to actually even mend the parent's  
4 role, because sometimes it's severed; [bell]  
5 sometimes the children are angry, they've seen things  
6 or they're hostile to the parent and they do help  
7 them integrate with the child. So it's almost... it's  
8 our last... or our first source of trying to repair  
9 families that are broken and we just need more  
10 services. If people have money, they can pay, they  
11 can pay for the social workers themselves; they could  
12 do a whole lot of other things; they can also have  
13 more time...

14  
15 CHAIRPERSON LANCMAN: Okay. Thank you...

16 [crosstalk]

17 STEPHANIE CONNERS: and that's important.  
18 One of the issues... [crosstalk]

19 CHAIRPERSON LANCMAN: But la... I... sorry;  
20 let's just go down the line... [crosstalk]

21 STEPHANIE CONNERS: Oh, I'm sorry.

22 CHAIRPERSON LANCMAN: and then we can  
23 talk afterwards. Sir.

24 DANIEL KAY: Thank you, Mr. Chairman. My  
25 name is Daniel Kay; I'm a staff attorney at the Bronx



Defenders and I am our office's coordinator for the Integrated Domestic Violence Part, known as IDV. Now at first glance you might think that IDV would be a dream for the Bronx Defenders. Criminal courts are generally ill-equipped to deal with the diverse challenges that domestic violence cases pose for our clients, complainants, parents, and children. Full orders of protection and a threat of incarceration for a parent can only make matters worse for families in crisis. IDV could therefore be a real opportunity for criminal court to holistically engage with our client as parents and partners -- as members of families -- instead of just as criminal defendants.

Instead of this dream, IDV can actually be a nightmare for our clients. And frequently, the limitations of the criminal justice system itself can undermine the very aims of IDV.

First, engaging with both Criminal Court and Family Court services available through IDV costs money -- you've heard about this before, earlier today. Although the court does have discretion to temporarily waive fees, different providers have different rules that can limit a court's power to do so, and this is not just a supervised visitation

1 issue. There have been times in IDV when prosecutors  
2 or opposing counsel or the judge are describing a  
3 program and my indigent clients have leaned over  
4 while these other players are on the record to  
5 whisper to me, "I want to do that, but how am I going  
6 to pay for it?" Batters' intervention programs can  
7 cost hundreds of dollars over the course of several  
8 months. Now despite 722c waivers and sliding scales,  
9 these only go so far for so long. The affordability  
10 of restorative justice should never be a factor where  
11 both liberty and the "best interests" of the child  
12 are at the stake. The Council should work to ensure  
13 that money is not a barrier to justice in IDV and  
14 that all programs are free of charge.

16 More broadly though, the inherent  
17 limitations of the criminal justice system often  
18 undermine meaningful resolutions for everyone  
19 involved in a case. The cases and relationships we  
20 see in IDV are complicated, and many, if not most, of  
21 those cases involve children. The blunt tools of the  
22 criminal justice system -- and its focus on  
23 prosecution and conviction -- are particularly ill-  
24 suited to deal with the complex balancing act  
25 required to do justice for our clients, complainants

and their children. Moreover, the collateral consequences attendant to criminal prosecutions and convictions affect entire families and communities. Missed work, lost jobs and the threat of deportation of a parent can wreak havoc on children's lives.

When prosecution is the primary tool we bring to bear, we lose sight of these costs. Indeed, in many cases, when zealous prosecutors define success as securing a conviction, the court process often works to disempower all parties, not just criminal defendants. A client can invest time, effort, growth, and expense in court-mandated programs only to have a prosecutor's offer to resolve the criminal matter remain unchanged, undermining a resolution in everyone's interest. In a situation like that, there is no incentive for clients to engage with the services in the Family Court matter until their criminal case goes to trial.

Conversely, certain basic constitutional rights to which our clients are entitled in Criminal Court disappear once their case is transferred to IDV. Our clients are not presumed innocent. Instead, they are presumed to be batterers and bad parents. This is not the fault of the judges in IDV.

1  
2 It is the reality of a courtroom where different  
3 procedures and expectations apply to the different  
4 matters sent there. For example, it is already  
5 difficult for a parent criminally charged with  
6 endangering their children to feel their innocence is  
7 presumed in a typical criminal courtroom. Now  
8 imagine when parenting skills classes are suggested  
9 by the same judge who is deciding their guilt or  
10 innocence in the criminal case. This discourages our  
11 clients from meaningfully engaging with Family Court  
12 services that could prevent recidivism and promote  
13 rehabilitation.

14 We want to challenge the Council to begin  
15 thinking outside the box in this very complicated  
16 area of life and law. Criminal prosecution need not  
17 be the only tool we bring to bear. There are cases  
18 now making their way through our criminal courts and  
19 IDV that would be better addressed outside the  
20 criminal justice system altogether. The Council can  
21 help to lead a paradigm shift by supporting programs  
22 in appropriate cases that de-emphasize the dominant  
23 role of prosecutors and actually focus on making  
24 families stronger.

Without new and creative thinking, IDV will be a failed experiment. Having one's case heard there will be just going to be like any other Criminal Court or Family Court, but worse -- worse for our clients, worse for complainants, worse for parents, and worse for children.

Thank you for the opportunity to appear before you today.

CHAIRPERSON LANCMAN: Thank you.

JAMIE BURKE: Good afternoon. My name is Jamie Burke; I am the supervising attorney with Brooklyn Defender Services and I provide specialized representation to our clients in the Kings County Integrated Domestic Violence Court Part.

The IDV Court is an innovative model; you know that, but there are some things that I'd like to address about that model in particular.

One of the things is that the majority of cases heard in IDV court generally have a better outcome than in the regular DV Part and for that particular reason -- one of your concerns was, why aren't the more serious felony cases heard in IDV -- and that should happen because there are better outcomes, because there are more resources for

particular cases like that and I find in my practice that more women are charged with felony DV cases than men because women oftentimes will use a weapon versus a man using a weapon, which elevates that case status to a felony versus a misdemeanor and if that case gets put out of IDV and there's a battle over... conflict over custody of the children, that woman does not get the benefit if IDV... [crosstalk]

CHAIRPERSON LANCMAN: And... and when you say... when you say better outcome, you don't mean just for the whole family, there may be that, but also a better outcome for the defendant in his or her criminal charge?

JAMIE BURKE: Right, I mean holistically and also in the criminal [background comment] charges in particular, so yes to your question.

So although the intent of the IDV model is to streamline and speed up the court process, there are many court delays and they're [sic] difficult to obtain services that prevent that from happening, and every one has alluded to that problem, the problem of supervised visitation. There's a delay in getting the case transferred from Criminal Court to the Integrated Domestic Violence Court and

1 in that time between Criminal Court and IDV there's a  
2 **[inaudible]** stay away order so that our client is not  
3 given the opportunity to interact with their  
4 children; it may be the children that this person  
5 walks to school every day; it may be the children  
6 that this person cooks dinner for every day or does  
7 homework with every day... [crosstalk]

9 CHAIRPERSON LANCMAN: Is the delay in  
10 transferring from Criminal Court, plain vanilla  
11 Criminal Court to an IDV court because of the lack of  
12 supervised visitation or that's just the bureaucracy  
13 of the courts?

14 JAMIE BURKE: It's the bureaucracy of the  
15 courts. The supervised visitation does not happen  
16 until the case gets to IDV. So if a case languishes  
17 in Criminal Court for six to eight weeks, that's two  
18 months that a client has not seen their children,  
19 then the case gets transferred to IDV; the court  
20 wants to do an investigation and so forth, and then  
21 orders supervised visits, even though they're  
22 presumed innocent, but there still will be supervised  
23 visits; there's a waiting list three, four, even up  
24 to six months long for this person to get supervised  
25 visits. So two months plus six months -- it could be

up to eight months before a parent can have a one-hour visit with their child that is supervised by a social worker and it's unfair to the defendant who is presumed innocent in this entire process.

One of the other issues is... one of the other services that is needed is counseling for the parties. Oftentimes there is a separation between the parties, but I would say maybe 40% of the time the parties are reunited, even after this domestic violence case has ended; either the case is dismissed or there's a plea to a violation and there's a limited order issued so that the parties can reunite; there should be counseling or co-counseling between both parents to learn how to co-parent in separate homes, to co-parent if they're going to be reunited together. Those services are not offered; that's a resource that the IDV court could use. Once the parties are separated, that's it; they'll continue in their separate therapies, but they're not working together to co-parent, so the children are the collateral consequences of such a decision, and those are some of the resources that the court could use.

I guess that's it for now and you may have questions later.



CHAIRPERSON LANCMAN: Thank you.

LINDSEY WALLACE: Good afternoon. My name is... [interpose, background comments] My name is Lindsey Wallace and I am a civil legal attorney with Sanctuary for Families, New York State's largest nonprofit organization dedicated exclusively to services and advocacy on behalf of victims of domestic violence and sex trafficking. We are very grateful to the Council and Council Member Lancman for the opportunity to testify today.

Sanctuary's Center for Battered Women's Legal Services is the largest dedicated provider of legal services for victims of domestic violence in the United States and since the inception of the Integrated Domestic Violence Courts (IDVs) in 2003, our attorneys had observed the positive effects of bringing together Family Court, matrimonial and criminal matters concerning the same family before a single judge. The one family, one judge model principle of the IDV is of critical importance to victims of domestic violence and although there were initial concerns that this model would confuse litigants, our experience at Sanctuary has been that the consolidated model increases awareness of the

1 criminal proceedings among victims who are  
2 complaining witnesses. In the past, victims  
3 frequently lost touch with the assigned district  
4 attorney's offices and did not often understand what  
5 was happening in the criminal cases and the advent of  
6 the IDVs has addressed this problem.

8 However, the success or failure of the  
9 IDVs hinges upon the caliber of the presiding judge.  
10 IDV judges must have a high level of motivation to  
11 make a difference in the lives of families affected  
12 by domestic violence. They must possess a deep  
13 interdisciplinary understanding of the dynamics of DV  
14 and be knowledgeable about this complex and evolving  
15 area of law that encompasses multiple practice areas.  
16 Therefore, the court system should undertake an  
17 unbiased assessment of how well the judges in each of  
18 the IDVs are embodying these key leadership  
19 qualities.

20 While the IDVs have unquestionably had a  
21 positive impact upon the administration of justice in  
22 domestic violence cases, there are several challenges  
23 that should be addressed in order to help these  
24 specialized courts reach their full potential.

First, many cases that would benefit from being handled in the IDVs are not being transferred there, and decisions regarding which cases are transferred sometimes appears ad hoc. A more consistent system for identifying cases that are appropriate for the IDVs is necessary; advocates frequently need to alert clerks in the IDVs about cases that should be transferred because the court system is not automatically identifying them; sometimes hard to track down who should be contacted in order to transfer these cases as well.

The Brooklyn IDV, which you heard a little bit about with Judge Morgenstern's testimony, has been a nationally-recognized model with a large docket in which the various stakeholders work well together. However, the recent reduction from two IDV Parts in Brooklyn to a single part this past year has necessarily reduced the number of cases that can benefit from being heard in this part. Consequently, cases in which the litigants do not have children have been excluded, cause a whole category of victims who were previously being served to lose the benefits of the IDV.

And some IDV Parts throughout the City, particularly those that operate only on a part-time basis, do not have the capacity to handle repeat cases with the same litigant, and if the IDVs are not able to hear these new actions filed by abusers to harass their victims or filed by victims as a result of continued abusive behavior and violation of court orders, victims might be retraumatized by having to provide their entire history to a series of new judges.

Second, to echo a lot of the testimony that's come today, one of the strengths of the IDVs is their recognition of the need for specialized, integrated services for families experiencing DV. However, many of the critical services IDV judges wish to order are not available or there are lengthy waiting lists, and one example of that is of course supervised visitation, which I believe multiple people have mentioned at this point. Lack of free or low-cost supervised visitation resources endangers both children and their parents who are... [interpose]

CHAIRPERSON LANCMAN: So I... I... We get the lack of supervised... but are there other services?

'Cause I asked the judge that; that's what you wanted to talk about?

STEPHANIE CONNERS: Yeah, when... Actually, one of the things that I think that we need to do is have more access to forensic for evaluation; we're not just talking about... sometimes parents are not only substance abusers, but they have mental illness, but they also have mental disabilities and what you can do or what is open to the parent when those other issues is also limited and we don't have enough coordination. So if I have a mentally impaired person who actually could get services from the state, it's very hard for us to actually get them **[inaudible]** in the part or to actually get our client to get the services that they're entitled to and to have it actually happen.

I also wanted to talk a little bit about that **[inaudible]** client. We aren't getting the **[inaudible]** cases **[inaudible]**... [crosstalk]

CHAIRPERSON LANCMAN: Well I'll get back to you on that. I just interrupted her testimony, so we'll do that.

LINDSEY WALLACE: Sure. [background comment] We would agree, there are... there's a lack

of information about offender accountability programs, which programs are available or even the lack of empirical evidence into the programs, so I think additional information about programs being available and empirical support for whether or not those programs are actually efficient in decreasing recidivism would be an important addition as well.

We'd also note that some IDVs do not [bell] have adequate... if I may finish... do not have adequate physical space to address the safety needs of the litigants in domestic violence cases; Sanctuary has observed incidents in more than one borough in which violations of orders of protection occurred just outside the court building. I personally had a case last week that it occurred right outside of the courtroom, with multiple people harassing the client; at least one of these resulted in an arrest.

And at times, the atmosphere within the IDV court itself can be charged with aggressive, potentially volatile energy as many accused perpetrators are in the courtroom along with victims; sometimes victims have to testify in front of a packed courtroom of people waiting for their cases,

1 particularly, I understand, in Kings, with the  
2 increased capacity due to the downgrading from two to  
3 one judge; that's often a problem that we see. And  
4 victims who have experienced significant trauma may  
5 be triggered by such a court environment and are  
6 sometimes forced to testify in front of full rooms of  
7 individuals or even just have their cases heard. So  
8 this is an issue as well in terms of capacity.

10 Also, Integrated Domestic Violence Courts  
11 often lack access to childcare centers that are  
12 available to litigants in Family Court, and because  
13 they're located in the Criminal Court and physically  
14 they're not always next to the Family Court,  
15 litigants who need childcare may not have access to  
16 the Family Court childcare services and it may be  
17 difficult for them to go back and forth between the  
18 checkpoints to get from the courtroom to the  
19 childcare as well.

20 New York City and State have been  
21 pioneers in the creation of these IDVs, ensuring that  
22 the most vulnerable survivor of domestic violence  
23 have an integrated forum for handling all of their  
24 cases; we believe they're truly a life-saving  
25 resource and that following just these few additions

and changes would really improve the outcomes for all involved.

CHAIRPERSON LANCMAN: Okay. Thank you.

LINDSEY WALLACE: Thank you.

CHAIRPERSON LANCMAN: Yeah, so is there anyone who had something more to add that got cut off 'cause of the time limit?

JAMIE BURKE: Very briefly; it's resources. They're not just lacking in supervised visitation, but as you stated, mental health resources. I had a client **[inaudible]** on Rikers Island for almost a year trying to find a mental health program for him that was suitable and it shouldn't take that long to find a mental health program for someone -- not just mental health program, but also therapeutic programs for people. It is just very difficult to find therapeutic programs; language-specific therapeutic programs are also difficult to find, because we have a lot of litigants and defendants who -- English is not their first language and trying to find parenting skills in different languages or even therapeutic resources in different languages is difficult at best. And money is always a problem; our clients can't always afford



1  
2 to pay, and if they're not insured, that makes it  
3 even longer trying to find a program that is  
4 acceptable for them. So if they're uninsured and  
5 undocumented and speak a different language, it is  
6 almost impossible to find resources for them.

7           STEPHANIE CONNERS: Yeah, we often have...  
8 if our clients have insurance, we have some options  
9 because sometimes the court will allow for us to get  
10 just a psychiatrist to work one on one with a client;  
11 we provide the psychiatrist with a protocol, things  
12 they should cover, but if the client has no insurance  
13 we are really stuck; we're down to very few programs  
14 that actually **[inaudible]** people. We haven't had  
15 good coordination with, at least in Manhattan, with  
16 the Veterans Court. I did have a couple of vets;  
17 they were kind of resistant to going to the Veterans  
18 Court, but I felt that it would have been good for  
19 them because they also had trauma. I think the court  
20 is opposed because there's a protocol for not to have  
21 joint family counseling, so everybody has to do their  
22 individual counseling, but I think that there should  
23 be some notion of how, since the family is going to  
24 work later on, even outside the court for how the  
25 parties will be able to communicate with each other

1 and to prevent future problems of domestic violence  
2 that come with communication and how they deal with  
3 each other, and I think we've been... we're just  
4 missing the boat on how to use counseling  
5 respectively. Sometimes even the parent can't be  
6 integrated into the child's therapy, which is  
7 important in order to address whatever kind of trauma  
8 the child might feel about their parent; if they  
9 witnessed domestic violence. So I think we have to  
10 relook at that and provide psychiatric, social work,  
11 whatever counseling for the entire family.

13 CHAIRPERSON LANCMAN: So you know our  
14 experience as a policy body, not my own experience as  
15 a lawyer, but as a policy body is the Human  
16 Trafficking Court, Veterans Court, Drug Court, where  
17 the model is getting the defendant services that he  
18 or she needs rather than treating the situation  
19 they're in strictly a criminal matter, right? So the  
20 Human Trafficking Court, many of the women are either  
21 victims of trafficking as we understand it or  
22 regardless, they're trapped in a life that they don't  
23 really wanna be in and so the court provides or  
24 orders services like educational services or  
25 immigration services or counseling, English language;

1 the IDV court, it seems different, it's not quite  
2 that, it's really, [background comment] it's really  
3 not about the services that are provided either to  
4 the defendant or the family; it's simply -- albeit  
5 importantly -- about one judge, one family, about  
6 having... just consolidating and be more efficient and  
7 seamless operation of, or adjudication of the legal  
8 problems this family is having; some criminal, some  
9 civil. And you know what we're interested in is  
10 whether or not there ought to be more of the  
11 resources, services that are familiar to the  
12 Trafficking Court and the other service courts and  
13 you know what I'm hearing is, if there is an ability  
14 of the City to put in resources into the IDV courts,  
15 they're probably best put towards the supervised  
16 visitation before you get to all these other gee whiz  
17 services, 'cause we're not talking about a lot of  
18 money that might be available.

19  
20 JAMIE BURKE: May I? [background  
21 comment] I don't think it just means putting it  
22 towards supervised visitation, but oftentimes that is  
23 the foremost thought in our client's mind -- when  
24 will I see my children. So to them, even getting  
25 supervised visits -- they don't want supervised, they

want unfettered access to their children, but because the courts impose supervised visitation, any time there's a DV issue, they almost -- I would say 75% of the time impose supervised visitation, so that's the norm in that courtroom.

CHAIRPERSON LANCMAN: Other than supervised visitation -- and it's not even accurate to describe that as a service -- but other than supervised visitation, what other non-judicial services are ordered or directed in the IDV Courts that you see? Is it routine for a judge to send someone to mental health counseling; if a judge thinks someone needs, you know, some kind of program to get their GED... like these are the kinds of things that we see in the other courts; you don't really see that in IDV?

JAMIE BURKE: No and we probably should. Drug treatment, alcohol treatment, yes [background comment] therapy, yes, but other resources, like getting a GED or going to any type of trade school or anything like that, those things do not happen, or English language does not happen. Our clients are often ordered to parenting skills classes... [interpose]

CHAIRPERSON LANCMAN: That sort of thing?

STEPHANIE CONNERS: Yeah, that happens.

JAMIE BURKE: parenting skills classes,  
but there needs to be more resources for those; some  
of them need to be language-specific, there are  
cultural issues that sometimes have to be involved,  
**[inaudible]**... [crosstalk]

CHAIRPERSON LANCMAN: Well I think we  
would be really interested in hearing from you, you  
know after today's hearing, if you... either  
individually or you wanna get together as a group,  
with a menu, a realistic menu of the kinds of  
services that you know if expanded or offered in the  
first instance would be helpful, and just thinking in  
the DV context, parenting skills seems like right up  
that alley; do you know what I mean, as opposed to  
less on-point services like a GED program or  
something. And... and we could try to... [crosstalk]

STEPHANIE CONNERS: Well **[inaudible]**...  
that would work...

CHAIRPERSON LANCMAN: try to potentially  
advocate for that.

STEPHANIE CONNERS: 'cause our clients  
are working.

CHAIRPERSON LANCMAN: We'd like to make, maybe... [interpose]

STEPHANIE CONNERS: They... they have low-paying jobs, they don't... [background comment] didn't get the GED; they could benefit from that kind of counseling; a lot of them don't have a prior criminal record. So our clients definitely can benefit from anything that would improve their reading skills, their ability to get a job; they have to pay child support, and they're motivated.

CHAIRPERSON LANCMAN: Right. Well I think I can assure you, we would appreciate very much looking at your thoughts, reduced to writing, both the legal defender services and Sanctuary representing the victim, on what existing services could be expanded that would be beneficial or what services that are not currently provided. I think that we would be very interested in not reorienting, but growing the vision and perspective of the IDV Courts to be not just an administratively more efficient way of resolving problems, but also a more traditional problem-solving court. And we'd love to hear what you have to say and then measure that

against what's financially realistic. Yes, sir.

[background comment] Oh, sorry.

DANIEL KAY: Sorry. I think what I wanted to I think emphasize is that I think there's two different layers to why people need access to these services. I think first is the actual direct benefits they get from it, but I think there also needs to be some coordination between access to those services and outcomes in IDV. I think when IDV works the best, at least in the Bronx, is when someone is able to prophylactically engage with services and then bring whatever evidence they have of growth or success from those services to the DA and in exchange the DA offers an adjournment and contemplation of dismissal. What I think might -- well what I don't want to have happen is clients engaging with a wealth of new services but then the DAs wheel around and say that well it's great for the purposes of the family and for your client that they got access to these services, but the offer is still, for example, a 24026, which is an unsealable violation which gives a wealth of immigration consequences and a wealth of employment consequences. I think that in exchange for there being access to these services there still

should be an ethic in IDV to recognize our clients succeeding in those services or at least trying to succeed in those services.

CHAIRPERSON LANCMAN: Well I know that's the ethic in the other [background comment] problem-solving courts, you know, [background comment] yep, that's kind of the deal -- you do these programs, you successfully complete them; you're not gonna be facing the same criminal consequences as if you didn't.

LINDSEY WALLACE: I would just note that I think that domestic violence is inherently different than some of the other problems... [interpose]

CHAIRPERSON LANCMAN: Yeah, move the mic over a little.

LINDSEY WALLACE: Thank you. Domestic violence is inherently different than some of the other types of issues that are dealt with by the other courts and although I am no expert in the IDVs, I have practiced in multiple IDVs throughout the City and I just think that our organization's perspective is to make sure that the services that are being offered have empirical evidence and support, that



1 they are effective and that they are actually  
2 working, because we do find that some accountability  
3 programs that are sometimes thrown in [background  
4 comment] do not necessarily have any evidence of  
5 actual accountability or decrease in violence, and  
6 from the perspective of our clients, we're trying to  
7 decrease the violence and make sure that they are in  
8 a safe location, throwing a panoply of services that  
9 may not be really well-suited to actually addressing  
10 the problem. I do think DV is a significantly... it's  
11 a totally different crime than many of other  
12 **[inaudible]** crimes that may be in the court...

13 [crosstalk]  
14

15 CHAIRPERSON LANCMAN: Yeah. You know and  
16 I... we very much would appreciate Sanctuary's input on  
17 that. But I remember a couple years ago we tagged  
18 onto a hearing -- it may have been the Women's  
19 Committee -- part of it was asking the question, not  
20 centrally, but part of it was asking the question:  
21 are batterer intervention programs successful, and it  
22 was a very unsatisfactory answer, so we wouldn't want  
23 to be advocating to put money toward things that  
24 don't work... [crosstalk]  
25

LINDSEY WALLACE: And I think

**[inaudible]**...

CHAIRPERSON LANCMAN: and... and DV... I

don't need to say it; DV is also different

politically -- with a lowercase P -- frankly, come to

this perspective, with all due respect to the deal

with which you represent your client, we start with

we want to protect DV victims. So I think all of you

have a lot to offer and we would love to -- now that

we've kind of framed it a little bit, narrowed it

down to what we might wanna be looking for -- would

really look very closely to anything that you

submitted to us afterwards. Anything else anybody

wants to... yeah.

STEPHANIE CONNERS: **[inaudible]** when I

first started doing the part, which... I began when

they opened in Manhattan, my clientel was mainly men

and the thing that's disturbing me right now is that

I'm getting to the point where it's almost half and

half men and women and quite frankly, a lot of the

women that I'm now representing I feel are DV victims

and I feel like the prosecutor's office is not at all

paying attention to that; the only good piece of that

is that then I absolutely use the justice system and

try to convince them that they have the wrong person. So now we're wearing like a double hat because sometimes I am representing somebody who's been accused and then some other times I'm really feeling like my client is the victim; how did they not see that and why are they now putting all these other people through the system, you know designating them, you know, a perpetuator of violence and basically we still have to deal with what happens to this family.

DANIEL KAY: I just wanna echo that; I think that it's definitely true in the Bronx; I feel like my own caseload is becoming more and more half and half between men and women and I think that it also goes to show something that was brought up at Human Trafficking Court hearing that you mentioned a couple years ago, when it comes to the opportunities for diversion earlier in the process, when someone gets to IDV it is relatively late in the process in terms of someone having been accused, arrested, charged, motions filed; then we're moved to IDV, and that is a lot of time and effort and even though someone is arrested and no convicted, a lot of punishment that someone has already gone through until the point when someone can actually analyze

whether or not someone could be the victim of domestic violence and bring that to someone's attention. So I think that in a situation like that... [interpose, [background comment] and the children have been... children have been removed also in this process and the children's interests are still also in limbo during this time, and so I think that this phenomenon is something that militates towards earlier diversion than what we currently have in the IDV courtroom.

JAMIE BURKE: I would agree with that as... [crosstalk]

CHAIRPERSON LANCMAN: To close.

JAMIE BURKE: To close, I would agree with that as well, and the other major issue you've touched upon is the one-third increase in homelessness because of domestic violence incidents. A lot of times entire families are displaced and there needs to be resources for that; there needs to be some sort of way to deal with that; you shouldn't displace an entire family; you remove what could be the problem and leave the family intact or however you're going to deal with it, but it is an issue. And then I remember her question was: How do you

reach the people that live like in these housing projects? You meet them where they're at; if they're afraid to come to you; you've gotta go to them, meet them where they're at with these issues, with these programs and with these suggestions. That's all.

CHAIRPERSON LANCMAN: If you must.

[background comments]

LINDSEY WALLACE: No, I think a lot of the issues have already been addressed. So thank you for... thank you for having us here to testify.

JAMIE BURKE: Yes, thank you for having

**[inaudible]**... [crosstalk]

[background comments]

CHAIRPERSON LANCMAN: Good. Good. Thank you very much and we await your follow-up.

[background comments]

Alright, our last and final witness is Kathleen Daniel, I believe, and she is testifying as a member of the public. [pause] [background comments] [pause]

KATHLEEN DANIEL: Good afternoon.

CHAIRPERSON LANCMAN: Uh da... da... da... da... da... da... da...

KATHLEEN DANIEL: Sorry.

CHAIRPERSON LANCMAN: Could we just all be seated? [background comments] Alright, Miss Daniel, you need to be sworn in; raise your right hand. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

KATHLEEN DANIEL: I do.

CHAIRPERSON LANCMAN: Thank you very much. Sergeant at arms, put five minutes on the clock. Please begin.

KATHLEEN DANIEL: Good afternoon and thank you for conducting this hearing. My name is Kathleen Daniel and while I am a City employee and I have worked with the Domestic Violence Workgroup in the Mayor's Office, I am appearing before you today as a survivor, as a working, single mother of 2 who myself went through the IDV Part in Brooklyn and we were there for family, matrimonial and support cases that spanned 28 months in total from 2010 to 2012.

I would like to thank the Council for conducting this hearing. Real reform I firmly believe in domestic violence processes must be trauma-informed and I thank you for giving me the opportunity to address you today.

I ask the Council today to change your thinking about domestic violence families and the legal processes and challenge you to remove the word finite from your thinking and from your vocabulary entirely. Many families torn apart by domestic violence are involved in some way with the court system for many years. I personally am still in and out of court and I am now on eight years since I appeared for the first time in IDV in 2010. I'm sorry, in 2009 I appeared in court; was not transferred to IDV until 2010, so I echo what the agencies have said earlier, that it takes some time before we go into this process. I know other families that are in their tenth year in and out of Family Court.

Once a family is released, for lack of a better term, from the IDV Part, you're left with a finite order of protection, if you're fortunate, as I was, and no means to enforce any of the documents that the judge has signed. So as a result, my abuser has not complied with any aspect, equitable distribution, violated many protection orders, rearrested, has sued me for custody multiple times, has stopped paying child support, so we have been in

and out of court, legitimately in Family Court, but we are no longer one family, one judge because we no longer have the benefit of IDV because there is not a criminal matter to anchor us back into that process, and therefore, when I am in these other parts..

[interpose]

CHAIRPERSON LANCMAN: Right. Is it the case that when the criminal matter concluded you were kicked out of the IDV Court or years later the litigation between you and whomever started anew?

KATHLEEN DANIEL: In short, it's yes and yes. So any matter that is before.. when there is a criminal matter, everything that is happening at the same time, simultaneous -- matrimony, visitation, custody, child support -- is all bound together. Once those matters are adjudicated; once there.. the criminal matter is finished and anything else that was in this legal buffet, so to speak, is done, then you are released, and in 30 days, in some cases or less, the abuser can take you back to court for every aspect that was done in IDV, but you are without a criminal matter; you cannot return to IDV, so you're subject to several different judges because your



abuser has a right to continue to harass you through the court system and it is legal.

So the cycle of abuse and the process of justice do not end at the banging of the gavel, so I urge you to make the following reforms, all of which I personally volunteer to work tirelessly to help you bring about:

1. Families from IDV, when they are released, should be required to go to mandated mediation, and there are wonderful nonprofits, like the Peace Institute in Brooklyn, that provide these services at no charge. I don't know if they can manage the onslaught of the entire system coming to them, but there are organizations that can help you with mediation, because who then becomes the judge or the referee when these things that were decided by a judge are not done; when you have to exchange children in or out of a precinct, who decides who was late, who was on time; whose week it really is, so mediation would assist with the co-parenting issue that we are then left to our own recourses. And we cannot disregard the fact that we are dealing often with a criminal element, at the least, and one person who bullies or tramples the rights of the other.

2. Additionally, I think that there is a very strong need to establish some integration for DV families outside of the criminal process. The abuse that I experience psychologically, emotionally and financially [bell] have only escalated once the orders of protection expire and my children are constantly re-victimized every time the two of us have to exchange. So I ask you to please consider at what point do we stop protecting children from DV households and when do we begin looking for signs of abuse in families that appear before judges and when do we stop looking for that. And if we continue the integration outside of a criminal process, then the families like mine that at some times have four and five different cases in Family Court can be seen as DV families in need of support.

On the court system website it says that IDV Courts allow a single judge to hear the multiple case types, criminal, family and matrimonial, which relate to one family where the underlying issue is domestic violence. For far too many of us, the spectrum of abuse is not finite and I urge you to create reforms that build a bridge from the legal processes to the practical daily lives of DV families

struggling to survive trauma, because the underlying issue is domestic violence.

CHAIRPERSON LANCMAN: Thank you very much. Can I just ask you; when you were in the IDV Court, were any services offered to you or your children that were not merely hey, we're gonna have these cases heard by one judge and it'll be more administratively and convenient and you don't have to run to different courthouses; were any services offered to you?

KATHLEEN DANIEL: It's a great question. I came through the Family Justice Center because there was a criminal case and beyond that, no; my children were offered the children's law services, but no; there was never a DV advocate offered to me; I did not know that that existed. Services like mediation, how to co-parent, what to do once we're released are not offered and there's really no guide, and while the Family Justice Centers are amazing, we meet them and work with these counselors.. [crosstalk]

CHAIRPERSON LANCMAN: Do the Family Justice Centers... did you find that the Family Justice Centers did not have those services available to you or make those connections...? [crosstalk]

KATHLEEN DANIEL: I think that they had amazing services, but I met them in crisis and still bruised, so it bears repeating, and the process doesn't necessarily allow for you to go back through.

CHAIRPERSON LANCMAN: Got it. Okay. Terrific. Thank you very much and you know really respect your willingness to talk publicly about your personal situation, which I'm sure is not easy.

KATHLEEN DANIEL: Thank you. Thank you.

CHAIRPERSON LANCMAN: Thank you all very much. Ladies and gentleman; that concludes our hearing. I wanna thank all the witnesses for their testimony and we look forward to following up with them so that we can try to have some kind of impact in improving how the IDV Courts work and how domestic violence is treated in our justice system. Thank you all.

[gavel]

[background comments]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 20, 2017