



## Legislation Text

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**File #:** Res 0397-2024, **Version:** \*

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### Res. No. 397

Resolution calling on Mayor Eric Adams to appoint Family Court judges to fill all judicial vacancies and to promptly fill all future vacancies that arise.

By Council Member Brewer

Whereas, In New York State (New York or State), Family Court hears cases related to juvenile delinquency, family support, paternity, child protection, guardianship and custody, and permanency for children placed out of their homes; and

Whereas, The Family Court system is a crucial component of ensuring the safety and protection of some of the most vulnerable children and families in the State; and

Whereas, The Family Court Act (FCA) mandates the number of judges within New York City and State, as well as their term, eligibility, and appointment process; and

Whereas, The FCA mandates that the mayor shall appoint Family Court judges within the city, for a term of ten years; and

Whereas, The Mayor's Advisory Committee on the Judiciary (MACJ), established via Executive Order under each incoming mayor, is responsible for recruiting, evaluating, and nominating highly qualified judicial candidates prior to the mayor's appointment; and

Whereas, The date on which sitting Family Court judges are required by law to retire is readily known based on their dates of birth and other information possessed by the MACJ, and thus future vacancies can be anticipated; and

Whereas, The Office of Court Administration provides timely notice to MACJ whenever a current Family Court judge has provided notice of their retirement to avoid any bottlenecks in the appointment process

resulting in prolonged vacancies; and

Whereas, New York State Senate Bill S7534/A7669, signed into law in December 2023, amended the FCA to increase the number of Family Court judges in New York City from 60 to 63 in order to help tackle a backlog of cases; and

Whereas, Despite this law coming into effect on January 1, 2024, and the MACJ's work to nominate appropriate candidates for appointment, as of March 20, 2024, the City has only 61 appointed Family Court judges, with two unfilled vacancies; and

Whereas, New York City Family Courts have an extremely high case volume; and

Whereas, In New York City, as of the first quarter of 2024, there are already over 77,000 pending, or active and not yet resolved Family Court cases, and almost 20,000 dispositions, or resolved cases, according to data from the New York Courts Division of Technology and Court Research; and

Whereas, For comparison, in the same period, for all State counties outside of New York City, there are about 90,000 pending cases and 52,000 dispositions; and

Whereas, According to the FCA Annual Report, in 2022, 11% of Family Offense petitions in New York City took over a year from filing to disposition; and

Whereas, Additionally, 36% of petitions for neglect took over one year from petition to fact finding, with 10% taking over two years, and 3% took over an additional year from fact finding to disposition, a waiting period of at least four years from opening a case to its resolution; and

Whereas, For cases involving abuse or neglect of children, any period of waiting for a resolution could result in serious long term emotional and physical harm; and

Whereas, Ensuring that Family Court judicial vacancies are filled quickly and that the Family Courts are fully staffed can help address the case backlog and reduce the length of time New Yorkers are waiting for their cases to be resolved; now, therefore, be it

Resolved, That the Council of the City of New York calls on Mayor Eric Adams to appoint Family

Court judges to fill all judicial vacancies and to promptly fill all future vacancies that arise.

PR  
LS # 15985  
5/2/2024