Legislation Details (With Text)

File #:	Int 1085-2018 **Version:** B	**Name:**	Civil legal services for domestic violence survivors who are a party to a divorce proceeding.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Women and Gender Equity
On agenda:	8/8/2018		
Enactment date:	1/9/2022	**Enactment #:**	2022/005

Title: A Local Law in relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding

Sponsors: Mark Treyger, Laurie A. Cumbo, Alicka Ampry-Samuel, Karen Koslowitz, Robert F. Holden, Adrienne E. Adams, Diana I. Ayala, Justin L. Brannan, Vanessa L. Gibson, Deborah L. Rose, Alan N. Maisel, Carlina Rivera, Helen K. Rosenthal, Ben Kallos, Margaret S. Chin, Kalman Yeger, Darma V. Diaz, James F. Gennaro, Tiffany L. Cabán, Selvena N. Brooks-Powers

Indexes: Report Required

Attachments: 1. Summary of Int. No. 1085-B, 2. Summary of Int. No. 1085-A, 3. Summary of Int. No. 1085, 4. Int. No. 1085, 5. August 8, 2018 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 8/8/20, 7. Minutes of the Stated Meeting - August 8, 2018, 8. Committee Report 10/24/18, 9. Hearing Testimony 10/24/18, 10. Hearing Transcript 10/24/18, 11. Proposed Int. No. 1085-A - 1/12/21, 12. Proposed Int. No. 1085-B - 12/2/21, 13. Committee Report 12/8/21, 14. Hearing Transcript 12/8/21, 15. Committee Report - Stated Meeting, 16. December 9, 2021 - Stated Meeting Agenda, 17. Hearing Transcript - Stated Meeting 12-9-21, 18. Minutes of the Stated Meeting - December 9, 2021, 19. Int. No. 1085-B (FINAL), 20. Fiscal Impact Statement, 21. Legislative Documents - Letter to the Mayor, 22. Local Law 5

Date	Ver.	Action By	Action	Result
8/8/2018	*	City Council	Introduced by Council	
8/8/2018	*	City Council	Referred to Comm by Council	
10/24/2018	*	Committee on Women and Gender Equity	Hearing Held by Committee	
10/24/2018	*	Committee on Women and Gender Equity	Laid Over by Committee	
12/8/2021	*	Committee on Women and Gender Equity	Hearing Held by Committee	
12/8/2021	*	Committee on Women and Gender Equity	Amendment Proposed by Comm	
12/8/2021	*	Committee on Women and Gender Equity	Amended by Committee	
12/8/2021	B	Committee on Women and Gender Equity	Approved by Committee	Pass
12/9/2021	B	City Council	Approved by Council	Pass
12/9/2021	B	City Council	Sent to Mayor by Council	
1/9/2022	B	Administration	City Charter Rule Adopted	
1/10/2022	B	City Council	Returned Unsigned by Mayor	

Int. No. 1085-B

By Council Members Treyger, Cumbo, Richards, Ampry-Samuel, Koslowitz, Holden, Adams, Ayala, Brannan,

Gibson, Rose, Maisel, Rivera, Rosenthal, Kallos, Chin, Yeger, D. Diaz, Gennaro, Cabán and Brooks-Powers

A Local Law in relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Brief legal assistance. The term "brief legal assistance" means individualized legal assistance provided in one or more single consultations by a designated organization to a domestic violence survivor, in connection with a divorce proceeding.

Coordinator. The term "coordinator" means the coordinator of the office of civil justice.

Designated organization. The term "designated organization" means a not-for-profit organization or association that provides legal services and is designated by the coordinator pursuant to this local law.

Divorce proceeding. The term "divorce proceeding" means any action for divorce or special action as described in sections 170 and 170-a of the domestic relations law.

Domestic violence survivor. The term "domestic violence survivor" means any individual who is covered by the term "victim of domestic violence" as such term is defined in section 8-102 of the administrative code or as such term is defined in section 459-a of the social services law.

Full legal representation. The term "full legal representation" means ongoing legal representation provided by a designated organization to a domestic violence survivor. This includes all legal advice, advocacy and assistance associated with such representation. Such full legal representation shall also include the filing of a notice of appearance in a divorce proceeding and payment of any associated filing fees incurred in the course of such representation, including fees associated with index numbers and notices of issue.

Legal services. The term "legal services" means brief legal assistance and full legal representation.

b. Working group. 1. On or before February 15, 2022, the coordinator shall establish a working group to make recommendations for and report on the pilot program required pursuant to subdivision c of this local law.

powered by Legistar™

2. Members of such working group shall include the coordinator and representatives from the following offices and agencies: the office to end domestic and gender-based violence, the administration for children's services and the human resources administration. Such working group shall consult with organizations that work with or advocate for domestic violence survivors.

3. No later than May 15, 2022, the working group shall submit to the mayor and speaker of the council a report that shall include, but not be limited to, recommendations for:

(a) The scope of the pilot program required by subdivision c of this local law;

(b) Criteria for eligibility for such pilot program;

(c) A plan for implementation of such pilot program, including with regard to the payment of any costs or fees; and

(d) How such program can be culturally responsive to clients.

c. Civil legal services pilot program. 1. No later than September 1, 2022, subject to appropriation, the coordinator shall establish a two-year pilot program for providing free legal services for domestic violence survivors in divorce proceedings. The coordinator may take into consideration the recommendations submitted pursuant to subdivision b of this local law. The coordinator shall establish eligibility criteria for participation in such pilot program, based upon the nature of the legal services needs of such domestic violence survivors, the availability of other free legal services for such domestic violence survivors and any similar factors the coordinator deems appropriate. The coordinator shall additionally establish the scope of free legal services to be provided and a timeline for implementation of such pilot program.

2. At the commencement of such pilot program, the coordinator shall estimate the number of domestic violence survivors for whom free legal services can be provided within the funding available for such pilot program. To the extent the demand for such free legal representation exceeds the funding available for such pilot program, the coordinator shall apportion such funds in a manner that maximizes the efficient provision of legal services.

3. The coordinator shall designate one or more not-for-profit organizations or associations that have experience with domestic violence cases, are culturally responsive and have the capacity to provide the services covered by the pilot program required pursuant to this subdivision.

4. Subject to appropriation, any full legal representation of a domestic violence survivor, commenced pursuant to the pilot program required by this subdivision, shall continue until the final disposition of the divorce proceeding, excluding subsequent appeals and associated legal actions arising from the covered divorce proceeding.

d. No later than September 1, 2022, the office to end domestic and gender-based violence shall work with the coordinator to:

1. Offer trauma-informed training on topics related to domestic and gender-based violence to the designated organizations, including training on economic abuse and trauma-informed engagement practices. Such training may also include information regarding the financial implications for domestic violence survivors who are party to contested divorce proceedings.

2. Create written materials about the pilot program established pursuant to subdivision c of this local law and about interpretation services that are available in divorce proceedings. Such materials shall be posted online and made available at family justice centers and other locations, as practicable, in the designated citywide languages.

e. Any legal services performed by a designated organization pursuant to this local law shall not supplant, replace or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement or contract.

f. No later than April 1, 2023, the coordinator shall submit to the mayor and speaker of the council a progress report on the pilot program that shall include, but not be limited to, the following information, disaggregated by borough:

1. The number of domestic violence survivors who have received brief legal assistance through the pilot

program;

2. The number of domestic violence survivors who have received full legal representation through the pilot program;

3. Whether such cases were contested or uncontested; and

4. The amount of fees paid in total and in the course of each full legal representation.

g. No later than November 1, 2024, the coordinator and working group shall submit to the mayor and speaker of the council a report assessing the pilot program established pursuant to subdivision c of this local law and recommendations for the potential expansion of the pilot program. To the extent such information is available, such report shall include, but not be limited to, information and recommendations regarding:

1. The number of uncontested divorce proceedings and contested divorce proceedings in the city of New York involving domestic violence survivors, and the apparent availability of free legal services for parties to such proceedings, including both the services provided pursuant to the pilot program established by subdivision c of this local law and other available services in the city;

2. The number of custody proceedings, visitation proceedings and child support enforcement proceedings in the city of New York involving domestic violence survivors, and the apparent availability of free legal services for parties to such proceedings, including both the services provided pursuant to the pilot program established by this local law and other available services in the city;

3. Other free legal services for domestic relations and family law matters available to domestic violence survivors in the city of New York, including, but not limited to, services that are funded by the city of New York;

4. Obstacles faced by domestic violence survivors who wish to pursue divorce, custody, visitation or child support enforcement proceedings or who are unrepresented in domestic relations and family law matters initiated by another party, including, but not limited to, information related to expert fees, the filing fees associated with such proceedings, the reasons for a contested divorce and any barriers related to providing free

legal services;

5. Recommendations for evaluating, expanding upon or creating additional pilots or programs related to domestic violence survivors, including, but not limited to, recommendations about:

(a) The anticipated effects of such pilots or programs;

(b) Which individuals and proceedings would be covered by such pilots or programs; and

(c) How such pilots or programs would interact with other free legal services that are available to domestic violence survivors in the city of New York, including, but not limited to, such services that are funded by the city of New York; and

6. The working group shall dissolve upon submission of the report required by this subdivision.

h. Nothing in this local law or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official or employee thereof.

§ 2. This local law takes effect immediately.

MKW / JG / BM / SMD
LS #6955
12/1/2021 3:30p