



Legislation Text

File #: Res 1771-2009, **Version:** *

Res. No. 1771

Resolution calling upon the New York State Legislature to reintroduce and pass, and the Governor to sign, S. 7587 and A. 10615 of 2008, which would create 39 additional Family Court judgeships throughout New York State.

By Council Members de Blasio, Brewer, Comrie, Jackson, James, Liu, Mark-Viverito, Seabrook, Stewart, Weprin and Gerson

Whereas, New York State law sets the number of Family Court judges for New York City at 47; and

Whereas, S. 7587 and A. 10615 of 2008 would create 39 additional Family Court judgeships throughout New York State, which would include 14 judges for the New York City Family Court; and

Whereas, This would bring the official number of judges for the New York City Family Court to 61; and

Whereas, The Family Court of New York City has in recent years become overburdened due to an increase in combined abuse and neglect filings; and

Whereas, Between 2005 and 2006, the Family Court experienced a 147% increase in the number of combined abuse and neglect filings; and

Whereas, The total number of combined abuse and neglect filings went from 5,059 in 2005 to 12,472 in 2006; and

Whereas, Judges' average caseloads rose during the same time period by 37%; and

Whereas, A combination of changes in permanency laws in New York State and the untimely death of seven-year-old Nixzmary Brown in January of 2006 caused this influx of Family Court proceedings, creating a demand for additional judges to handle the case load; and

Whereas, On December 21, 2005, New York State enacted new permanency legislation designed to

facilitate better and swifter permanency outcomes for children in the foster care system; and

Whereas, The 2005 New York State permanency law changed the number of permanency hearings for children in foster care from one per year to two per year, effectively doubling the number of hearings for all parties to child protective cases, including judges, attorneys, foster care caseworkers, and families; and

Whereas, Three weeks after the new permanency law was enacted, the death of Nixzmary Brown created a public awareness of the tragedies of child abuse and the responsibility of individuals to report such suspected or known abuses to the State Central Register for proper processing and investigation of the allegations; and

Whereas, In cases where the Administration for Children's Services, the agency charged with investigating reports of abuse and neglect in New York City, determines that abuse or neglect has occurred or a child is in danger of being abused or neglected, legal proceedings are filed in the Family Court; and

Whereas, In her 2007 State of the Judiciary address, New York State Chief Judge Judith Kaye called on the Legislature to create 39 new Family Court judgeships statewide, citing both the heightened demands on the court mandated by the 2005 permanency law and the increase in court filings that followed the death of Nixzmary Brown; and

Whereas, In March of 2007 the City Council introduced a resolution, sponsored by Council Member Michael McMahon, calling upon the state legislature to introduce and pass legislation to increase the number of family court judges in New York City; and

Whereas, A year later on April 15, 2008, Senator John A. DeFrancisco introduced S. 7587, which would increase the number of judgeships throughout the state of New York and two days later, Assemblywoman Helene E. Weinstein introduced its companion bill, A. 10615; and

Whereas, According to child and family advocates, as well as the Mayor's Criminal Justice Coordinator, the Family Court system lacks adequate judicial resources and requires additional judgeships to sufficiently meet the needs of children and families that come before the court; and

Whereas, Advocates also claim that justice for children is often delayed due to the caseloads that Family Court judges must currently handle; and

Whereas, The significant increases in filings require an increase in the number of judges available to handle Family Court proceedings; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to reintroduce and pass, and the Governor to sign, S. 7587 and A. 10615 of 2008, which would create 39 additional Family Court judgeships throughout New York State.

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