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Res. No. 498

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to postpone court proceedings as requested by individuals in the later stages of pregnancy

By Council Members Hudson, Restler, Cabán, Joseph, P. Sanchez, Nuse, Gutiérrez, Santosuosso, Brooks-Powers, Farías, Louis, Aldebol and Maloney

Whereas, All individuals who come into contact with the justice system retain their inherent dignity and should be treated in a manner that protects their health, safety, and humanity regardless of the allegations against them; and

Whereas, Pregnancy is a unique medical condition that may require accommodation, continuity of care, and protection from unnecessary physical and emotional stress; and

Whereas, Participation in criminal court proceedings, including transportation, detention, arraignment processing, and prolonged waiting periods, may impose substantial burdens on individuals in the later stages of pregnancy; and

Whereas, In a recent widely reported incident in Brooklyn Criminal Court, a pregnant individual arrested on low-level charges went into labor while awaiting arraignment, handcuffed behind her back, and then gave birth inside a courtroom; and

Whereas, The circumstances surrounding the incident prompted concerns regarding arrest alternatives, continuity of medical care, and the treatment of pregnant individuals involved in criminal proceedings, raising broader questions about whether court appearances should proceed prior to childbirth; and

Whereas, Advocates and public defenders cited the incident as an example of systemic failures and

emphasized the importance of prioritizing health, treatment, and appropriate accommodations for pregnant individuals in contact with the justice system; and

Whereas, New York has recognized in other contexts that pregnancy may warrant accommodations and procedural protections, including through workplace pregnancy protections, maternal health initiatives, and policies intended to reduce unnecessary burdens during pregnancy and childbirth; and

Whereas, Courts and government agencies routinely adjust procedures to accommodate temporary medical conditions and ensure meaningful participation in legal and administrative proceedings; and

Whereas, Postponement of proceedings under defined circumstances may serve the interests of justice by ensuring that individuals appear in court at a time when they are medically capable of participating and consulting with counsel; and

Whereas, Delaying proceedings for individuals in the later stages of pregnancy would not eliminate accountability or terminate criminal cases, but would instead temporarily defer proceedings to prioritize childbirth and postpartum recovery; and

Whereas, The New York State Legislature should propose legislation that, absent extraordinary circumstances requiring immediate judicial action, court proceedings, including arraignments and other in-person appearances, be postponed for individuals who are seven months pregnant or further along in pregnancy until no earlier than three months following childbirth; and

Whereas, The proposed legislation should also permit courts to use alternative procedures where necessary to preserve legal rights and ensure continuity of representation while minimizing unnecessary physical appearances; and

Whereas, Protecting the dignity of pregnant individuals in contact with the justice system reflects a

broader commitment to humane treatment and respect for maternal and infant health; now, therefore, be it

Resolved, that the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation to postpone court proceedings as requested by individuals in the later stages of pregnancy.

CMB
LS#24304
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