

# Family Justice Initiative

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Preliminary Report and Recommendations

Center  
for  
Justice  
Innovation

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**Project Leads from the  
Center for Justice Innovation**

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Kate Wurmfeld  
Justine v.S. Lill  
Shaina Weisbrot

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**For More Information**

Email: [fji@innovatingjustice.org](mailto:fji@innovatingjustice.org)

**Center for Justice Innovation**

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520 Eighth Avenue  
New York, NY 10018

p. 646.386.3100  
f. 212.397.0985

[innovatingjustice.org](http://innovatingjustice.org)

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# Introduction

In May 2024, the New York State Unified Court System, with the Center for Justice Innovation (the Center), and in partnership with the Office of the Governor of the State of New York, launched the Family Justice Initiative: Court and Community Collaboration (FJI or the Initiative). Building on the reports and analyses that have documented statewide challenges across all case types in Family Court to date, the Initiative seeks to forge a fair, equitable, and sustainable path forward for the Court and its system partners to better serve all New Yorkers. The Initiative is solutions-focused, prioritizes areas for improvement, identifies promising programs, and explores new ideas to strengthen families, reduce unnecessary system involvement, and break intergenerational cycles of trauma.

The Center's role is to support a strategic planning process to develop a broad vision for what makes an effective family-serving system, as well as a comprehensive plan to support that vision. The goal for the initial phase was to begin to develop a shared vision and objectives for the Initiative and identify concrete solutions ready for immediate implementation.

This report lays out the values and goals articulated by Initiative partners to date, and the specific recommendations that emerged from extensive discussions facilitated across New York State in the first phase of the project. It also provides a preview of the next phase of work, which will include the development of working groups to pursue longer-term areas for improvement while continuing to identify concrete opportunities for investment along the way.

## Shared Values and Goals

In more than 60 facilitated discussions, Center staff elicited value statements from Family Justice Initiative partners to articulate a shared vision for an effective family court system, as well as goals to support that vision. The following were the principles and values most frequently raised:

- Procedural Justice
- Safety
- Supportive
- Family-Centered
- Collaboration
- Racial Justice
- Equity
- Restorative
- Survivor-Centered
- Youth-Centered
- Culturally Competent

In addition, partners articulated some preliminary goals for the Initiative, including:

- Prevention
- Community-Based Resources
- Education
- Quality Representation
- Accountability/Transparency
- Timeliness
- Navigation
- Peer Advocates
- Family Support

After all the working groups have made their recommendations at the conclusion of the strategic planning process, the Center will develop a final vision statement for the Family Justice Initiative, as well as a set of goals to support that vision, to be included in the final report and recommendations.



Word cloud from coded interactive poll question: What do you think the goals or areas of focus for this initiative should be?

# Strategic Planning Process to Date

The first phase of the strategic planning process began in May 2024, with meetings in Albany and New York City, to gather insight and support from leaders across the State and begin to develop a shared vision and priorities for the future of New York State Family Court. Invitations were extended to leaders from the Judiciary, city and state agencies, community-based organizations, advocacy coalitions, and lived experts. For the format and discussion questions used at the kickoff meetings, see Appendix A.

Following the kickoff meetings, the Center facilitated more than 60 discussions with a broad range of external partners from May to October 2024—including coalitions of advocates, service providers, and cross-sector stakeholders—to gather statewide data and further develop a shared vision and recommendations. The Center also prioritized meeting with individuals who have lived experience of the family court system to ensure their voices are heard and amplified throughout this process and followed up with many of our partners prior to the completion of this report. See Appendix B for a complete list of partner meetings and Appendix C for the standardized discussion questions used at all meetings.

Information collected from partner meetings included values to inform the shared vision, priorities, and goals for the Initiative, and concrete solutions ready for immediate implementation. A short survey was also distributed after every meeting asking partners for suggestions as to who else should

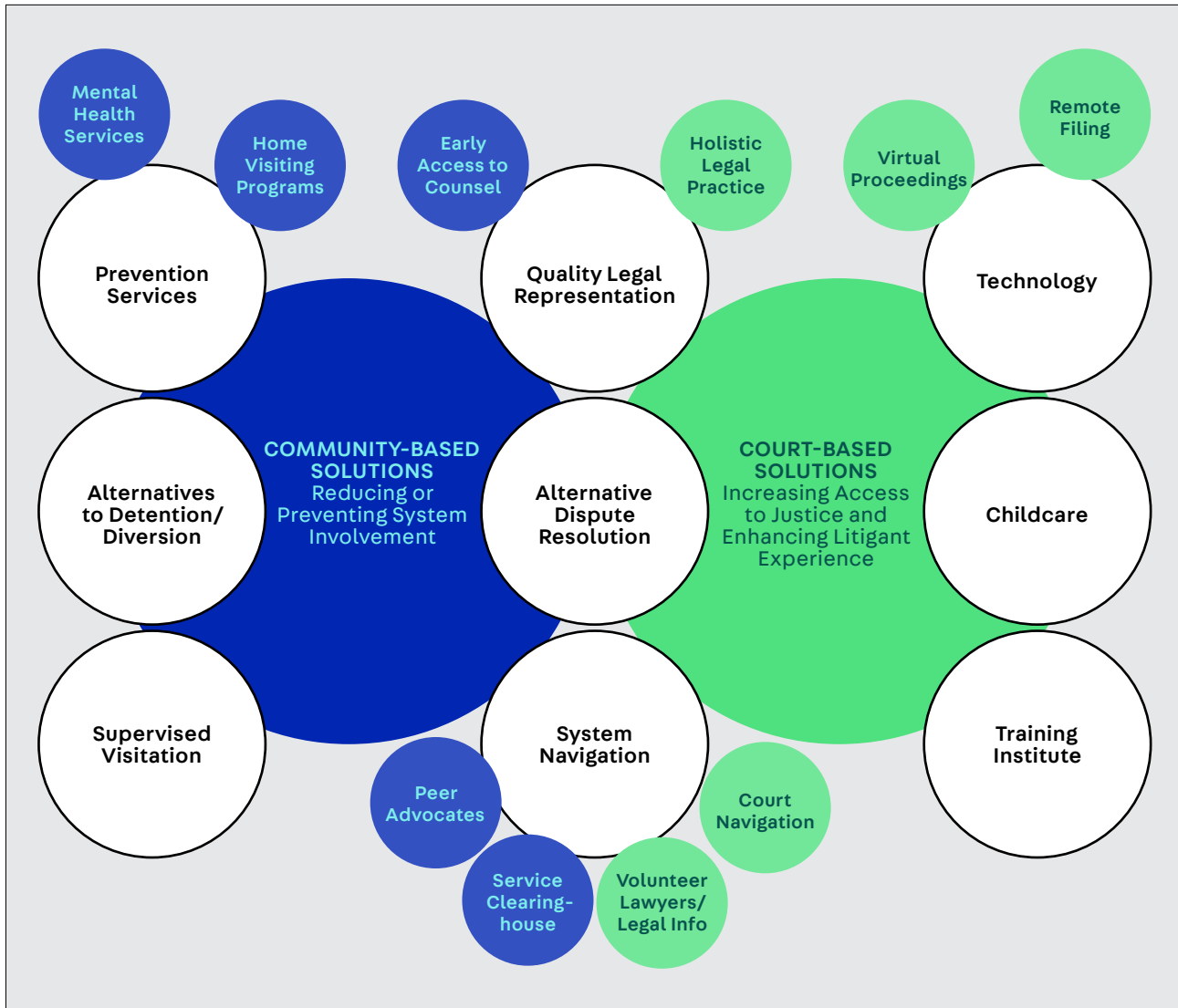
be contacted and any ideas they had for the Initiative that were not raised in the discussions. The data was analyzed by the Center's Data Analytics and Applied Research department to ensure accurate representation of the ideas generated in meetings and survey responses. Suggestions raised most consistently that were ready for immediate implementation or further development have been highlighted in this report and were used to inform preliminary recommendations.

# Areas of Focus and Immediate Recommendations

The recommendations that emerged fall into several categories, including system- and community-based solutions as well as solutions that rely on collaboration between the two.

Overall, the recommendations reflect the central priorities identified by Family Justice Initiative partners, including:

1. Increasing access to justice, fairness, and equity in the court process.
2. Creating exit ramps for court-involved individuals and families.
3. Preventing or reducing further system involvement by investing in community-based solutions to support families.
4. Each category includes several recommendations that partners consistently raised as critical to better serving system-involved individuals and families.



Family Justice Initiative: Emerging Themes



# I. Investing in Quality Legal Representation to Promote an Efficient and Equitable System

*State investment to enhance quality legal representation—including resources for holistic practices and timely defense—is essential to the future of family court. Family Justice Initiative partners consistently pointed to the ways in which effective legal representation can reduce system involvement, increase efficiency, and serve as a cornerstone of an equitable and fair system of justice.*

During this first phase of the strategic planning process, access to effective legal representation was repeatedly raised as an essential aspect of protecting the constitutional rights of parents and children, promoting the well-being of children and families, and preventing future system involvement. Meaningful and effective representation is critical to help jurists make reasonable decisions that prioritize safety and potentially keep families together. Quality legal representation also impacts families across case types, as summarized by testimony provided to the Commission of Parental Legal Representation: “The child support willfulness case that morphed into a custody case that grew into a family offense which sprouted a neglect that invited the grandparents’ guardianship petition—the [Assigned] Counsel is there throughout.”<sup>[1]</sup> Furthermore, attorneys play a crucial role in ensuring that court systems function efficiently and mini-

mize the risk of delays, a pervasive challenge identified by partners across New York State.

Prior reports, including the Report from the Special Adviser on Equal Justice in the New York State Courts and the Franklin H. Williams Commission Report,<sup>[2]</sup> as well as extensive discussions with partners also consistently pointed to the inequities and biases that exist in family-serving systems. While New York State is a national leader in providing assigned counsel to parents and children in family court, insufficient resources to ensure manageable caseloads and best practices often contribute to the disproportionate harm these systems can create for Black, Brown and Latino families, as well as other marginalized groups.

The Initiative makes the following immediate recommendations to improve access to quality legal representation:

- Adopt the Indigent Legal Services’ proposal to increase funding for attorneys representing parents in Family Court matters.
- Increase funding for Attorneys for Children with court contracts.
- Create a pay structure for Assigned Counsel and Attorney for Children Panels to support representation on all case types.

- Provide funding to support interdisciplinary models of representation.
- Provide funding and adopt legislation to ensure timely access to family defense representation.

### 1. **Indigent Legal Services Proposal to Increase Funding for Attorneys Representing Parents**

The Indigent Legal Services Fund was established pursuant to State Financial Law §98-B to assist New York State counties and New York City in funding improvements to the quality of legal representation under County Law Article 18-B.<sup>[3]</sup> The Office of Indigent Legal Services (ILS) was established in 2010 to monitor, study, and make efforts to improve the quality of representation under County Law Article 18-B.<sup>[4]</sup> ILS has the responsibility to disburse the Indigent Legal Services funds, though this disbursement is limited to what is appropriated through the State budget process. While significant appropriations have been made for investment in criminal defense in response to the Hurrell-Harring litigation, there has been no comparable state investment for parent representation.<sup>[5]</sup> In 2021, for the first time, the State budget included an appropriation of \$2.5 million for the representation of parents and while the State has appropriated additional funding since, it has never been enough to disburse to all counties. As a result, ILS has disbursed the relatively small amount of funding appropriated via two relatively robust competitive grants to establish Model Family Offices in two counties, and other much smaller competitive grants. Because of

the limited amount appropriated, less than half of counties are in receipt of these grants. ILS conducted a comprehensive study and determined that \$150 million of State funding is needed to implement the ILS caseload standards for quality parent representation across the State. ILS proposes appropriating this funding over a three-year process, beginning with \$50 million in the FY 2025-2026 budget. If appropriated, ILS would disburse the \$150 million of state funding from the Indigent Legal Services Fund to every county and New York City for its Family Court legal providers. ILS has developed a data-driven method to determine how much funding would be allocated for each county. Upon receipt, this investment would allow Family Court legal providers to:

- Hire the attorneys and other professional staff needed to alleviate overwhelming caseloads.
- Hire and/or contract with specialized professionals for an interdisciplinary approach to representation (more detail below).
- Create robust training, mentorship, and second chair programs to support attorneys and facilitate recruitment efforts.
- Develop programs to provide timely access to counsel (more detail below).

**To reduce caseloads for family court attorneys and ensure quality representation for parents, the Initiative recommends adopting the Indigent Legal Services’ proposal.**

## 2. Increased Funding for Attorneys for Children Offices with Court Contracts

Legal representation in family court includes not only parents but also children. Attorneys for Children (AFCs) are either assigned through institutional providers or from AFC panels. Children in family court have unique needs that require not only legal expertise across case types, but also knowledge of child development and mental health to provide effective representation. Yet, Initiative partners, including AFCs from both panels and institutional providers, reported unmanageable caseloads and insufficient resources to provide the type of holistic representation necessary to promote the rights and well-being of children.

Since the Unified Court System (UCS), rather than the Office of Indigent Legal Services, funds and supervises the AFC contract agencies and panels, **the Initiative recommends the expansion of comprehensive representation provided in contract offices and additional resources for Attorney for Children panels, including social workers/case managers, peer advocates, paralegals, and training/mentorship programs.**

## 3. Create a Pay Structure to Support the Assigned Counsel and Attorney for Children Panels

Partners frequently discussed the need for increased support and funding for all legal representation in family court, including the Assigned Counsel and AFC panels, which provide representation for parents and children on all case types. While the importance

of effective legal representation in child protection matters is often appropriately highlighted, custody and visitation cases also require effective representation. The decisions made in these cases can have an enormous impact on families, including where a child will live, who will have access to them, and who will make the decisions that will shape their lives.

These complex issues require investments in training and staff to not only achieve manageable caseloads, but also to provide the holistic representation needed to improve outcomes and prevent further system involvement. The recruitment and retention of high-quality attorneys to serve on panels for all case types will require adequate compensation. While the legislature increased assigned counsel compensation in the FY 2024 budget for the first time in 19 years, FJI partners suggested the creation of a structure for scheduled cost-of-living increases to ensure salaries are competitive enough to recruit and retain attorneys. Panel attorneys for parents and children raised concerns that the current increase will not be sufficient by itself to address inflation or keep up with rising costs of living.

**Therefore, the FJI recommends creating a pay structure for the Assigned Counsel and AFC panels to include regular cost-of-living adjustment increases.**

## 4. Provide Funding for Interdisciplinary Models of Representation

Interdisciplinary models address underlying issues that bring families into court. Approximately 89 percent of child protective cases are brought to the court for matters alleging

neglect, often related to needs that could be supported by community-based resources.<sup>[6]</sup> Holistic interdisciplinary models provide the opportunity to resolve these matters without further system involvement. The consensus among FJI partners is that the use of social workers, parent advocates, and other service providers results in better outcomes for families and preserves resources.

Since 2007, several New York City legal services organizations have adopted an interdisciplinary model of parental representation where attorneys and their clients are supported by other professionals, including social workers, parent advocates, paralegals, and investigators to provide more effective representation in child welfare cases. The Commission on Parental Legal Representation concluded that this interdisciplinary “family defense” approach has been regarded as a best practice model by national child welfare experts.<sup>[7]</sup> Some models provide access to additional expertise in areas like criminal defense, housing, immigration, and more. However, there are few examples of such a model outside of New York City. ILS recently launched two Upstate Model Family Defense Offices—one in Monroe County and the other in Westchester County—that represent parents during child welfare matter investigations with manageable caseloads, an interdisciplinary approach to representation, and a robust training program.

The FJI recommends funding pursuant to the ILS budget request, as well as Unified Court System funding for panel attorneys and attorneys for children with court contracts, in order to implement interdisciplinary models of representation throughout the state and across case types.

## 5. Funding and Legislation to Provide Timely Access to Counsel

As partners frequently discussed, access to counsel is essential to preserving the rights of parents and children during the investigation phase of a child protection matter and to preventing family separation. Investigation representation is consistent with principles of equal protection and due process, prevents unnecessary and prolonged separation of children from their parents, mitigates the disruption and trauma that accompanies state intervention, and reduces the disproportionate percentage of children of color in New York’s foster care system. Moreover, it furthers the goals of reducing unnecessary system involvement, as it prevents petitions from being filed by helping to identify community-based resources that obviate the need for court involvement. If a petition still must be filed, this defense model enhances communication at the first court appearance so that initial release or placement orders are based on full and accurate information.

### **The FJI recommends increased funding to allow for the representation of parents and children prior to court involvement.**

In addition to funding, proposed legislation introduced in the 2023-2024 Legislative Session, which passed the Senate and is likely to be reintroduced in 2025, would formally codify a timely right to counsel. It would also require implementation of the financial court eligibility rule, Rule 205.19 of the Uniform Rules of the Family Court, to ensure attorneys are compensated during this early stage. The proposed legislation includes amendments to the Family Court Act §262 to authorize compensation for representation

provided at the investigative/pre-petition stage explicitly, and to Articles 10 and 10-C of the Family Court Act to ensure the timely notice and appointment of counsel for eligible parties regarding initial proceedings in both child protective and destitute minor proceedings. To facilitate both greater access to and quality of this representation, SSL §422 would be amended to provide prospective attorneys for parents and children with access to information from the State Central Registry, enabling them to check for conflicts of interests that prevent representation and prepare for initial court proceedings.<sup>[8]</sup>

**FJI partners, including those with lived experience, consistently expressed the need for timely access to counsel in order to represent and protect the rights of parents under investigation, prompting the FJI to include support for this legislation in the list of immediate recommendations.**

In sum, the FJI echoes the recommendations of the Commission on Parental Representation, the Franklin H. Williams Commission, the Advisory Committee on Attorneys for Children, the New York State Bar Association, ILS, and others for appropriating the necessary funding to enable provision of the additional attorneys needed to support manageable caseloads and timely access to counsel, interdisciplinary models, and training and mentorship resources that are critical for the recruitment and retention of high-quality attorneys to reduce court delays and equitably serve families across New York State.

## II. Investing in Access to Justice Programs for Court-Involved Children and Families

*State investment in court-based programs that increase access to justice can improve the overall family court experience, promote the efficiency and effectiveness of court proceedings, and build public trust in family court.*

Partners consistently raised challenges regarding a lack of information and support to help unrepresented court users successfully navigate the process. While the FJI recommends maximizing access to effective legal representation as described above, it recognizes that there will still be many unrepresented litigants, either because the case type does not guarantee them an attorney or because they do not qualify for court-appointed representation but still cannot afford a private attorney. Without access to counsel, litigants often do not know what information to include in petitions, what to expect when they appear in front of the jurist, how their case might evolve, or how to access needed services, including mandated ones. Partners stressed the ways in which these challenges impact the efficient resolution of cases, and the negative experiences reported by those who face them.

Partners highlighted the need to promote procedural justice to improve litigant experience and the efficiency and fairness of the court process. Research on procedural justice in a wide variety of contexts demonstrates

a connection between how litigants experience the legal process and their willingness to engage the system as a resource regardless of the individual outcome. This foundational research, consistent with what partners discussed, shows that justice-involved individuals are more likely to view the legal system as fair if they feel they: 1) had a chance to be heard; 2) were treated with respect; 3) understood the process; 4) were treated fairly; and 5) received help to resolve the issues that brought them into court.<sup>[9]</sup>

Partners highlighted several program models that promote procedural justice, provide direct support for litigants to navigate the process, and increase efficiency and timely resolution of cases. These programs fall into three categories:

- Attorneys that provide legal advice and limited representation.
- Internal and external programs that provide legal information and system navigation.
- Court-based professionals who conduct assessments and make connections to community-based services.

Partners also highlighted specific services that can help make the courts more accessible for families, such as remote access

and on-site childcare. The FJI therefore recommends the following program models and services to increase access to justice for court-involved families:

- Replicate the Family Legal Care model to provide legal information and limited representation throughout the State.
- Invest in Help Centers in all Judicial Districts.
- Expand the use of resource coordinators and court-based mental health professionals to conduct assessments and provide connections to community-based services.
- Incorporate peer advocates throughout the court process.
- Fully fund court-based childcare centers.
- Increase access to remote proceedings by investing in expanded Wi-Fi and Virtual Court Access Network sites.
- Invest in language access services.
- Invest in educational resources for judges, attorneys, and court-based professionals.

### **1. Legal Advice and Limited Representation**

Partners frequently mentioned Family Legal Care (FLC) as a promising model. FLC is an independent nonprofit organization that provides both legal advice and limited representation, as well as legal information and system navigation. FLC operates primarily in New York City (with both court-based and virtual services) but has recently expanded its capacity to serve other counties through its Digital Justice Initiative.

**The FJI recommends state investment to replicate the Family Legal Care model throughout the Unified Court System.**

### **2. System Navigation and Information**

Partners, particularly those with lived experience, frequently shared that the family court environment is unwelcoming and confusing. Designated court staff to greet litigants and help them navigate the process would make court users feel more welcome. These staff could also answer basic questions about how to navigate the building and provide information about general procedures and practices. The Office of Justice Initiatives is currently working with the 5th Judicial District to establish a district-wide Help Center, which will help unrepresented litigants prepare documents, navigate the court website, and access legal and social service programs available in their community.

**The FJI recommends investing in district-wide help centers in all Judicial Districts.**

### **3. Invest in Resource Coordination and Clinical Support**

Partners frequently mentioned the need for additional court staff to assess needs and connect litigants with community-based supports to address underlying challenges. Those with lived experience emphasized the challenges of accessing both voluntary and mandated services that would help resolve issues on all case types and reduce further system involvement. Examples of court models that include either a resource coordinator or a mental health professional were mentioned as potential solutions, bridging gaps between courts and community-based

services and ensuring that recommended and mandated services are tailored to the needs of individuals and families.

Resource coordinator roles do not require clinical mental health credentials but can help people navigate community-based services, which is a priority for partners to reduce system involvement and establish community-based supports for individuals and families. The Integrated Domestic Violence Court model includes the use of resource coordinators, but the position has been cut from many such courts outside of New York City.

Partners highlighted the importance of mental health professionals who can conduct needs assessments and tailor service recommendations based on relevant clinical expertise. Some models embed these professionals in court to conduct mental health evaluations and address clinical needs. Still, according to partners, some such programs lack the capacity to meet those needs once identified. Other models are external, including the interdisciplinary legal practices highlighted above.

**FJI recommends investing in additional resource coordinators and mental health professionals throughout the Unified Court System, starting by assessing needs and developing plans in the next phase of work.**

#### **4. Incorporate Peer Advocates throughout the System**

Partners frequently mentioned the need for parent advocates with lived expertise to support court-involved parents on child pro-

tection cases. Parent advocates have increasingly been incorporated into all aspects of the system, including interdisciplinary legal practices, child welfare and foster care agencies, and community-based organizations that serve parents. Advocates offer intensive support for court-involved families in crisis, provide insight to help navigate the process, locate, and advocate for helpful services, and provide support when children return from out-of-home care.

**Partners recommend embedding parent advocates throughout the child welfare process**, but highlighted models where advocates are independent of the court and child welfare systems. Examples include advocates in interdisciplinary legal practices, external court programs, and legal navigation programs. **Partners also recommend developing peer advocate models for juvenile delinquency cases**, which the FJI will explore in the next phase of the strategic planning process.

#### **5. Fully Fund Court-Based Children’s Centers**

Partners cited lack of childcare as a significant barrier for litigants—overwhelmingly women—to attending in-person court appearances and efficiently resolving their cases. Budget cuts due to the COVID-19 pandemic have led to this service being eliminated in many courthouses. **FJI recommends that funding be immediately restored to ensure that every courthouse has adequate staffing to meet the childcare needs of all court-involved parents.**



## 6. Expand Access to Remote Proceedings

Partners agreed that, since the pandemic, the benefits of virtual proceedings have become clear. Some case types and appearances are particularly conducive to a virtual format and can lessen childcare concerns, reduce the need to take time off from work to attend court, and enhance accessibility for individuals with disabilities. Virtual proceedings are also more likely to be scheduled for specific rather than general time frames, which reduces the likelihood that litigants will spend all morning or day waiting for their cases to be called.

Virtual appearances may promote safety for children and survivors in cases involving intimate partner violence by reducing time spent in physical proximity to those who have caused harm. Attending court virtually may also reduce anxiety and trauma experienced during in-person proceedings. Some jurisdictions have developed initiatives that permit remote filing of family offense petitions and virtual hearings on the initial temporary order of protection, which FJI partners recommend expanding. Virtual Court Access Network Sites (VCAN) have also been implemented to provide additional access for litigants to virtual appearances, yet they require additional locations and maintenance to serve the public appropriately.

Partners agreed that while there are some types of proceedings that are better adjudicated in person—such as trials where the court needs to assess the credibility of witnesses and navigate evidentiary matters—virtual access should continue with some improve-

ments. Recommendations include statewide protocols to improve access to virtual platforms and clear instructions for litigants.

Partners were also concerned with access to virtual proceedings for litigants without reliable cell phone or Wi-Fi service. Many litigants do not have smartphones, which makes it difficult to join virtual platforms or to communicate with their attorney during virtual proceedings. These issues not only impact meaningful access for litigants but also contribute to case delays.

**In addition to statewide protocols for virtual proceedings, the FJI recommends expanding the Virtual Court Access Network sites located in community facilities or in courthouses that provide access to remote proceedings, as well as investing in expanded public Wi-Fi access throughout the state.**

## 7. Increase Funding and Resources for Interpretation Services

More than 150 languages and dialects are spoken in New York State, and more than 30 percent of New Yorkers speak a language other than English at home.<sup>[10]</sup> The New York Courts provided language interpretation services in more than 100 languages and across 312,561 individual encounters.<sup>[11]</sup> The majority of encounters for people with limited English proficiency occurred through telephonic interpretation and bilingual staff. Spanish is the most requested language in the state for translation and interpretation services, while other requests include French, Russian, Creole, and a wide range of West African and Asian languages.

Courts have a clear mandate to provide quality interpretation for any litigant who “is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceeding.”<sup>[12]</sup> Yet partners consistently raised the challenge of adequate court-based interpretation services, which is not only a barrier to access but also contributes to case delays, most notably in Special Immigrant Juvenile Status (SIJS) proceedings. Other concerns included a lack of accurate interpretation, both in court-based programs and through Language Line. Due to increased migration in many communities, the number of available interpreters has not kept pace with the growing need for interpretation services in additional languages. There is also a limited availability of American Sign Language (ASL) interpreters. Furthermore, while ASL does not always represent the primary sign language of the individual seeking interpretation services, it is oftentimes the only one for which interpretation is available.

**FJI recommends exploring solutions to ensure adequate interpretation services in courthouses statewide in the next phase of work.**

## **8. Develop Education and Training Programs for Judges, Attorneys, and Court Staff**

Partners frequently raised the need for high-quality training for judges, attorneys, and court staff on topics such as trauma, procedural justice, bias, intimate partner violence dynamics, and child development to foster greater understanding of and responsiveness to the complex issues underlying court involvement.

**The FJI recommends further exploration of training topics, strategies, and coordination between the Child Welfare Court Improvement Project, the Judicial Institute, the Office of Justice Initiatives, and community-based providers to enhance training throughout the system in the next phase of the FJI.**

# III. Investment in Court and Community-Based Services to Increase Efficiency, Promote Safety, and Strengthen Families

*State investment in court- and community-based services can improve efficient court processes, promote safety and security for children, and strengthen families.*

## 1. Statewide Supervised Visitation Services

Prior to the launch of the Family Justice Initiative, several reports had already established the need for safe, affordable, accessible, and sustainable supervised visitation programs in every county.<sup>[13]</sup> Partners agreed on the need for and purposes of supervised visitation: to ensure safety of children when necessary and better inform decisions about parental access. Some of the primary reasons that might make supervised visitation necessary include a history of domestic violence, substance use, mental illness, or alleged/confirmed child abuse and neglect. Partners also emphasized that the lack of supervised visitation services is a significant barrier to reunification for parents and children and the efficient resolution of child protection and custody visitation cases.

Increasing the availability of these services was consistently raised in the FJI partner meetings. Partners also emphasized that these programs require compassionate professionals who have experience and

training in the dynamics of intimate partner violence, trauma-informed services, and equitable practices. Programs should include therapeutic one-on-one supervised visits, support groups, mental health referrals, on-site security, and interpretation services. Effective programs and services that support parent-child relationships and promote healing were also highlighted as essential to improving long-term outcomes for families.

Currently, there are 28 counties across New York State that do not have a supervised visitation program. Those that do exist are severely limited and have long waitlists. These programs are often cost-prohibitive for litigants and limited in terms of the number of visits. Access to these services may be further impacted by limited hours of operation, available languages, and transportation challenges.

While a select few agencies have received funding through the Office of Children and Family Services, the Office of Temporary and Disability Assistance, the Office of Violence Against Women, or private sources, more consistent funding is needed to stabilize the patchwork of temporary grants and local appropriations.

A bill to establish state-funded supervised visitation has been reintroduced in the 2025-2026 Legislative Session.<sup>[14]</sup> This

legislation would amend the Social Services Law to establish a supervised visitation program statewide administered by the Office of Children and Family Services, in consultation with the Office for the Prevention of Domestic Violence. However, the components of the bill can be adapted to whichever executive agency is tasked with implementing the program. The identified agency would be required to distribute state funds appropriated for this purpose, as well as any available federal funds, to county Departments of Social Services and to the Administration for Children’s Services in New York City. Localities would contract with nonprofit agencies to provide services. The bill also requires programs to provide affordable, culturally sensitive services with language access for non-English speakers.

**The FJI recommends state investment in supervised visitation to ensure the availability of services in every county.**

**2. Expansion of Alternative Dispute Resolution Services Statewide**

Partners frequently mentioned the need to expand Alternative Dispute Resolution (ADR) services, as they not only provide off-ramps from traditional litigation but also improve access to information and support for those navigating the court process. The Unified Court System is reviewing ADR plans generated by local courts and Judicial Districts to expand ADR programming throughout the State. These plans are currently pending approval and will be included in the next phase of the Initiative.

In the meantime, the FJI recommends an immediate plan to pilot an ADR program for child support matters, as has been

recommended in the UCS proposal that was presented to the Legislature in 2024 and is likely to be introduced in the 2025 session. As partners have pointed out, most cases in the court system involve child support and it is the only case type that does not provide a right to counsel, except on enforcement and parentage matters. There is a shortage of support magistrates to hear these cases, and each magistrate carries a caseload in the thousands. Despite publicity and outreach strategies, UCS struggled to attract candidates for the many open support magistrate positions this past year. The proposed budget supports the addition of a significant number of magistrates, but recruitment is likely to remain a challenge. These shortages result in extensive delays in adjudicating these cases. Without counsel, litigants are often unprepared, which compounds these delays. Proposed legislation would not only create an ADR program to resolve child support matters but would also provide navigation services. Through the Community Dispute Resolution Center program, a UCS program that contracts with community-based organizations, at least two counties in New York City and one county outside New York City will implement the pilot. If all parties consent, the court refers eligible families to the program, along with a preliminary child support order. Mediators will receive extensive training in child support and custody matters and in assessing whether a case is appropriate for ADR. At the completion of the process, families will either be referred to court to have the agreement approved or continue the proceeding if no agreement has been reached. Crucially, the program would also provide essential navigation services to guide participants through family court

procedures, employment or job training programs, preparation for court appearances, and the transmission of financial disclosures—an area of need repeatedly identified in child support matters.

**The FJI recommends expanding Alternative Dispute Resolution programming to include child support matters, as well as exploring solutions to the challenge of recruiting new support magistrates, in the next phase of the FJI.**

## IV. Youth Justice

*Statewide investments to expand supportive services to prevent system involvement for at-risk young people and promote public safety.*

### 1. Youth Justice Innovation Fund

Partners strongly emphasized strategies which both reduce the use of detention and increase public safety, including increasing the number and availability of community-based supports for young people that address the root causes that lead to arrest and prosecution. Raise the Age Legislation was passed in 2017 to steer young people away from the criminal justice system and promote connection to such supportive services.<sup>[15]</sup> The Legislature allocated \$300 million in 2018 and 2019 and \$250 million a year after that. However, there have been significant challenges to how localities are reimbursed from those funds—as well as other implementation challenges—and New York City is currently not eligible at all.

The FJI will continue to support efforts to address those challenges in the next phase of the strategic planning process but recommends an immediate legislative fix: passage of a bill to establish the Youth Justice Innovation Fund, which was reintroduced in the 2025-2026 legislative session to allocate \$50 million from Raise the Age funds to go directly to community-based organizations for supportive programs for young people.<sup>[16]</sup> New York State's Division of Criminal Justice Services would manage the fund and direct the investment to community-based organizations across the state for broadly defined intervention services. These services may include violence preven-

tion; alternatives to detention, placement, and incarceration; reentry education; and employment training for young people.

**The FJI recommends passage of the Bill to create the Youth Justice Innovation Fund to invest in community-based services that will reduce the use of detention and promote public safety, consistent with the priorities of FJI partners.**

### 2. Eliminate Property Tax Cap Exception to Accessing Raise the Age Reimbursements

As mentioned above, New York State allocates \$250 million for Raise the Age implementation annually. However, New York City and several other counties are carved out of that funding through a property tax cap exception, effectively preventing these counties from receiving any of that support.<sup>[17]</sup> Removing this exception would release some of those funds to affected counties to support programs in need of additional investment and would create opportunities for the creation of additional programming throughout the state.

**Therefore, the FJI recommends removing the property tax exception so that all New York State counties can fully access Raise the Age reimbursements to strengthen programming for youth.**

## V. Community-Based Services to Strengthen Families and Enhance Cross-Systems Collaboration

*Investing in community-based services and enhancing cross-systems collaboration can streamline services for children and caregivers, reduce pathways to family court, and strengthen families' overall well-being.*

### 1. Address Gaps in Services to Support Families and Prevent System Involvement

Community-based services for families are limited statewide due to gaps in funding and infrastructure. Partners consistently raised the need for more investment in community-based and community-led services to support families and address the underlying reasons for system involvement. The need for trauma-informed, culturally competent mental health and substance use interventions for young people and others experiencing family conflict was raised most frequently. Partners highlighted the need for investment in existing models with demonstrated efficacy, as well as funding streams to develop new types of supports. A Bill has been introduced in the Assembly for the 2025-2026 legislative session that would create the Child and Family Wellbeing Fund. This program aims to address gaps in services by distributing grants to community-based nonprofits that address the needs of children and families.<sup>[18]</sup>

**The FJI will continue to explore solutions to address these challenges in the next phase of the strategic planning process but makes**

**the immediate recommendation to support legislation currently pending in the Assembly to establish the Child Family Wellbeing Program and Fund.**

### 2. Enhance Court and Community Collaboration by Investing in the Council on Children and Families Hub Model

While partners identified gaps in services, they also highlighted the challenges of accessing programs and services that already exist. To streamline communication between systems and promote awareness of existing programs, partners suggested a comprehensive clearinghouse of county- and community-based services across New York State. The Council on Children and Families has created an information hub designed to inform caregivers of relevant programs and services throughout the state. While the Hub Model provides critical information to caregivers, practitioners have also articulated the need for access to an up-to-date hub of information regarding programs and services—including eligibility requirements and capacity—to support and connect families to resources in a meaningful and timely manner.

**The FJI recommends expanding the Council on Children and Families' Hub Model to provide this service for both caregivers and practitioners, in addition to facilitating timely information about the capacity and availability of resources.**

# Phase Two Planning

In the next phase of work, which will conclude in March 2026, the Initiative will convene working groups to support the implementation of the recommendations outlined above and pursue longer-term areas for improvement, some of which have been mentioned in this report.

The Center will begin by convening statewide working groups across various domains of family court, including:

- Child Welfare: Court and Community-Based Collaboration
- Juvenile Justice: Court and Community-Based Collaboration
- Intimate Partner Violence: Court and Community-Based Collaboration
- Child Support Initiatives
- Access to Justice: Family Court and Community Collaboration

The Initiative will be coordinating with existing committees to ensure our efforts are aligned with reform efforts already underway. It will also explore subcommittees and a working group structure for opportunities at the local level.

The Initiative's next phase will result in a final report and roadmap, including a comprehensive plan for meaningful reforms with a focus on sustainability and maximizing system-wide impact.



# Appendices

# Appendix A: Kickoff Meeting

## Interactive Poll Questions

- Drawing from the principles/values that guide your respective organizations and your own work, what is your vision for how our systems should support court involved individuals and families?
- What are some high-level goals or areas of focus for this project that will support this vision?

## Discussion Questions

- What do you think the goals/areas of focus should be for this project?
- What are some existing programs, practices, and/or policies ready to scale that support the shared vision?
- New ideas to pilot?

# Appendix B: List of External Partners

(May to October 2024)

- Brooklyn Defender Services
- The Bronx Defenders
- The Center for Alternative Sentencing and Employment Services (CASES)
- Center for Family Representation
- Chief Defenders Association of New York
- Child Welfare Court Improvement Project, Lived Experience Advisory Group
- Children’s Law Center
- Children’s Rights Inc.
- Council of Family and Child Caring Agencies
- Empire Justice Center
- Indian Child Welfare Act Roundtable for Central and Northern New York
- Jewish Child Care Association of New York
- Lawyers Committee Against Domestic Violence
- Lawyers for Children
- Legal Aid Society of New York City
- Legal Aid Society of Buffalo
- Legal Aid Society of Rochester
- Legal Aid Society of Rockland County
- Legal Aid Society of Suffolk County
- LGBTQ Commission of the New York State Courts
- Mayor’s Office to End Domestic and Gender-Based Violence, Voices Committee
- Neighborhood Defender Service
- New York Family Court Advisory and Rules Committee
- New York Family Court Non-Judicial Operations/Forms Working Group
- New York Gender Justice Task Force
- New York Adoptive and Foster Family Coalition
- New York City Administration for Children’s Services Youth Leadership Council
- New York City Bar Association Council on Children
- New York City Bar Association Committee on Children and the Law
- New York City Department of Probation
- New York City Family Court Agency Heads
- New York City Family Court Judges Association

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- New York City Law Department
- New York County Defender Services
- New York State Alternative Dispute Resolution Coordinators
- New York State Bar Association
- Committee on Children and the Law
- New York State Bar Association Committee on Families and the Law
- New York State Children's Alliance
- New York State Coalition Against Domestic Violence
- New York State Department of State
- New York State Division of Criminal Justice Services
- New York State Education Department
- New York State Executive Chamber
- New York State Family Court Judges Association
- New York State Office for Justice Initiatives
- New York State Office for People With Developmental Disabilities
- New York State Office for the Prevention of Domestic Violence
- New York State Office of Addiction Services and Supports
- New York State Office of Children and Family Services
- New York State Office of Indigent Legal Services
- New York State Office of Mental Health
- New York State Office of Temporary and Disability Assistance
- New York State Office of Victim Services
- New York State Permanent Judicial Commission on Justice for Children
- New York State Support Magistrates Association
- New York State Youth Justice Institute
- New York Statewide Advisory Committee on Counsel for Children
- Queens Defenders
- Raise the Age New York Coalition
- Rise
- Strong Starts Court Initiative Statewide Advisory Committee
- You Gotta Believe

# Appendix C: Standardized Discussion Questions

## Interactive Poll Questions

- How would you describe an effective family court system?
- Drawing from your work/lived experience/ vision of an effective family court system, what do you think the goals or areas of focus for this initiative should be?

## Discussion Questions

- Is there any person, service, or process you've found to be effective for people impacted by family court?/ Was there any person, service, or process you found helpful to you during the experience? How did they/it help you?
- What do you wish existed to better serve people impacted by family court?/ Knowing what you know now, what support do you wish you had or what do you wish had been different about the process?

## Endnotes

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- [3] N.Y. State Financial Law § 98-B (2003).; N.Y. County Law Article 18-B (1965).
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- [5] *Hurrell-Harring v. State of NY*, 15 N.Y.3d 8 (2010).
- [6] Child Welfare Court Improvement Project, *Child Welfare Court Data Metrics*, (2016), <https://ww2.nycourts.gov/sites/default/files/document/files/2018-10/2016CWCIPDataMetrics-NYState.pdf>.
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- [10] *Ensuring Language Access: A Strategic Plan for the New York State Courts*, New York State Unified Court System, (March 2017).
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- [13] *Report from The Working Group on the Future of Supervised Visitation in New York State*, (July 2023), <https://www.nycourts.gov/LegacyPDFS/ip/nya2j/SV-Working-Group-Report-July-2023.pdf>.
- [14] 2025 NY Assembly A65
- [15] 2017 NY Senate-Assembly Bill S2009-C, A3009-C
- [16] 2025 NY Senate S643
- [17] 2017 NY Senate-Assembly Bill S2009-C, A3009-C
- [18] 2025 NY Assembly A63



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