

Appendix C -1

Overlap Study Between the Supreme Court, Criminal Court and Family Court in Brooklyn - January 2002

Purpose

1. Determine the number of overlapping cases between the Supreme Court (matrimonial cases) and Family Court in Brooklyn. Determine the number of overlapping cases between the Criminal Court (domestic violence cases) and Family Court in Brooklyn.

Methodology

2. Matrimonial Case Sample

Use all matrimonial cases filed in Kings County Supreme Court during January 2001. This sample of 477 cases represents 8% of the 5,643 annual matrimonial filings in Kings.

Domestic Violence Case Sample

Use 130 (8%) cases randomly selected from the 1,628 domestic violence cases currently pending in the Brooklyn Criminal Court.

3. Produce worksheets with one matrimonial or domestic violence case per page.
4. Family court staff checks plaintiff (or complainant) and defendant names against all cases filed between 1999 and the present in the Family Court's automated system (AFCRIS).
5. For a case to be considered overlapping, names on the Matrimonial or Domestic Violence case must match names in an original case or cases in the Family Court system. Matched Family Court cases are indicated on the worksheet.

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Results

Matrimonial/Family Overlap

The sample of 477 matrimonial cases matched to 173 original Family court cases. This is an average of .363 original Family Court cases for every matrimonial case. The statewide estimate is:

64,507	Annual Matrimonial Filings ¹
<u>x .363</u>	Original Family Court cases per matrimonial case

23,416	Original Family Court cases overlapping with matrimonial cases
<u>x .92</u>	Supplemental Proportion ²
<u>21,543</u>	

Family Court cases overlapping with Supreme Court matrimonial cases: 23,416 + 21,543 = 44,959

Domestic Violence/Family Court Overlap

The sample of 130 domestic violence cases matched to 122 original Family court cases. This is an average of .938 original Family Court cases for every domestic violence case. The statewide estimate is:

44,766	Annual Domestic Violence Filings ³
<u>x .938</u>	Original Family Court cases per DV case

¹ The average number of matrimonial cases filed in the Supreme Courts statewide during the twelve year period of 1990-2001 was 64,507. (Source: UCS Caseload Activity Reporting System)

² A Supplemental petition is filed in Family Court when there is a violation or modification of the original petition order. There are .92 supplemental petitions for each original Family Court petition. During calendar year 2000 there were 359,301 original petitions filed and 332,188 (.92) supplemental petitions filed in the Family Court statewide. Source: UCS Caseload Activity Reporting System, Report of Caseload Activity by Type of Proceeding.

³ During 2001, the actual number of domestic violence cases filed in the New York City Criminal Court was 24,239. The number of domestic violence cases filed in the City and District Courts outside New York City is estimated to be 20,527. This estimate is derived using the ratio of 0.825 domestic violence cases for each of the 24,881 orders of protection issued during 2001. The 0.825 ratio is an average of the actual ratio of the number of orders of protection to the number of domestic violence cases in the NYC Criminal Court (24,239/30,571 = 0.79) and ratio of orders of protection to the number of family offense filings in 2000 in the Family Courts statewide (57,051/66,148 = 0.86).

41,990

x .92

38,631

Original Family Court cases overlapping with Domestic Violence cases
Supplemental Proportion

Family Court Overlapping with Domestic Violence cases: $41,990 + 38,631 = 80,621$

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Total Number of Overlapping Cases

44,959	Mat/Family Overlap
+	
80,621	Criminal Court DV/Family Court Overlap

125,580	

Filings and Nonjudicial FTE Offset

80,814	Net Family Court Case reduction (Family case overlaps 125,580 -44,766 DV lower criminal cases transferred to new Supreme Court)
229	NJ FTE Offset (net family court case reduction 80,814/353 Filings Ratio to NJ position FTE) ¹
44,766	Lower Criminal Court Case reduction (DV criminal cases transferred to new Supreme Court)
86	NJ FTE Offset (lower criminal case reduction 44,766/518 Filings Ratio to NJ position FTE) ²
315	Total NJ FTE Offset (Family Court NJ FTE Offset: 229 plus lower criminal case NJ FTE offset:86)

¹691,489 Family Court calendar year 2000 filings/1,960.5 nonjudicial Family Court FTE's = 353 Family Court filings per NJ FTE Assigned: Source OCA Division of Financial Management Resource Comparison Report, July, 2001. For each year, the Family Court FTE offset is multiplied by the average salary in computing the potential nonjudicial position savings from unifying related cases. An average salary of \$55,096 was used in year one, incremented by 3% each year for projected salary increases. The calculation also includes fringe benefits at 30% of salary.

²669,187 Net City and District Court criminal calendar year 2000 filings/1,291.2 nonjudicial City and District Court criminal case only FTE's = 518 City and District Court criminal filings per NJ FTE Assigned: Source OCA Division of Financial Management Resource Comparison Report, July, 2001. For each year, the lower criminal courts FTE offset is multiplied by the average salary in computing the potential nonjudicial position savings from unifying related cases. An average salary of \$53,973 was used in year one, incremented by 3% each year for projected salary increases. The calculation also includes fringe benefits at 30% of salary.