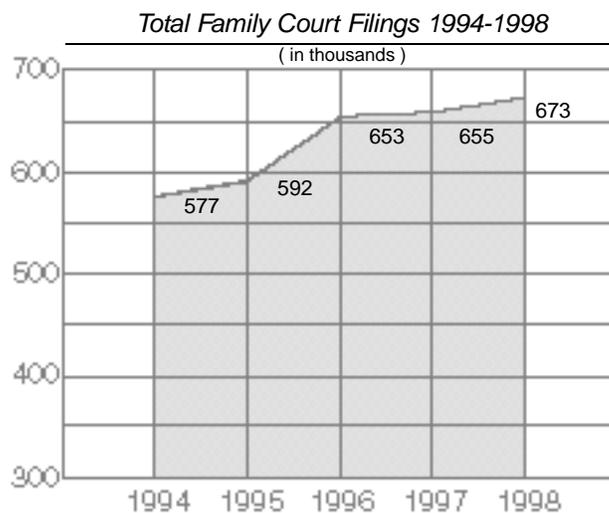


FAMILY JUSTICE

In family law cases, State courts are called to decide some of the most fundamental issues determined by any governmental actor in our society. Who should have custody of this child now that the parents are separated? How best to protect this battered spouse or abused child? Has the paternity of this child been established? Should this parent's rights be terminated due to persistent neglect?

Last year, over 673,000 cases involving such issues were filed in New York's Family Courts—yet another all-time high, a 17 percent increase over the past four years. Contested matrimonial filings—heard in the State's Supreme Courts—also set new records.

In 1998, the court system entered the second year of its Family Justice Program, a concerted effort to enhance the effectiveness of the courts that deal with family law issues. Highlights of the major 1998 initiatives follow.



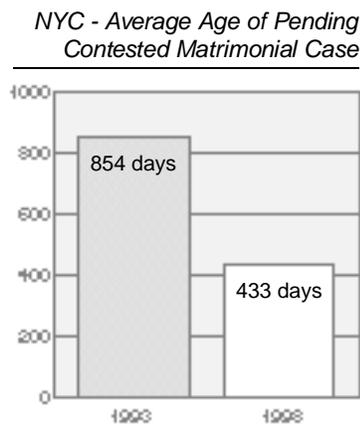
Reforming Matrimonial Litigation

Getting a divorce will never be a pleasant experience, but the New York State courts are committed to ensuring that their handling of these matters protects the best interests of children, minimizes the parties' emotional trauma, and reduces the drain on family resources for the benefit of all concerned.

In 1993, the Unified Court System introduced new rules designed to speed the disposition of matrimonial cases and

thereby reduce the costs—emotional and financial—associated with this type of litigation. These rules have made a dramatic difference in the divorce process. Five years ago in New York City, for example, the average age of a pending matrimonial matter was 854 days. Today it is 433 days—a reduction of nearly 50 percent. And while the number of contested matrimonial cases filed has grown by 12 percent during this period, the number of pending divorce cases has actually dropped 57 percent. Outside the City, where filings of contested divorces have increased 20 percent, the number of pending matrimonial matters has dropped by 12 percent, and the average age of these cases has declined as well.

Contested matrimonial matters represent only one-quarter of New York’s divorce docket—but these are the cases that are the most fraught with acrimony and destructive gamesmanship. The court system has thus begun taking additional measures to shift the emphasis from winning and losing to early and humane resolution, encouraging couples to take a less adversarial approach and put the welfare of their children first.



Matrimonial Screening Parts are one innovation that can promote mutually acceptable settlements. Originally implemented in Erie, Monroe and Ulster Counties and soon to be replicated around the State, these Parts allow couples to avoid costly litigation by working out their differences during early court conferences. Other programs planned to assist families engaged in support, custody and visitation disputes include the use of court-based social workers with expertise in divorce and family law and Neutral Evaluation Programs, where volunteer lawyers with family law backgrounds help parties realistically evaluate the merits of their case for the purpose of settlement discussions.

Mandatory parental education classes can help parents who are breaking up communicate more effectively with each other during and after the separation, making divorce less of an emotional roller coaster, especially for the children. Judges in several counties in New York already require parents to attend

such classes, and expansion of the use of such programs is planned in the coming year.

Under the current structure of the State courts, various aspects of divorce cases, such as custody, support and family violence issues, may now be parceled out to as many as three different tribunals—Supreme Court, Family Court and County (or New York City Criminal) Court. The courts' restructuring proposal would eliminate many of these anomalies. In the meantime, however, the Fourth Judicial District (comprised of 11 counties in the northeastern part of the State) has commenced a pilot program in which Acting Supreme Court Justices handle all aspects of their divorce caseload, reducing delays and frustration for all parties. A similar pilot will soon be implemented in Manhattan and Brooklyn.

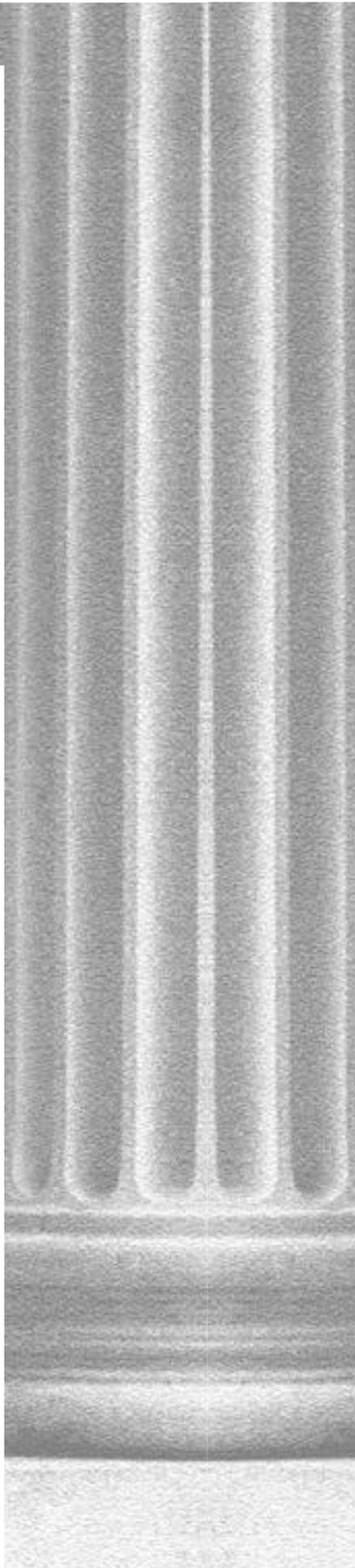
The New York Unified Court System will also propose during the current legislative session two new legislative initiatives to reduce litigation costs and delays: mandatory disclosure of key documents such as tax returns and bank statements within 45 days of the commencement of a divorce case and an immediate freeze of the marital status quo to reduce gamesmanship over real estate, personal property, bank accounts, insurance policies and the like. The courts have also drafted new rules that would require law guardians and mental health professionals to undergo special training and certification before appointment by the court.

New York City Family Court Specialized Divisions

When dealing with cases concerning children, time is always of the essence. Children grow and change according to their own sense of time, not the calendars of a busy urban court. To serve these children well, courts must render justice that is both certain and swift.

In recent years, the growing caseload of the New York City Family Court has made it increasingly difficult to fulfill this crucial goal. With twenty different case types—many typically involving multiple parties and collateral social service agencies—adjournments and delays were common, with the result that many children's lives remained in legal limbo for extended periods of time.

In 1998, court administration officials announced a major reform plan designed to minimize delays and enhance



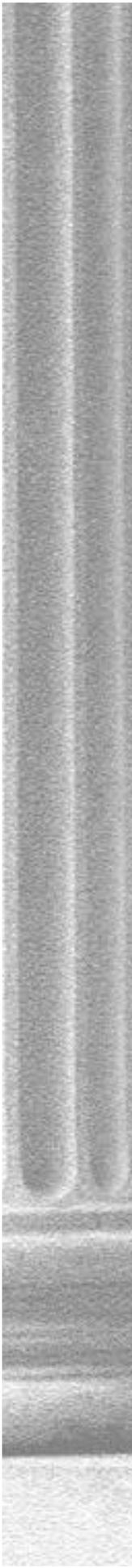
coordination among the numerous supporting agencies upon whom the court relies to do its job. Rather than continue the system of distributing all types of cases among all the judges of the court, four new function-based divisions were created: a Child Protective and Permanency Planning Division; a Juvenile Delinquency and Persons in Need of Supervision (“PINS”) Division; a Domestic Violence and Custody Division; and a Support and Paternity Division. Implementation of the new structure began in the Bronx and Manhattan this past Spring and continued in Brooklyn this past Fall. Preliminary reports indicate that the new structure has reduced scheduling conflicts and allows for greater attention to systemic issues occurring in specific case types. Planning for implementation in the Queens County Family Court is continuing.

Other initiatives that proved successful in 1998 included the Queens County Family Court “Satellite Office” in Long Island City that allows those residing in nearby communities to commence family offense, paternity, support and custody and visitation proceedings without the need to travel to the main courthouse in Jamaica. With computer-video technology, a litigant can appear before a judge when seeking an order of protection and receive the order on site. In 1998, 2,400 cases were filed with the Satellite Office.

A survey of litigants using the Kings County Family Court “Night Court” completed last year showed a very high degree of satisfaction with that program: over 90 percent indicated they preferred evening hours and reported that having night hours had better enabled them to proceed with their court case. Over 83 percent of those responding to the survey indicated that attending court during the day was a hardship for them, with 74 percent of these citing conflicts with work schedules as the source of hardship.

Family Treatment Courts

Child neglect cases that involve substance-abusing parents present a particular challenge for the child welfare system. On the one hand, the parents’ recovery process often requires time and extensive treatment services. On the other hand, the children’s best interests require safe, stable and permanent homes within a reasonable time frame. This challenge is formidable: in some counties, parental substance abuse is an issue in three-quarters of their child neglect caseload. Family Treatment



Courts represent the Unified Court System's effort to develop new court structures that can improve outcomes for the children of families affected by serious substance abuse.

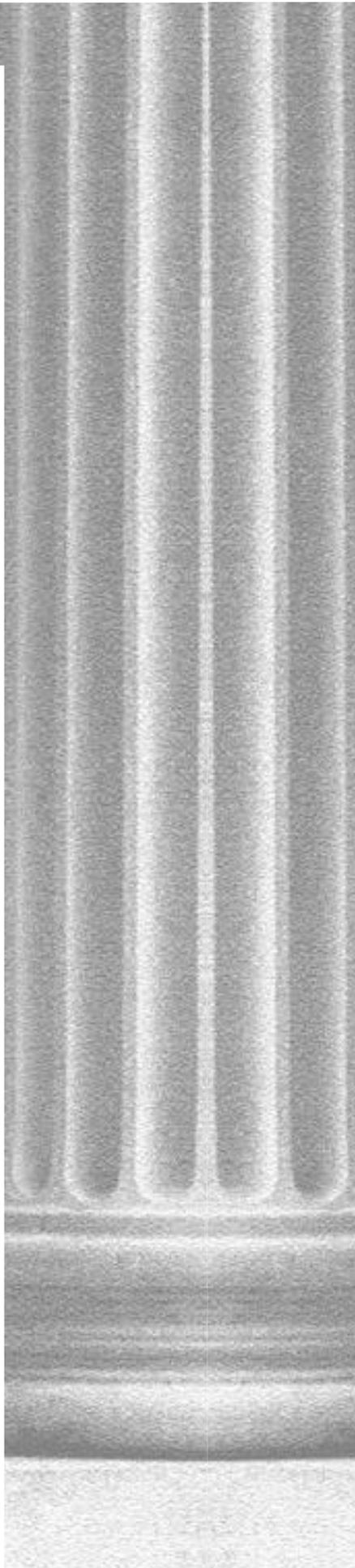
New York launched its first Family Treatment Court in Suffolk County in December 1997, and opened a second such court in New York County in March of 1998. Patterned on the criminal courts' successful drug treatment model, the Family Treatment Courts work in partnership with local child protective agencies and community-based service providers to achieve new levels of cooperation and communication within the child welfare system. Using a dedicated judge and specially assigned clinical staff, the Treatment Courts link addicted parents to appropriate substance abuse treatment, rigorously monitor compliance and respond to progress and/or problems in treatment through graduated sanctions and rewards. By ensuring that all parties have accurate and timely information concerning the parents' condition, the Treatment Courts promote informed decision-making and more expeditious permanency planning for the children involved.

Over 120 respondents have now participated in these two courts. The Suffolk County program, which began by serving only one social service district, has recently expanded its operations to include families throughout the County.

New York City Family Court Adoption Case Management Plan

In April 1997, the New York City Family Court launched "Adoption 1700," an ambitious initiative to finalize 1,700 adoption petitions for children in foster care during a three-month period. With an intensive commitment of court resources and increased coordination with child welfare officials, Adoption 1700 more than met its goal. Indeed, by July of 1997, the name of the project was changed to "Adoption 2100"—reflecting that 2,100 petitions had been finalized, more than two and a half times the number resolved in the comparable time period the year before.

Drawing upon the lessons learned from Adoption 2100, in 1998 the New York City Family Court implemented an automated "Agency Adoption Case Management System" to permanently streamline the processing of these vital matters. Key features of the system include prompt clerical review of all newly submitted petitions (with speedy return of incomplete submissions accompanied by a letter specifying missing reports or other deficien-



cies); use of court attorney referees and judicial hearing officers to supplement judicial resources; and rigorous monitoring of case status until finalization. An Agency Adoption Workgroup—composed of court and child welfare officials—meets monthly to identify and resolve any systemic problems.

The new procedures are speeding this crucial stage of the permanency process for New York City’s foster children—and speeding it during a time of dramatically increased adoption caseloads. In 1996, for example, the New York City Family Court finalized 2,454 agency adoptions and the average time from filing to finalization was eight and a half months. In 1998, the Court completed 3,407 adoptions—a 39 percent increase—while the average processing time was just 102 days—a 60 percent decline. A major factor was the decline in the submission of incomplete petitions, which formerly delayed judicial consideration of adoption applications.

It is anticipated that the federal Adoption and Safe Families Act will lead to even greater growth in the adoption caseload in coming years. The New York City Family Court is committed to meeting the challenges of this new law and to helping New York City’s foster children achieve permanency in a timely fashion.

Expedited Child Support Case Processing

Child support is an essential tool for lifting many one-parent homes out of poverty. The sooner an appropriate order can be entered and enforced, the sooner families can move toward self-sufficiency and enjoy a higher standard of living. Speedy resolution of child support cases is thus good for children—and good for the community at large.

This past year, the Unified Court System began working with the New York State Office of Child Support Enforcement (“OCSE”) to develop a streamlined system for the processing of child support matters. In the past, delays in the gathering of information concerning the parents’ whereabouts or resources delayed the courts’ ability to render an appropriate order. But under recent legislation giving OCSE access to a number of databases—including those of the Department of Taxation and Finance and the Department of Labor—OCSE can now include that information in the petition filed in the first instance.

Under procedures jointly established by OCSE and the courts, in those cases where paternity is not an issue, child support administrators will prepare a proposed order that reflects the

application of the statutory child support guidelines to the parents' income. The respondent may consent to the proposed order by mail, in which case the order will be entered immediately without any need for a court appearance. In all other cases, a court hearing will be held and a temporary or final order entered within 35 days.

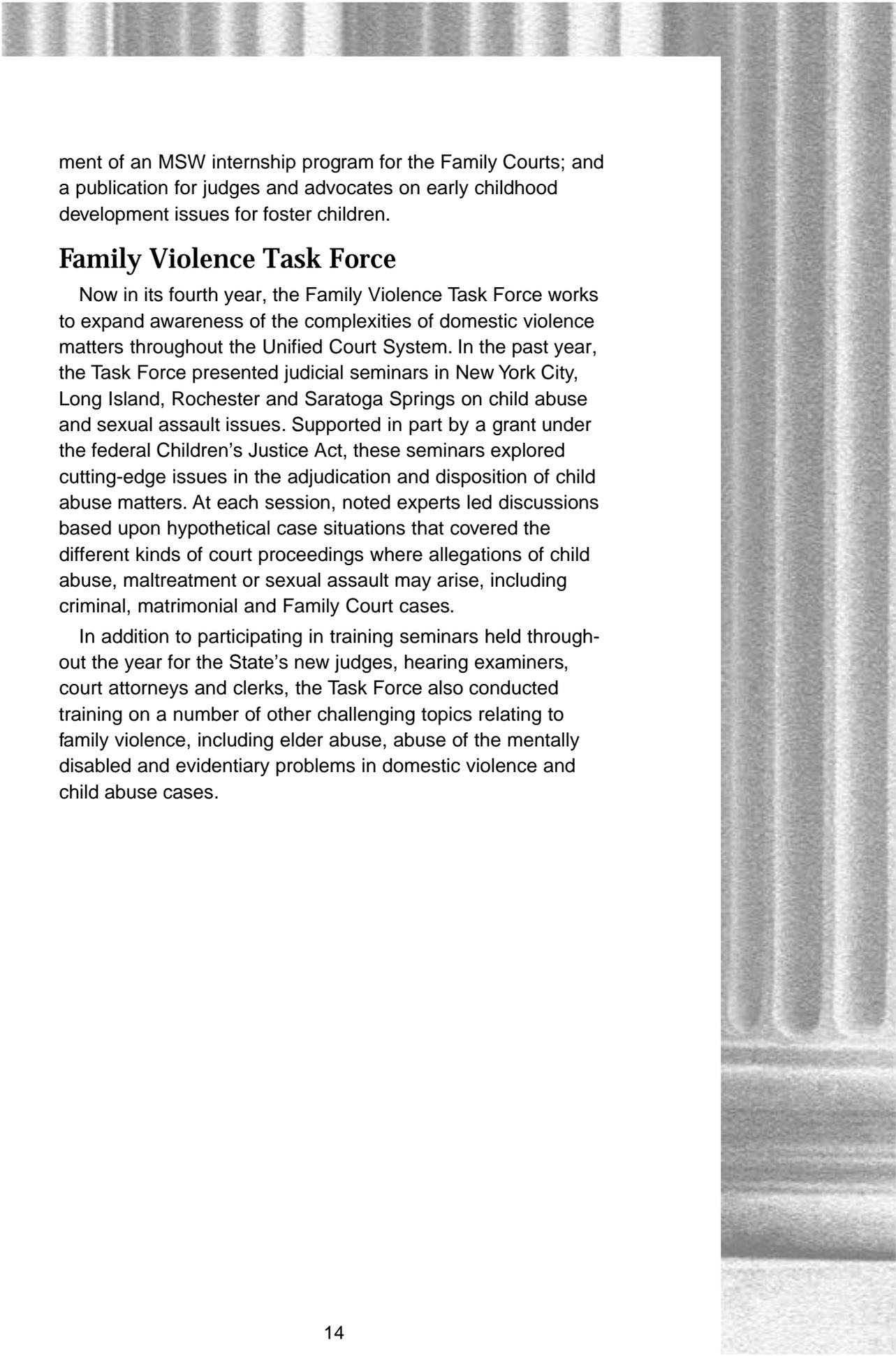
The Permanent Judicial Commission on Justice for Children

For the past eight years, the Permanent Judicial Commission on Justice for Children has worked on issues pertaining to children in New York's courts. Major projects have included legislative reform to improve the delivery of early intervention services for developmentally disabled infants and toddlers as well as the development of a Statewide system of child care centers for litigants. Last year, the Commission opened seven new Children's Centers, making a total of 22 sites across the State where children can receive quality care while their caretakers are in court. Five of these Centers also work jointly with local Head Start programs to offer on-site enrollment in Head Start and other health, early care and nutrition services.

In 1998, the Commission convened a forum on Judicial Leadership in Child Welfare for Family Court judges across the State. Held in connection with the State Court Improvement Project ("CIP"), a federally funded program to assess and improve the handling of foster care, termination of parental rights and adoption proceedings, the forum featured workshops on innovative approaches to child welfare cases led by leaders of nationally recognized benchmark courts.

The Commission also launched two pilot projects as part of its CIP efforts. The first pilot, based in Erie County Family Court, is initially focusing on expediting adoption matters, with a Spring into Permanency initiative scheduled for later this year. A second pilot in New York County Family Court creates an Expedited Permanency Part that uses both pre-trial and post-dispositional case conferencing to expedite case processing, promote early provision of needed services and monitor compliance with court orders. Both projects have recently been designated Model Courts by the National Council of Juvenile and Family Court Judges.

Other ongoing Commission projects include: training of CASA directors and volunteers on early childhood issues; develop-



ment of an MSW internship program for the Family Courts; and a publication for judges and advocates on early childhood development issues for foster children.

Family Violence Task Force

Now in its fourth year, the Family Violence Task Force works to expand awareness of the complexities of domestic violence matters throughout the Unified Court System. In the past year, the Task Force presented judicial seminars in New York City, Long Island, Rochester and Saratoga Springs on child abuse and sexual assault issues. Supported in part by a grant under the federal Children's Justice Act, these seminars explored cutting-edge issues in the adjudication and disposition of child abuse matters. At each session, noted experts led discussions based upon hypothetical case situations that covered the different kinds of court proceedings where allegations of child abuse, maltreatment or sexual assault may arise, including criminal, matrimonial and Family Court cases.

In addition to participating in training seminars held throughout the year for the State's new judges, hearing examiners, court attorneys and clerks, the Task Force also conducted training on a number of other challenging topics relating to family violence, including elder abuse, abuse of the mentally disabled and evidentiary problems in domestic violence and child abuse cases.