



January 6, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, New York 12224

RE: Proposal for New York Child Support Reform

Dear Governor Hochul:

The undersigned organizations in New York State provide legal information, advice, and representation to parents with child support needs in the New York Family Courts. We believe that the child support system urgently needs reform. The COVID-19 pandemic exposed challenges in Family Court operations that have long existed and their impact on families, especially those living in poverty and with the greatest need for child support, hastening the need for civil justice innovation in New York. It is in this spirit that we offer support for the development and resourcing of an expedited settlement conference process in the Family Courts for parents seeking agreement on child support (with the key elements described on the attached previously provided document).

Child support is critically important to families. Child support affects 16 million children in the U.S. and, for the lowest income households, support from another parent living separately can comprise more than 57% of income. The link between child support and childhood poverty is fundamental: at its inception in 1975, the federal child support program's central goal was keeping families in need off public assistance. Thus, a well-functioning child support system plays a key role in determining economic stability for single parents and children experiencing poverty.

Yet the system in New York that delivers this critical support desperately needs reform. Almost all child support in New York is determined in the courts, and the courts are flooded with cases. In 2019 alone, there were almost 200,000 filings for child support in the New York Family and Supreme/Integrated Domestic Violence Courts, representing more than one-third of all family law petitions filed in the state. The courts are uniquely equipped to handle disputed or complex matters. But the current judicial system is one-size-fits-all, so that both complicated and straightforward cases proceed through the same courthouse doors. With no right to counsel in child support cases, more than 90% of parents navigate an overly complex system without an attorney. Before the COVID-19 pandemic, families would spend months, even years, litigating cases – even straightforward ones – in the Family Courts. With missed days of work and extra childcare expenses – often for court appearances that are too brief to address key issues – the human cost is substantial. The operational challenges in the Family Courts and their impact on families – especially the predominantly low-income litigants of color in these courts – came to light when the courts shut down in the pandemic and, in some jurisdictions, have been slow to reopen fully for child support cases. There is now a huge backlog of cases with no publicized plan to address it. Innovative justice solutions like the proposal to create an



expedited settlement conference process would go a long way in addressing the need for overall Family Court reform to benefit parents and the system alike.

Innovation will increase efficiency and deliver justice to families. Our organizations are committed to providing legal representation where it is most needed – for example, to parents who must utilize legal discovery mechanisms to determine income available for child support or to families with multiple cases pending simultaneously such as child support and custody or orders of protection. In those cases, our clients need more time before support magistrates during court appearances, with shorter adjournments between court dates – which we know to be a longstanding [problem](#) – so that affordable child support orders can be established and support can be delivered to children more quickly. We strongly believe that if straightforward cases between parents who want to reach agreement on support are resolved through an expedited process, the courts will be able to dedicate urgently needed time and resources to complicated child support cases. The proposed solution will critically provide more [resources](#) to the Family Courts and will benefit all families in the child support system. And we believe an expedited process for agreeing parents – *with* accountability measures for the Office of Court Administration around the effectiveness and impact of a conference option – would help ensure that the courts are achieving their mission to deliver Family Court justice fairly and expeditiously while protecting the due process rights of litigants.

For all the above reasons, we urge you to make this innovative approach to civil justice system reform a priority and we thank you for your support for children and families in New York.

Sincerely,

Her Justice
Access Justice Brooklyn
Day One
Family Legal Care
Northern Manhattan Improvement Corporation (NMIC)
Rockland Immigration Coalition
Safe Horizon
Urban Justice Center, Domestic Violence Project

Cc:

Senator Roxanne J. Persaud
Assembly Member Karines Reyes