



New York State Defenders Association, Inc.

Public Defense Backup Center

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New York State Defenders Association Family Public Defense Project (FPDP) Findings Report based on the Family Court Public Defense Convening (October 3, 2019) and 2020 Statewide Survey

The New York State Defenders Association (NYSDA) sponsored a one-day Family Court Public Defense Convening on October 3, 2019, **made possible by a grant from the New York Bar Foundation**. The significance of this gathering cannot be overstated; it provided a rare opportunity for upstate and downstate providers alike to discuss the condition of mandated family court representation in New York State and share their concerns, frustrations, and ideas for change.

It also provided an opportunity to discuss, with NYSDA Executive Director Susan Bryant and Family Court Staff Attorney Kimberly Bode, what additional resources NYSDA could provide to assist defenders in providing outstanding representation to their clients. NYSDA Board member, and former CEO of the Hiscock Legal Aid Society, Susan Horn, facilitated the Convening.

NYSDA is a not-for profit membership association made up of more than 1,600 public defenders, legal aid attorneys, assigned counsel, and individuals dedicated to the right to counsel for criminal defendants and family court litigants who are constitutionally and statutorily entitled to legal representation. With funds provided by the State of New York, NYSDA operates the Public Defense Backup Center (the Backup Center), which offers legal consultation, research, training, and other assistance to the approximately 6,000 attorneys who provide public defense representation across the state.

Approximately 30 family court defenders and Chief Defenders from public defense offices and assigned counsel plans around the state came together in Albany, an easily accessible location from all areas of the state, for the Convening. To make it easier for defenders from less-resourced offices to attend, NYSDA offered travel subsidies. The varied group of defenders that met raised a multitude of concerns, including systemic racism; judicial bias against public defenders and their clients; lack of interpreter services; feelings of stress and trauma inflicted by a system that is perceived to be unfairly skewed against their clients; a lack of attorney and support staff training; and a lack of staff.

Creating and Distributing the Survey

While wide-ranging, the issues raised at the Convening could not be guaranteed to reflect all the concerns of family defenders, so NYSDA distributed a post-convening survey to see if the concerns raised by the attendees were the same or similar to those of other family court defenders in the state.

To ensure the largest distribution to as many family court defenders as possible, we created and emailed the survey, using the web tool Survey Monkey, to all who had attended the Convening, as well as the heads of assigned counsel panels and institutional provider offices. We also asked all those defenders to forward the survey to their colleagues. The survey was open from February 25, 2020 to March 25, 2020.

The 46-question survey was divided into 4 sections: 1) defender resources and scope of representation, both for institutional providers and assigned counsel panels; 2) county resources; 3) Administration for Children's Services (ACS)/Child Protective Services (CPS) policies and procedures; and 4) court policies and procedures.

The first section sought to ascertain the types of mandated representation, under Family Court Act (FCA) 262, the individual defender offices or agencies were providing, and whether they have the resources available to handle those cases. We felt it important to draw a distinction between those employed by institutional providers and those from assigned counsel panels because of the unique challenges faced by these two separate programs, mostly based on their different funding streams.

The second section focused on the resources that the individual counties are able to provide parents who are involved with the child welfare and/or family court system.

The third section sought to determine the role that ACS/CPS agencies play in child welfare cases, and what the perception is of those agencies. Are they trying to keep families together by providing services, or are they only doing the bare minimum and in the process keeping families apart, contrary to their mandate?

The fourth section sought to gather information about the role of the judiciary, including whether the courts are providing the necessary resources to clients and attorneys in an effort to ensure that justice happens for all litigants and not just a select few, or are they contributing to the problem of systemic bias (or dysfunction) that is often attributed to the family court system?

One hundred and one (101) family court defenders, from 42 counties across New York State, responded to this survey.¹ The respondents were anonymous, as were their answers. The only identifying information was their county of employment, position at their organization, and length of employment. All of the respondents reported being attorneys: 39 staff attorneys at an institutional provider; 36 members of an assigned counsel panel; 12 directors of institutional providers; 8 supervisors at institutional providers; 2 administrators of assigned counsel panels; 2 assistant public defenders; and 2 attorneys who identified

¹ Note: Not all the questions were designed for everyone to answer. Some questions were specifically directed towards institutional providers, while others towards assigned panel members. Not all respondents answered all relevant questions.

themselves as private attorneys. The survey questions and responses, excluding county-specific information and comments, appear at Appendix A.

The Survey Results

Disparity in Resources between Criminal and Family Defense

The survey and the preceding Convening saw one overarching theme: the pervasive lack of resources in the family defense community and the disparity between criminal and family defense resources. In 2007, a group of plaintiffs brought a class action lawsuit against the State of New York, alleging systemic deficiencies in the delivery of public defense representation in criminal cases, in violation of the United States and New York State constitutions. The plaintiffs were from five counties around the state. *Hurrell-Harring v State of New York*, 15 NY3d 8 (2010). In 2015, the parties settled the case and, in 2017, the State enacted legislation that extended the terms of the settlement to the rest of the state.² Pursuant to the settlement and the subsequent “statewide expansion,” the State agreed to provide to counties and their defender programs substantial funding to improve public criminal defense representation; the State has not provided similar resources for family court public defense.³

We asked survey respondents, “do you think that the resources available for criminal and family court representation are equivalent based on the workload of each department?” The results were startling and stark, 70.31 percent of the respondents answered that question in the negative. They do not believe that the family court defenders are provided with equivalent resources. One defender who practices in the Capital District commented that, “Family court has a much heavier workload and far fewer resources.” Another defender commented that, “We are a *Hurrell-Harring* county so the resources available to the criminal practitioners far outweighs those available to the family court practitioners; there is no comparison.” The disparity is not only seen in upstate offices. One defender from a county in New York City said, “[c]riminal attorneys have dedicated investigators – which we also need in family defense. I think resources often go to criminal attorneys first, and family defense does not get the focus or attention it requires institutionally.”

We then asked defenders to identify in order of priority what their organization needed to improve quality representation to clients. More funding to hire additional attorneys was listed as the first priority by 24 respondents, with more funding for higher salaries being listed as the number one priority by 23 respondents. This is not surprising, considering that nearly 60 percent of those employed by an institutional provider reported that their office has three (3) or fewer full-time family court attorneys. More than 30 percent reported having between 0-1 full-time family court attorneys. The numbers become even more dismal when

² More information about the *Hurrell-Harring v State of New York* suit is available at <https://www.ils.ny.gov/content/hurrell-harring-lawsuit>. The suit was filed a year after the Commission on the Future of Indigent Defense Services issued its Final Report to the Chief Judge of the State of New York. Unfortunately, the Commission’s mandate did not include an examination of the family defense system. More information about the Commission is available at <https://www.nycourts.gov/ip/indigentdefense-commission/index.shtml>.

³ The Chief Judge established the Commission on Parental Legal Representation in 2018. In its February 2019 Interim Report, the Commission made several recommendations regarding State funding, oversight, and infrastructure for family defense. <https://www.nycourts.gov/ip/Parental-Legal-Rep/>.

defenders were asked about the number of support staff⁴ their organization employed. Sixty-four (64) percent of respondents reported having no investigator on staff for family court; 72 percent reported having no social workers on staff; and 93 percent reported having no parent advocate.

One supervisor of an organization that handles family court mandated representation, and does not have any investigators, social workers, or parent advocates, reported that the NYS Office of Indigent Legal Services (ILS), the oversight agency tasked with “assisting counties to provide legal representation for persons unable to afford it,” suggested they reach out to local colleges with social worker programs to inquire if any might be available to assist with cases.

The survey results indicate there is a disparity in support staff between the New York City (NYC) providers and non-NYC providers. As evidence of this, respondents from five upstate county defender offices reported having no support staff for family court, whereas a respondent from a NYC provider reported having five social workers and three parent advocates on staff. However, even in the better-resourced NYC defender offices, it is worth noting that disparity still exists between the family and criminal court sides. One staff member of an institutional provider in NYC reported having no investigators, even though “the criminal team has investigators, and their cases are often not as long or have as much work involved.”

Need for More, Relevant Training

Another area of need identified by the survey, which seems to permeate throughout the state, is the need for more training for attorneys and support staff. When asked if they were satisfied with the amount, scope, and quality of training that their organization provides, 24 of 67 defenders responded no. One attorney from an institutional provider in a county in the Mid-Hudson region stated, “I provide my own training at my own expense.” A staff attorney from a NYC office stated, “Basically zero training on termination of parental rights. Minimal continuing training.” Another staff attorney from NYC stated, “Due to high caseloads, it’s hard to take time to run trainings.” Thirty-seven (37) of 64 institutional providers who responded reported that their office does not provide in-house training. Fifty-three (53) of 59 people reported that their organization provides no formal training for support staff.

As part of the survey, assigned counsel members were asked about the level of training their panels provide. Twenty-eight (28) out of 51 respondents reported that their panels do not offer local training for family court members. Nineteen (19) respondents reported that their panels do not pay or reimburse for any part of the cost of external trainings. One assigned counsel member who practices in Central New York commented that their panel “sometimes covers registration when the program is mandated to stay on the panel.” It is worth noting that the need for more training is not necessarily associated with the need for Continuing Legal Education (CLE) credit. During the Convening, several defenders requested copies of recordings of prior NYSDA trainings, even though CLE credit could not be offered for recorded programs.

Given the need for training expressed during the Convening, we asked survey respondents to rank the types of CLE programs they would like to see NYSDA provide in order of

⁴ For purposes of the survey, the term “support staff” refers to parent advocates, investigators, and social workers.

priority. Of the 92 respondents who answered this question, the following top four were listed as training priorities: 34 defenders identified advanced skills as the top priority, followed by FCA Article 10 substantive law, introductory skills, and custody and visitation proceedings.

Priorities for NYSDA Services

We asked respondents what they would like to see as NYSDA's priorities for providing backup support services to them individually or to their organization. Not surprisingly given the above results, training ranked very high on the list, with 20 people listing in-person training as a preferred NYSDA priority, and 19 people listing online training as a preferred priority. One can only assume that given the current pandemic, if defenders were asked today, the request for online training would far outrank in-person training. Interestingly, but also not surprising given the level of frustration exhibited by defenders at the Convening, the number one requested priority for NYSDA was systemic reform work.

Need to Focus on Ending Systemic Biases

At the Convening, there was one issue that pained every defender in the room, regardless of the county where they practice, or the type of organization that employs them. It is the issue of systemic bias that affects our clients simply because of the color of their skin, their socio economic status, or their gender. It is a feeling of dysfunction and outright unfairness that permeates through the child welfare system, and the courts. Attorneys in the room talked about how the system is stacked against their clients, and by extension stacked against them. One supervisor from a downstate institutional provider office commented that the attorneys in her office constantly face disrespect from the court. Another upstate attorney commented that, "sometimes female attorneys are silenced and generally male attorneys are not."

In the survey we sought to clarify whether these feelings of bias were shared by other providers of family court mandated representation throughout the state who hadn't attended the Convening. We asked defenders, "[h]ave you ever witnessed the court engage in a pattern of behavior that you believed was contrary to the law and harmful to your client (e.g., disrespectful treatment of litigants and counsel or bias or prejudice)." A startling 45 out of 92 respondents responded in the affirmative. One attorney commented that they currently have a matter pending before the Commission on Judicial Conduct. A staff attorney in an upstate institutional provider office reported that, "the judge is very demeaning and makes parties feel terrible about being in front of her." She went on to state that, "too often judges sit for long periods of time and lose the ability to show compassion, humility and understanding." One attorney from an upstate assigned counsel panel reported, "Disrespect toward litigants and counsel through insults, Orders, pre-judgment prejudiced lectures/threats, yelling, telling litigants how it's going to go/where it's headed before trial." An attorney who practices downstate commented that their court speaks, "disrespectfully because the way a litigant is dressed; making the litigants go home and change and return."

Family court defenders raised more widespread concerns about bias and dysfunction within the CPS agencies and ACS. We asked defenders if there were any practices, policies, or procedures of ACS/CPS or its attorney(s) that they believed hindered the preservation or reunification of families in their cases. More than 75 percent of respondents (69 out of 89) responded in the affirmative. The results seem to indicate an inherent distrust of child

welfare workers and their attorneys. One staff attorney from an institutional provider commented that CPS caseworkers are given too much leeway to dictate a case, “if they don’t like a parent they will avoid helping and sometimes will actively hinder a parent’s progress.” Another upstate attorney opined that caseworkers are “judgmental and seem to enjoy being cruel.” A staff attorney at an institutional provider in NYC commented that ACS often speaks “disrespectfully to clients; threatening to remove children, causing stress and anxiety among families.” An assigned counsel attorney in a downstate county observed a lack of consistent policy at CPS, stating that, “there is no consistency as to how a case will be handled from CPS team to team.”

Other Systemic Deficiencies

The feelings of disrespect and bias from the court and ACS/CPS are only the tip of the iceberg in what many in the public defense community view as a “broken system.” Once a litigant is summoned into court under a neglect docket, and orders of supervision and orders of protection are issued, what happens next? We asked survey participants the following question: For FCA Article 10 cases only, when there is an order for CPS or ACS that grants supervised visits, does CPS or ACS comply with these orders? The answers were mixed. Of the 94 respondents who answered this question, 51 answered that ACS/CPS does follow court orders. Four (4) people said that the agencies do not comply with the court’s orders, and 39 said that the agencies sometimes comply with the orders. One upstate attorney from an institutional provider commented that CPS, “provide minimal visitation and constantly claim it’s because they don’t have enough resources or staff. They make excuses for everything and interpret court orders their own way.” A supervisor from an upstate institutional provider office stated that, “Clients frequently complain their visits are cancelled and/or their rides didn’t pick them up to bring them to the visits. The answers we hear from DSS is that they don’t have enough supervisors for parental visits; volunteer driver had an issue and/or the supervisor is ill/injured (but they didn’t get another one to fill in and they could be unavailable for weeks!). It’s very frustrating.”

The next question we asked survey respondents was not specific to FCA Article 10 abuse and neglect cases, but rather sought to determine the level of county funding for all professionally supervised visits, regardless of the underlying case. We asked, “for all other types of cases, where professionally supervised visitation is ordered, does your county have a sufficient number of supervisors available to facilitate such visits?” Eighty-eight (88) out of 94 respondents said no. Additionally, 46 out of 94 respondents said their county does not provide transportation assistance to non-custodial parents for professionally supervised visitation. One attorney commented that transportation is provided in foster care situations, but not when the visitation ordered is in a custody case. Another attorney said, “CPS will give bus passes if we beg but not usually.” NYSDA has come to learn through its communication with defender offices throughout the state that since the commencement of the pandemic, the issue of litigants not getting their court-ordered visitation has become an even greater concern.

Need for More Interpreter Services

Another significant concern that defenders raised at the Convening is the challenge they face in communicating with their limited English proficient clients. Twenty-three (23) out of 50 assigned counsel program respondents surveyed said that they do not have access to an outside interpreter through their assigned counsel organization. For those attorneys, they are either reliant on the “Court interpreter,” who often is the same one providing

interpretation services during court proceedings, or they utilize family, friends, or good Samaritans that they find in the court hallway. Either of these scenarios raises significant questions of whether the attorney-client communication is actually confidential. Additionally, court interpreters are often times stretched thin, as courts need them to provide interpretation on the record and attorneys seek interpretation services outside the courtroom. Court interpreters are not able to be available for a sufficient amount of time to ensure that attorneys and clients have an adequate opportunity to strategize their cases and to make sure that clients understand all their rights and have a chance to ask questions. One downstate attorney commented, “our interpreter is only available on Tuesdays; sometimes other attorneys, other court personnel, or the court interpreter will help out.” Another attorney from an upstate county commented that, “if the interpreter has time between cases and is willing to do so, the attorney will use the interpreter to communicate with the client.”

Significant Funding Increases Needed

The Convening discussion and survey responses raised significant concerns about the level of funding provided to institutional providers and assigned counsel panels, as well as to the ancillary programs that effect family court litigants, with at least some counties seemingly unable to fund basic services, such as support staff and interpreters. Questions regarding the capacity of counties to provide the additional resources needed to ensure that family defense clients receive quality representation were not addressed by this survey.

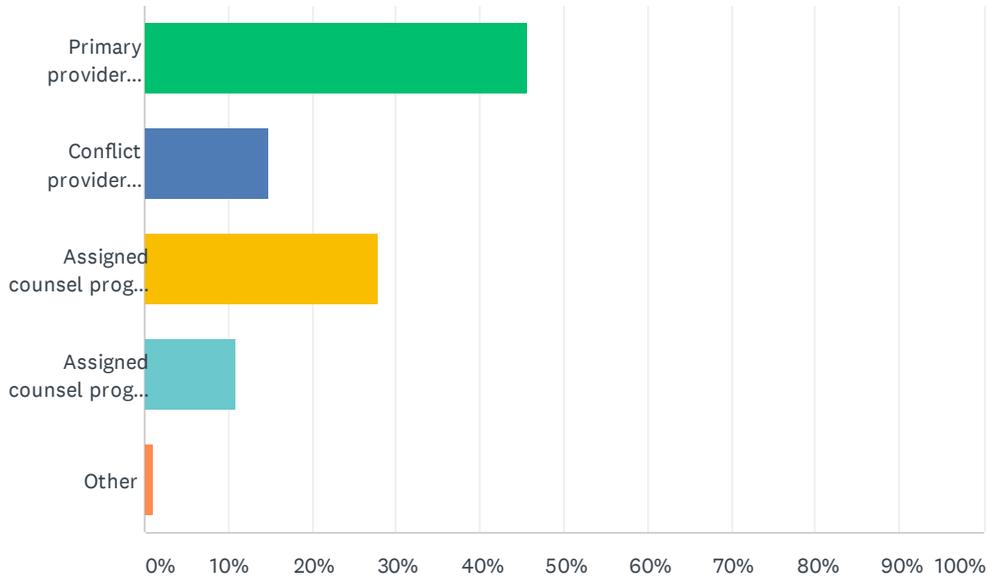
Given the State’s recent acceptance of its responsibility to provide additional funding for criminal public defense representation, we asked survey respondents to weigh in on whether they believed either a statewide system of family defense or more statewide funding would improve the quality of family court mandated representation in NYS. An overwhelming (74) out of 94 defenders agreed that more state funding for county public defense programs would be a positive step towards improving the quality of family court mandated representation. However, only twenty-seven (27) out of 94 agreed that a statewide system of family court public defense would be a positive step towards improving the quality of family court mandated representation. Fifteen (15) did not agree with either statement.

Conclusion

NYSDA would like to thank all those who participated in the Convening and survey, and who took the time to share their comments and experiences. We will use the information we obtained to inform our advocacy and support of family court mandated representation moving forward. We would also like to thank The New York Bar Foundation for its support of our Family Public Defense Project, including the Convening, survey, and our trainings and related defender services.

Q1 At what type of agency or organization do you practice family court mandated representation?

Answered: 101 Skipped: 0



ANSWER CHOICES	RESPONSES	
Primary provider (public defender, legal aid society)	45.54%	46
Conflict provider (conflict defender office, public defender, legal aid society)	14.85%	15
Assigned counsel program (one county)	27.72%	28
Assigned counsel program (two or more counties)	10.89%	11
Other	0.99%	1
TOTAL		101

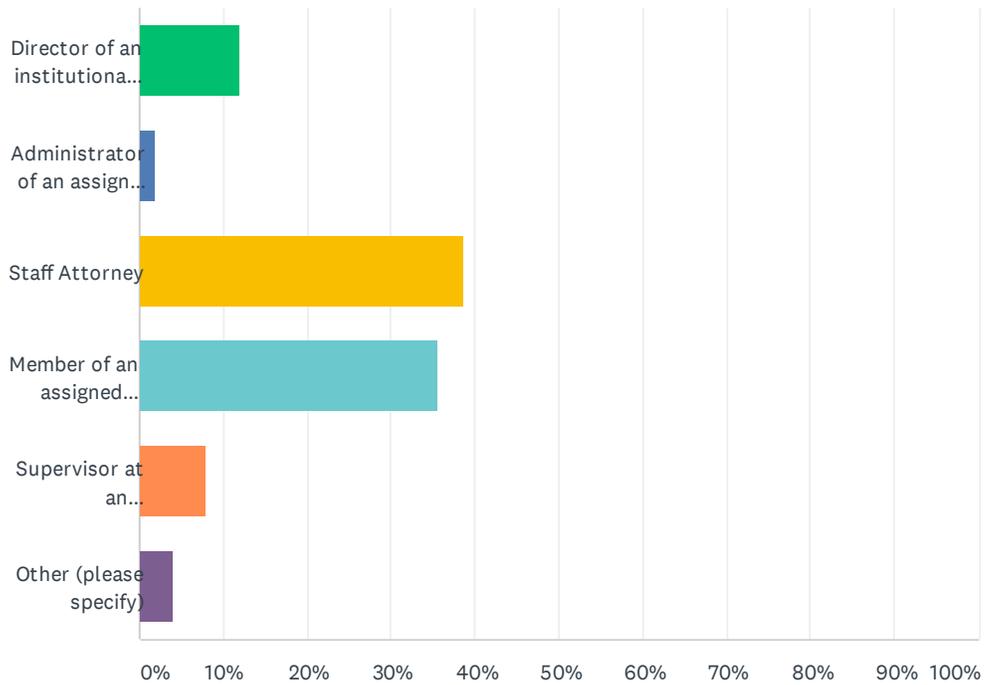
Q2 What county does your agency or organization service?

Answered: 99 Skipped: 2

Deleted to preserve anonymity of respondents.

Q3 What is your current position?

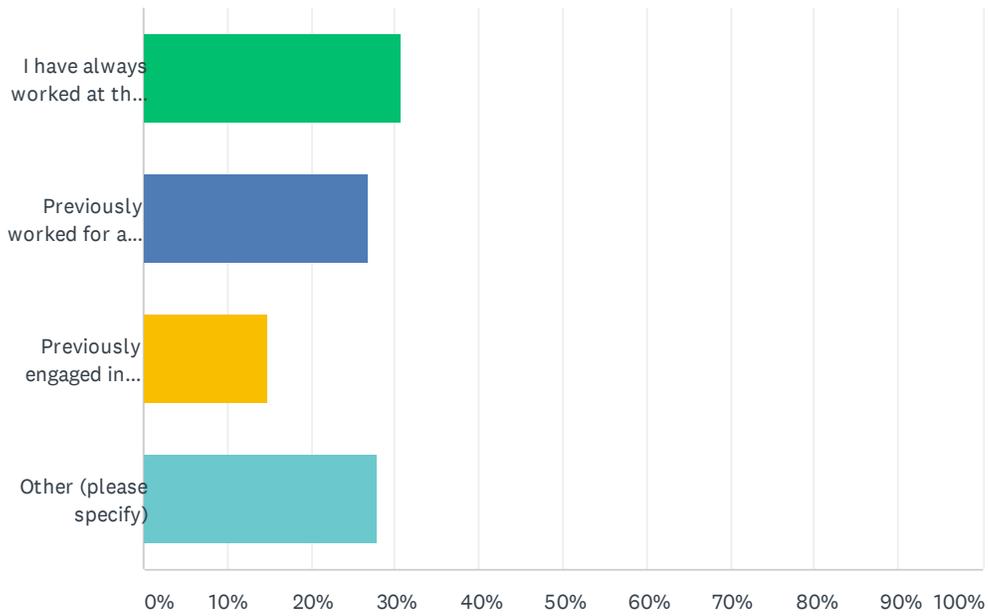
Answered: 101 Skipped: 0



ANSWER CHOICES	RESPONSES	
Director of an institutional provider	11.88%	12
Administrator of an assigned counsel panel	1.98%	2
Staff Attorney	38.61%	39
Member of an assigned counsel panel	35.64%	36
Supervisor at an institutional provider	7.92%	8
Other (please specify)	3.96%	4
TOTAL		101

Q4 How would you describe your professional employment work history?

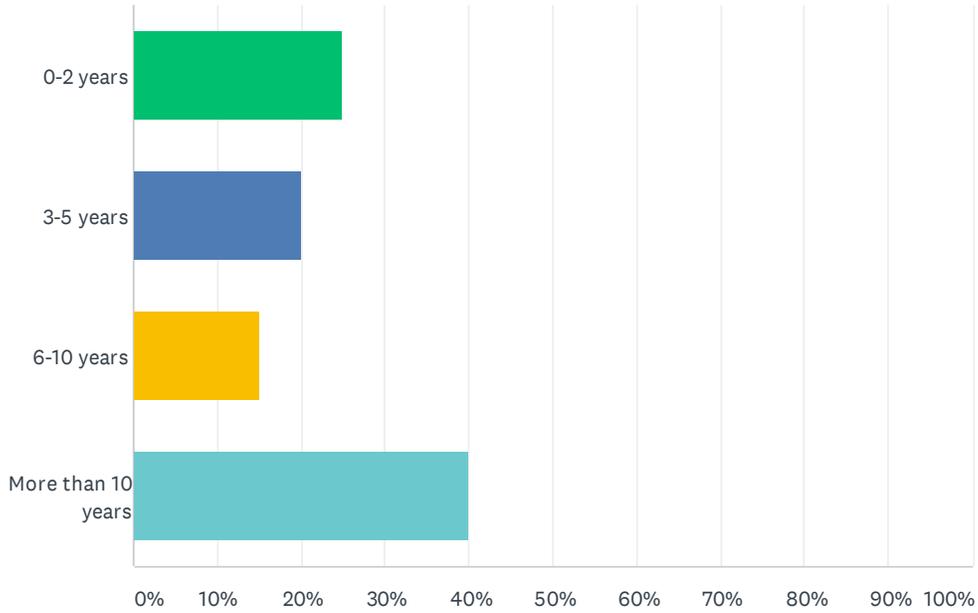
Answered: 101 Skipped: 0



ANSWER CHOICES	RESPONSES	
I have always worked at the same place (legal aid, public defender, assigned counsel panel)	30.69%	31
Previously worked for a private firm or my own firm (not on an assigned counsel panel)	26.73%	27
Previously engaged in public defense at a different institutional provider or assigned counsel plan	14.85%	15
Other (please specify)	27.72%	28
TOTAL		101

Q5 How long have you been at your current agency or organization?

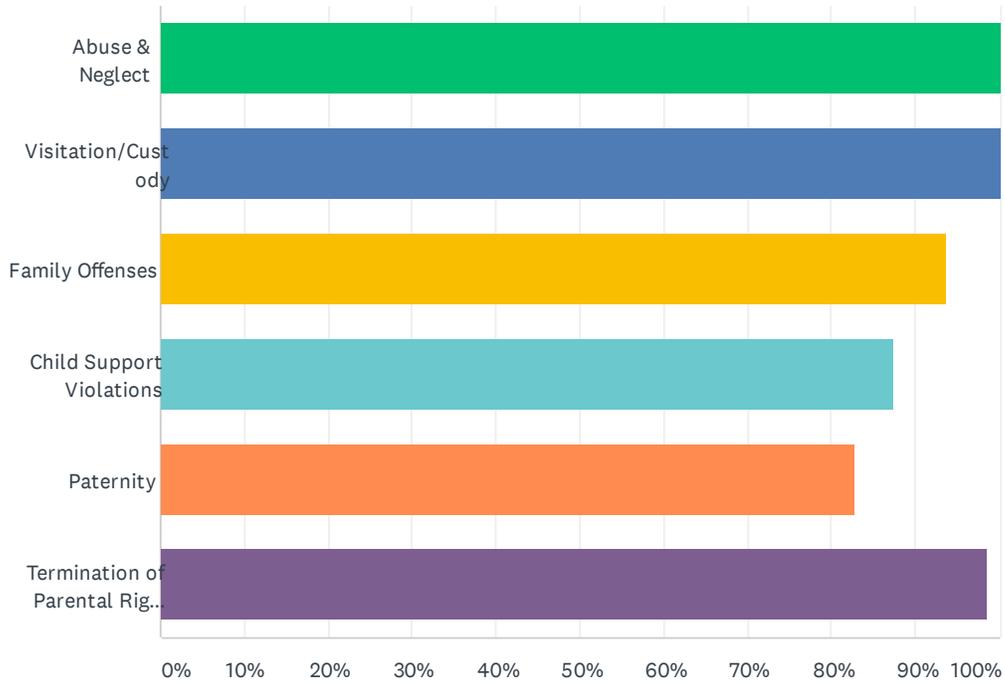
Answered: 100 Skipped: 1



ANSWER CHOICES	RESPONSES
0-2 years	25.00% 25
3-5 years	20.00% 20
6-10 years	15.00% 15
More than 10 years	40.00% 40
TOTAL	100

Q6 Please check all the categories of mandated representation cases your organization handles.

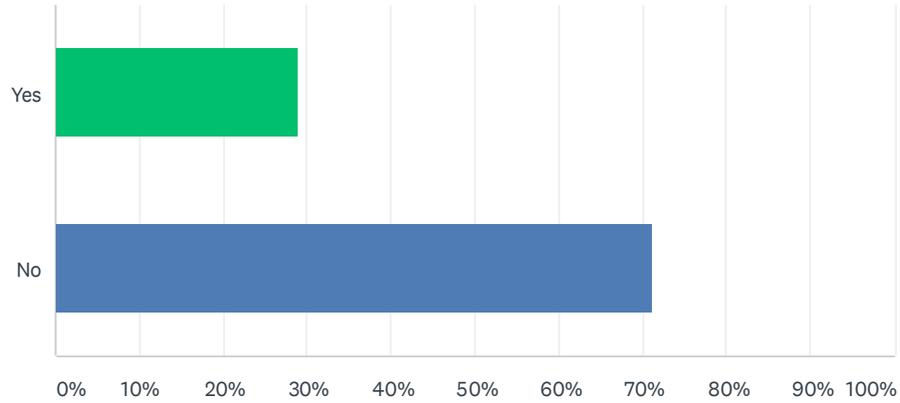
Answered: 64 Skipped: 37



ANSWER CHOICES	RESPONSES	
Abuse & Neglect	100.00%	64
Visitation/Custody	100.00%	64
Family Offenses	93.75%	60
Child Support Violations	87.50%	56
Paternity	82.81%	53
Termination of Parental Rights and Judicial Surrenders	98.44%	63
Total Respondents: 64		

Q7 Does your organization handle family court appeals?

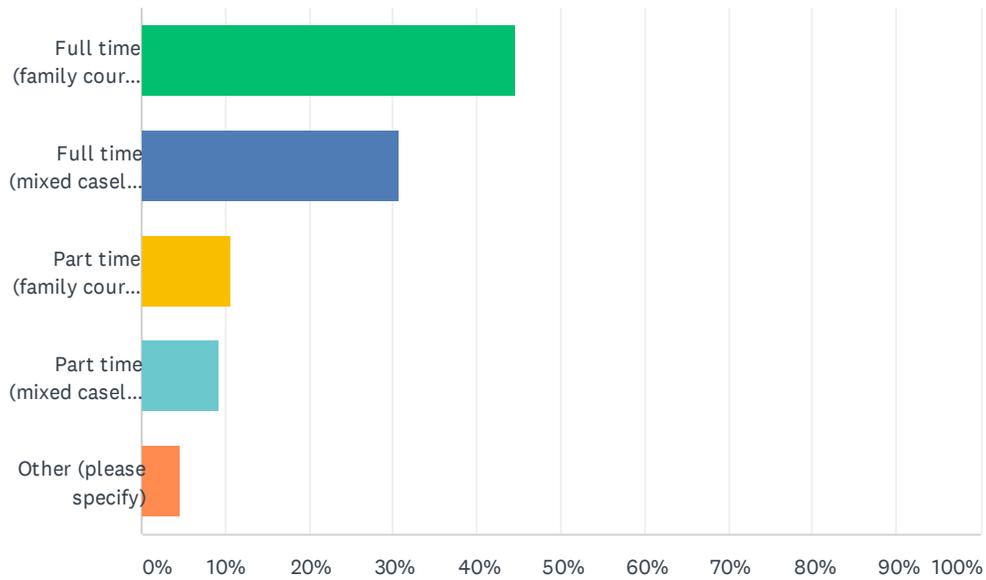
Answered: 66 Skipped: 35



ANSWER CHOICES	RESPONSES	
Yes	28.79%	19
No	71.21%	47
TOTAL		66

Q8 Are you a full time or part time employee?

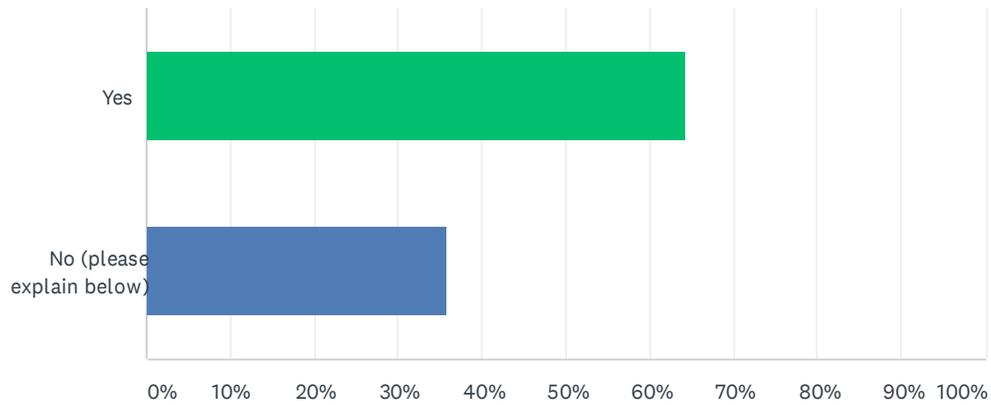
Answered: 65 Skipped: 36



ANSWER CHOICES	RESPONSES	
Full time (family court only)	44.62%	29
Full time (mixed caseload of family court and criminal court)	30.77%	20
Part time (family court only)	10.77%	7
Part time (mixed caseload of family court and criminal court)	9.23%	6
Other (please specify)	4.62%	3
TOTAL		65

Q9 Are you satisfied with the amount, scope, and quality of training your organization provides to its attorneys?

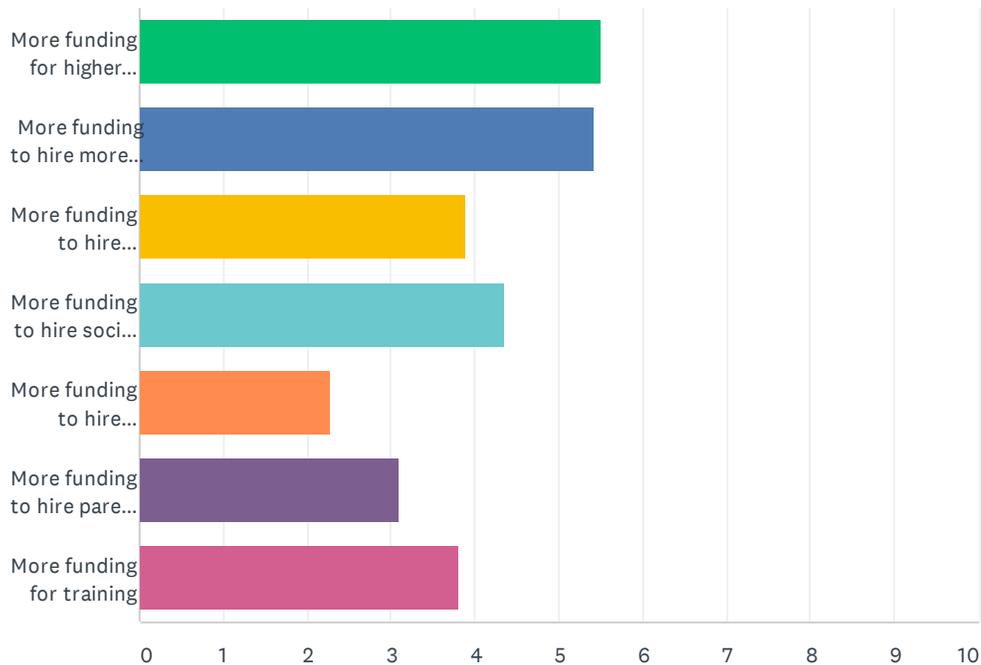
Answered: 67 Skipped: 34



ANSWER CHOICES	RESPONSES	
Yes	64.18%	43
No (please explain below)	35.82%	24
TOTAL		67

Q10 Please rank in order of priority what funding your organization needs in order to improve quality representation to clients

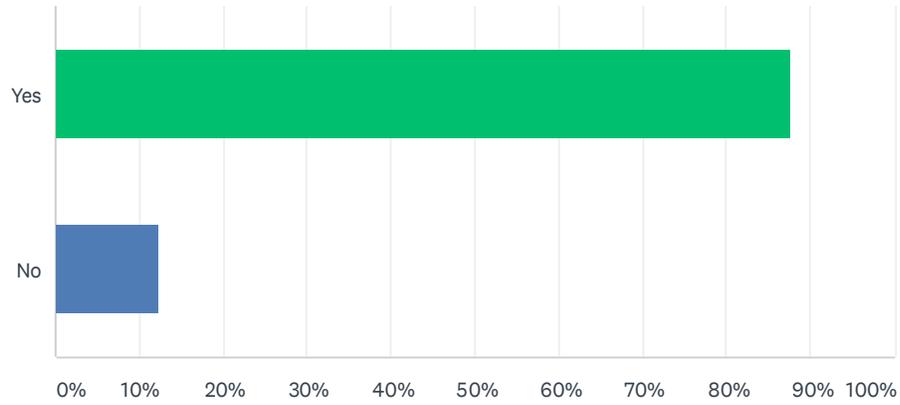
Answered: 62 Skipped: 39



	1	2	3	4	5	6	7	TOTAL	SCORE
More funding for higher salaries	38.33% 23	28.33% 17	6.67% 4	10.00% 6	6.67% 4	8.33% 5	1.67% 1	60	5.50
More funding to hire more attorneys	39.34% 24	26.23% 16	8.20% 5	4.92% 3	9.84% 6	6.56% 4	4.92% 3	61	5.41
More funding to hire investigators	4.92% 3	8.20% 5	29.51% 18	14.75% 9	19.67% 12	16.39% 10	6.56% 4	61	3.89
More funding to hire social workers	10.17% 6	20.34% 12	16.95% 10	22.03% 13	13.56% 8	11.86% 7	5.08% 3	59	4.36
More funding to hire interpreters	1.69% 1	6.78% 4	6.78% 4	6.78% 4	10.17% 6	15.25% 9	52.54% 31	59	2.27
More funding to hire parent advocates	1.72% 1	8.62% 5	13.79% 8	10.34% 6	22.41% 13	24.14% 14	18.97% 11	58	3.09
More funding for training	6.78% 4	5.08% 3	20.34% 12	30.51% 18	13.56% 8	15.25% 9	8.47% 5	59	3.81

Q11 Does your organization provide both criminal and family court representation?

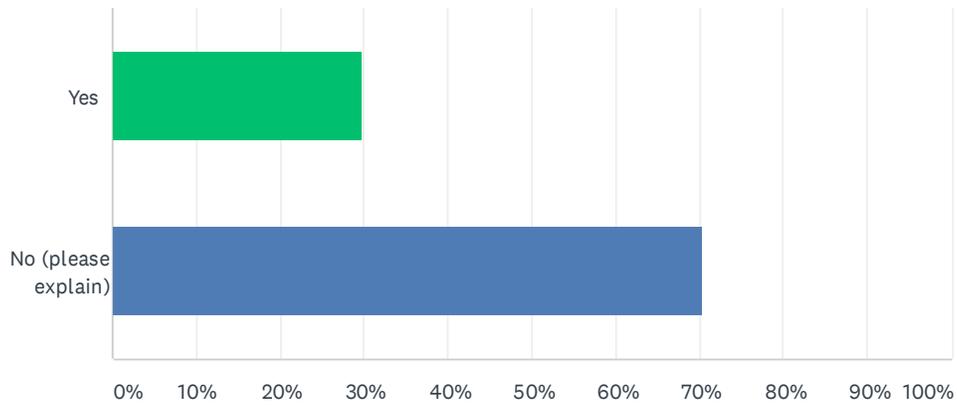
Answered: 65 Skipped: 36



ANSWER CHOICES	RESPONSES	
Yes	87.69%	57
No	12.31%	8
TOTAL		65

Q12 Do you think that the resources available for criminal and family court representation are equivalent based on the workload of each department?

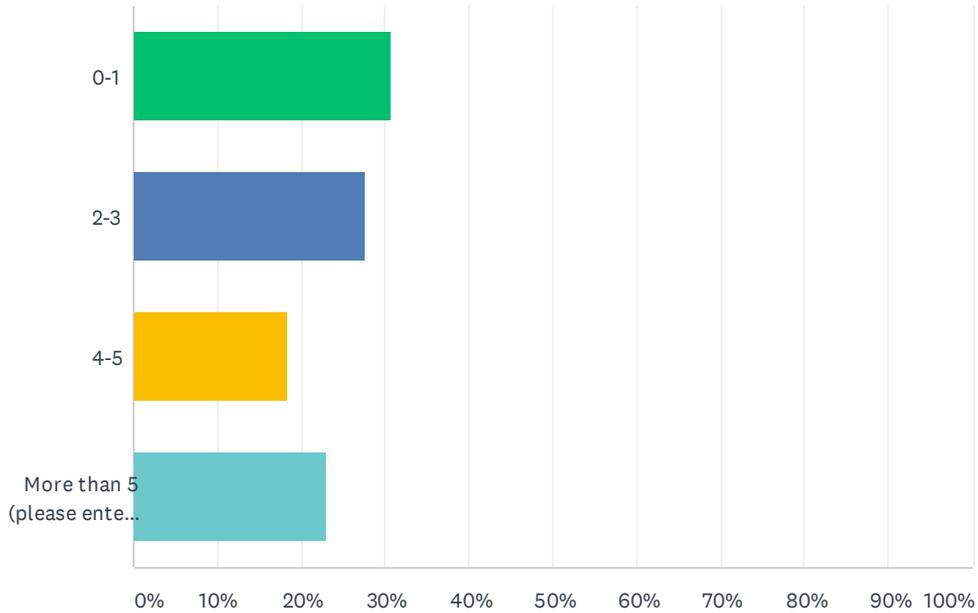
Answered: 64 Skipped: 37



ANSWER CHOICES	RESPONSES	
Yes	29.69%	19
No (please explain)	70.31%	45
TOTAL		64

Q13 How many full time (or full time equivalent) family court attorneys does your office have?

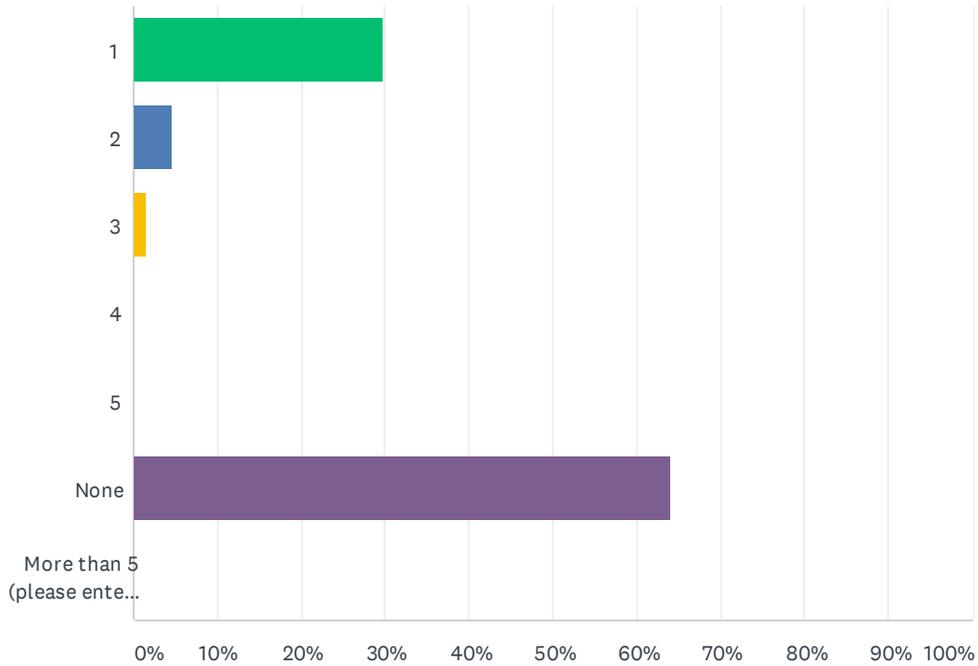
Answered: 65 Skipped: 36



ANSWER CHOICES	RESPONSES	
0-1	30.77%	20
2-3	27.69%	18
4-5	18.46%	12
More than 5 (please enter the number in the comment section below)	23.08%	15
TOTAL		65

Q14 How many investigators does your organization have for family court cases?

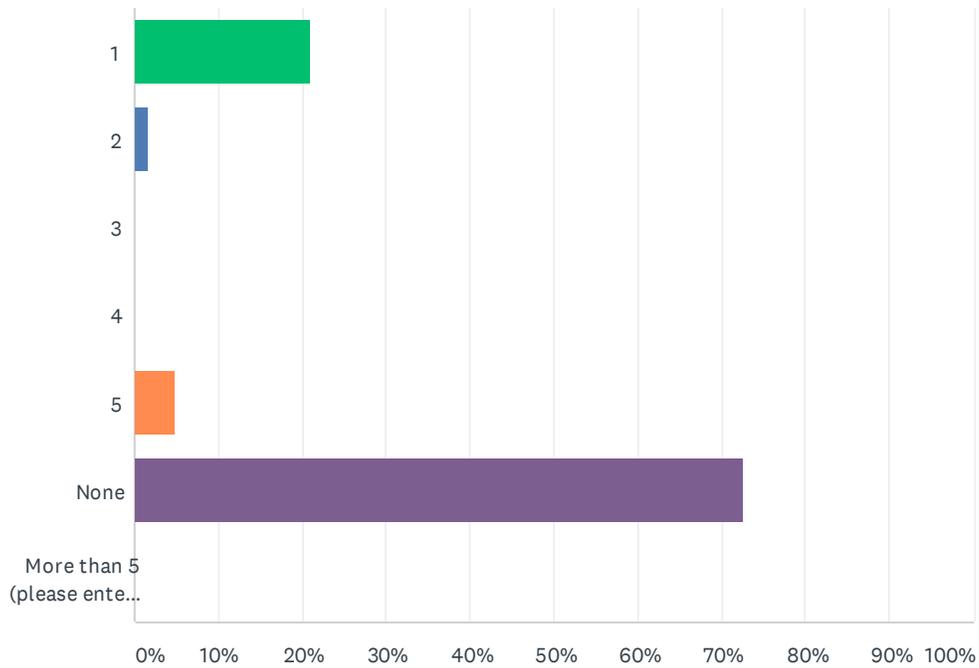
Answered: 64 Skipped: 37



ANSWER CHOICES	RESPONSES	
1	29.69%	19
2	4.69%	3
3	1.56%	1
4	0.00%	0
5	0.00%	0
None	64.06%	41
More than 5 (please enter the number in the comment section below)	0.00%	0
TOTAL		64

Q15 How many social workers does your organization have for family court cases?

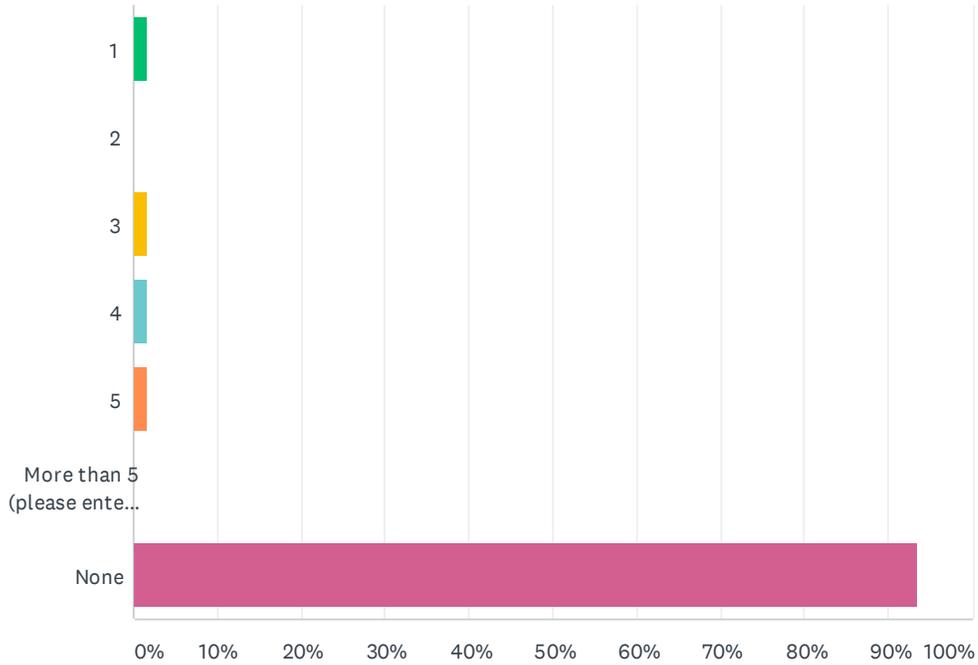
Answered: 62 Skipped: 39



ANSWER CHOICES	RESPONSES	
1	20.97%	13
2	1.61%	1
3	0.00%	0
4	0.00%	0
5	4.84%	3
None	72.58%	45
More than 5 (please enter the number in the comment section below)	0.00%	0
TOTAL		62

Q16 How many parent advocates does your organization have?

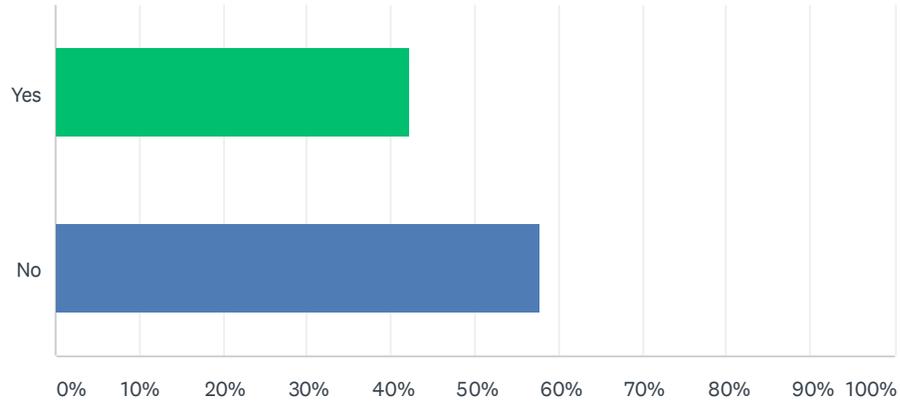
Answered: 61 Skipped: 40



ANSWER CHOICES	RESPONSES	
1	1.64%	1
2	0.00%	0
3	1.64%	1
4	1.64%	1
5	1.64%	1
More than 5 (please enter the number in the comment section below)	0.00%	0
None	93.44%	57
TOTAL		61

Q17 Does your organization offer in-house training to attorney staff?

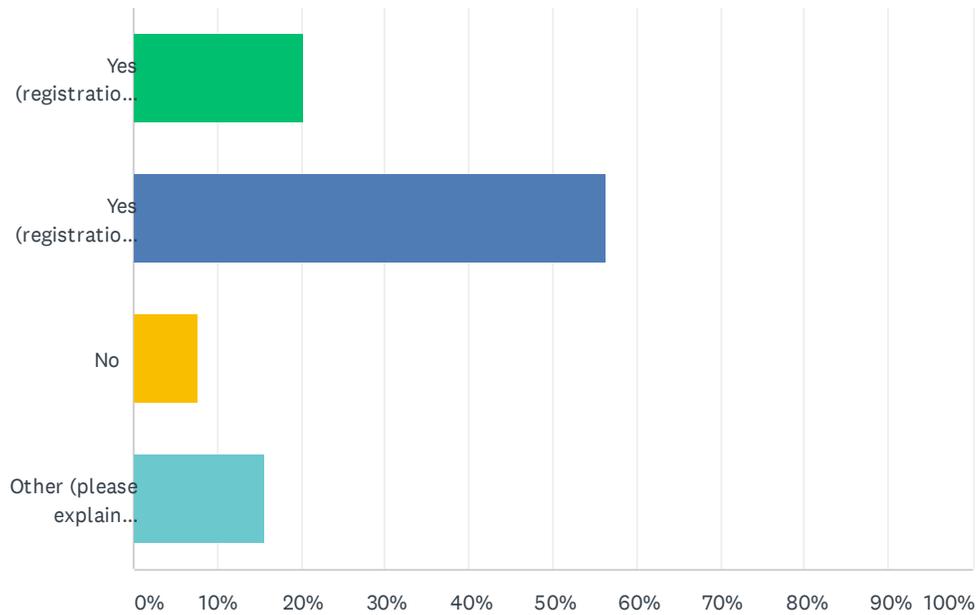
Answered: 64 Skipped: 37



ANSWER CHOICES	RESPONSES	
Yes	42.19%	27
No	57.81%	37
TOTAL		64

Q18 For external training programs, does your organization cover the cost of the program?

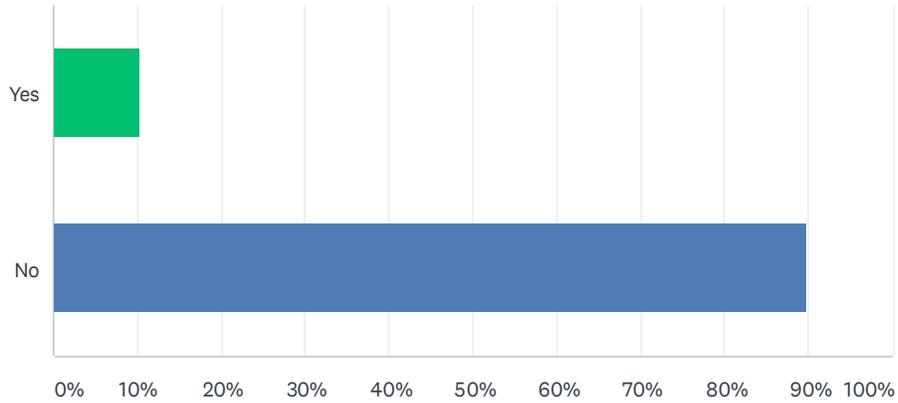
Answered: 64 Skipped: 37



ANSWER CHOICES	RESPONSES	
Yes (registration only)	20.31%	13
Yes (registration and travel)	56.25%	36
No	7.81%	5
Other (please explain limitations on number of programs that can be reimbursed in one year, travel restrictions, etc.)	15.63%	10
TOTAL		64

Q19 Is there a formal training process for support staff (social workers, investigators, administrative assistants, intake people, or otherwise) that engage in regular client contact?

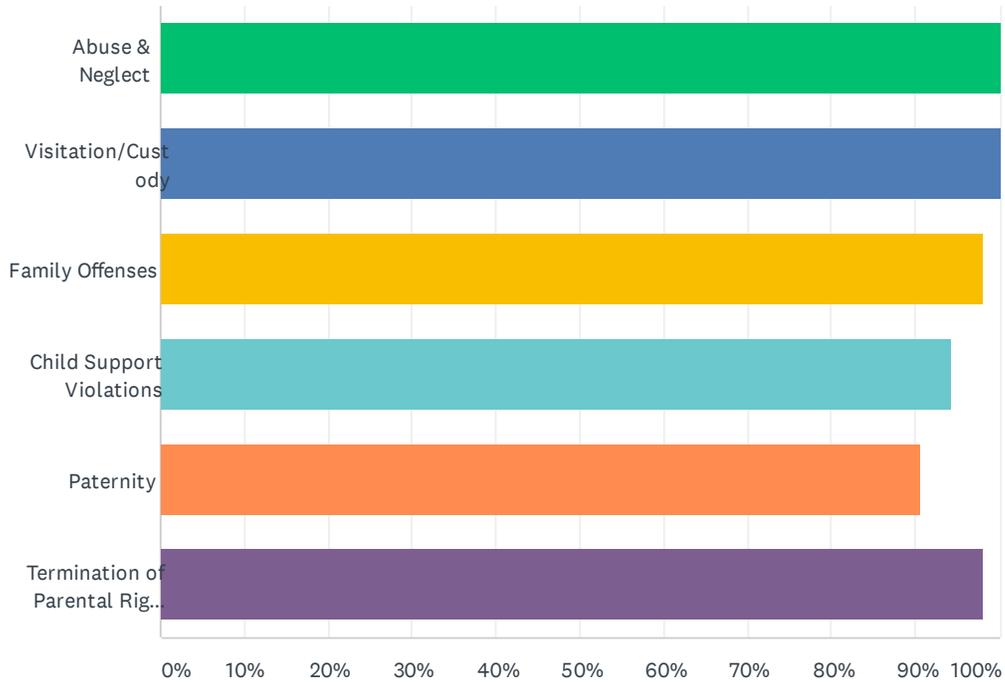
Answered: 59 Skipped: 42



ANSWER CHOICES	RESPONSES	
Yes	10.17%	6
No	89.83%	53
TOTAL		59

Q20 Please check all the categories of mandated representation the assigned counsel program handles.

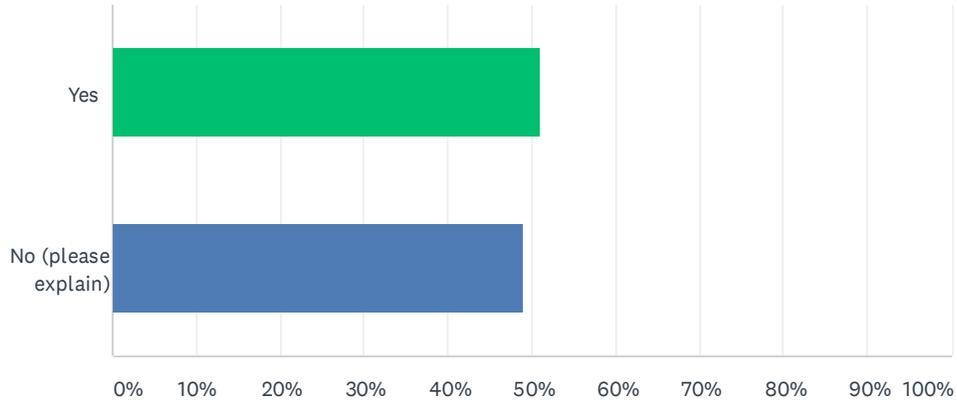
Answered: 53 Skipped: 48



ANSWER CHOICES	RESPONSES	
Abuse & Neglect	100.00%	53
Visitation/Custody	100.00%	53
Family Offenses	98.11%	52
Child Support Violations	94.34%	50
Paternity	90.57%	48
Termination of Parental Rights and Judicial Surrenders	98.11%	52
Total Respondents: 53		

Q21 Do you handle family court appeals?

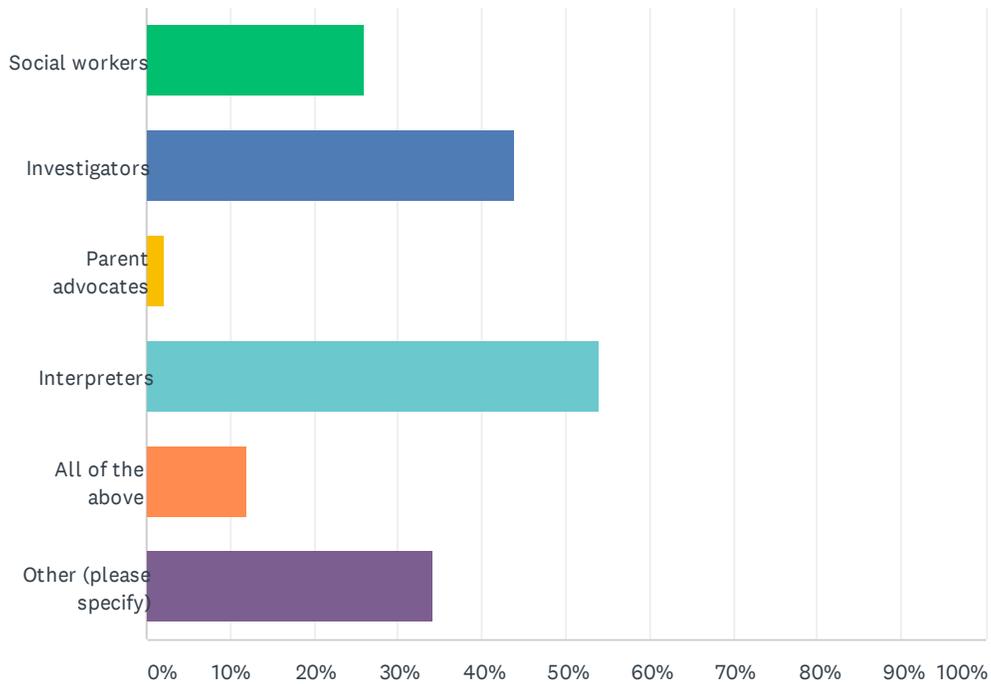
Answered: 53 Skipped: 48



ANSWER CHOICES	RESPONSES	
Yes	50.94%	27
No (please explain)	49.06%	26
TOTAL		53

Q22 Do you have access to non-attorney professionals?(Select all that apply)

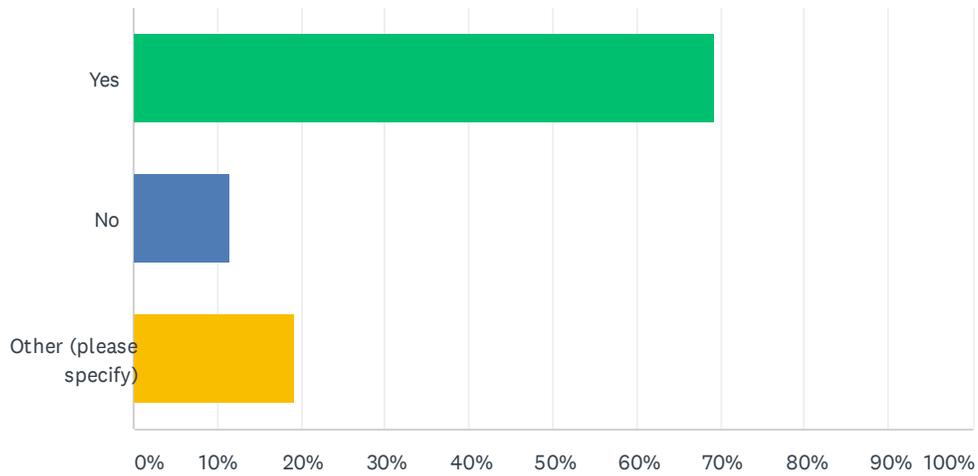
Answered: 50 Skipped: 51



ANSWER CHOICES	RESPONSES	
Social workers	26.00%	13
Investigators	44.00%	22
Parent advocates	2.00%	1
Interpreters	54.00%	27
All of the above	12.00%	6
Other (please specify)	34.00%	17
Total Respondents: 50		

Q23 For non-attorney professional services, do you have to make an application to the court under County Law 722-c?

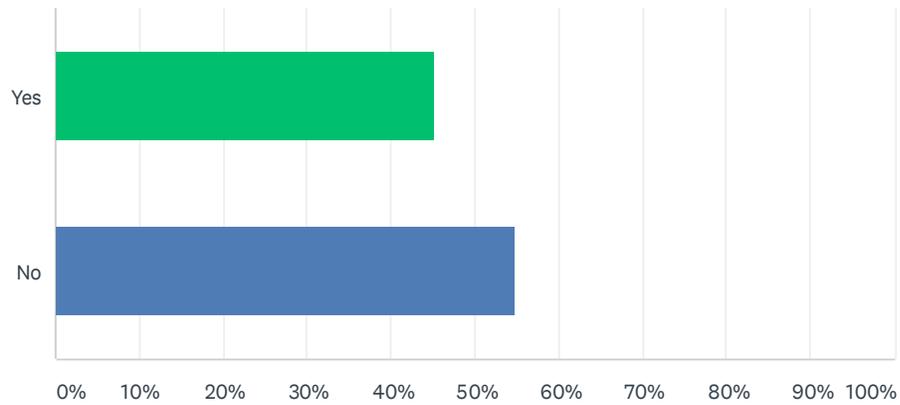
Answered: 52 Skipped: 49



ANSWER CHOICES	RESPONSES	
Yes	69.23%	36
No	11.54%	6
Other (please specify)	19.23%	10
TOTAL		52

Q24 Does the assigned counsel program offer local training for family court panel members?

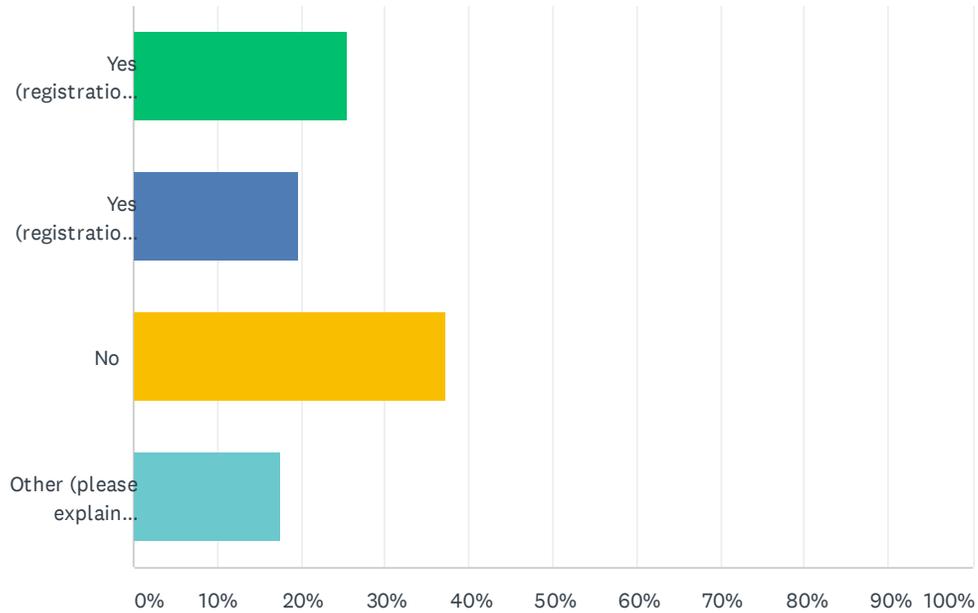
Answered: 51 Skipped: 50



ANSWER CHOICES	RESPONSES	
Yes	45.10%	23
No	54.90%	28
TOTAL		51

Q25 For external programs, does the assigned counsel program cover the cost of the programs?

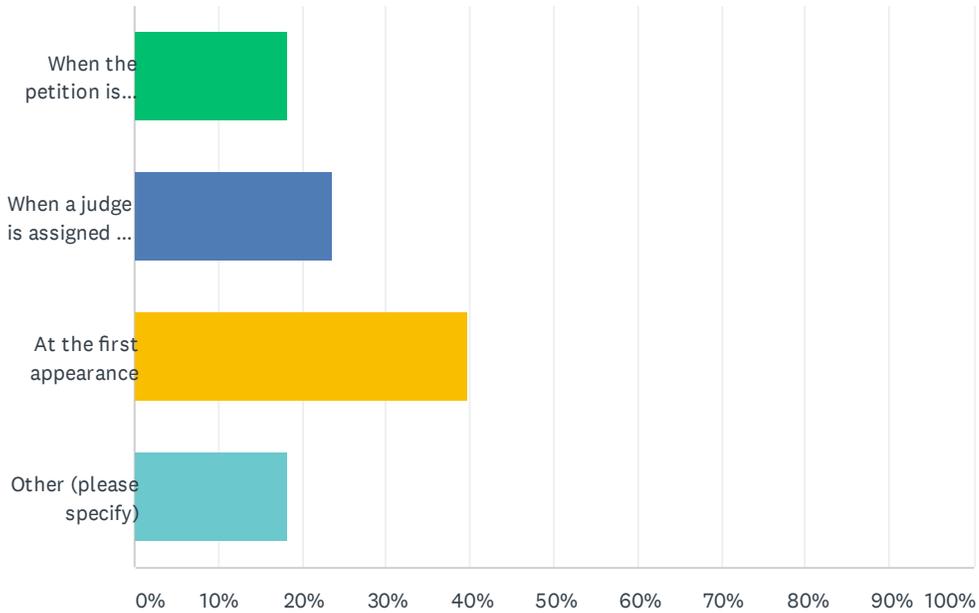
Answered: 51 Skipped: 50



ANSWER CHOICES	RESPONSES	
Yes (registration only)	25.49%	13
Yes (registration and travel)	19.61%	10
No	37.25%	19
Other (please explain limitations on number of programs that can be reimbursed in one year, travel restrictions, etc.)	17.65%	9
TOTAL		51

Q26 In Family Court Act article 10 proceedings in your county, at what stage of the litigation are parents typically assigned an attorney?

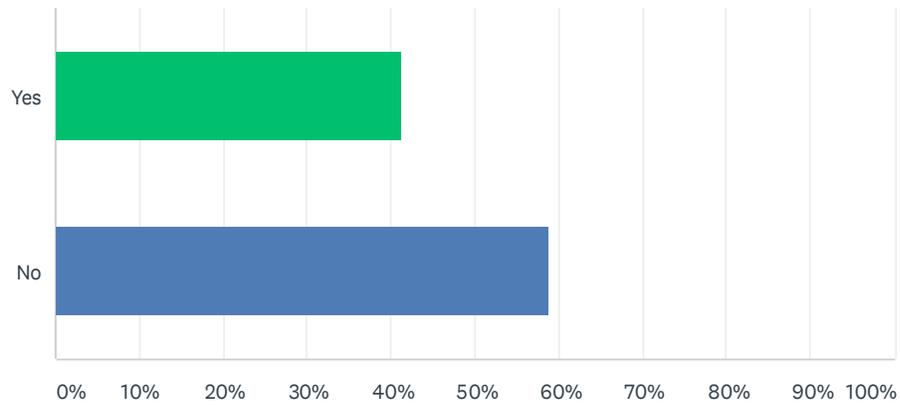
Answered: 93 Skipped: 8



ANSWER CHOICES	RESPONSES	
When the petition is filed	18.28%	17
When a judge is assigned and the initial appearance is scheduled	23.66%	22
At the first appearance	39.78%	37
Other (please specify)	18.28%	17
TOTAL		93

Q27 Does the court provide child care to litigants and caregivers involved in family court proceedings?

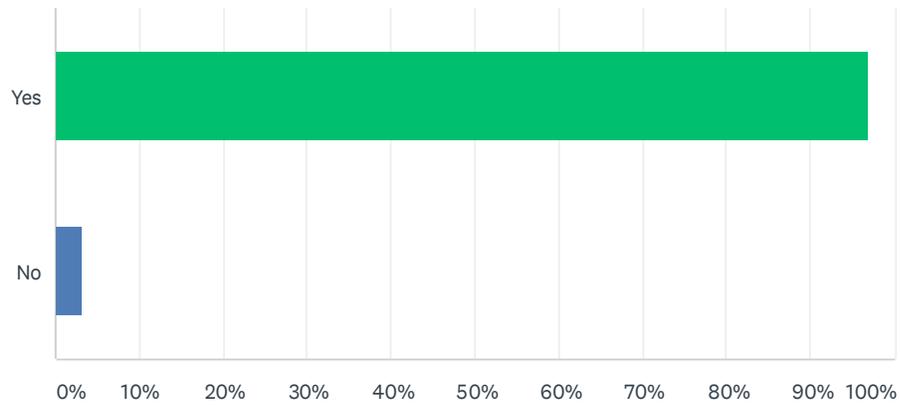
Answered: 92 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	41.30%	38
No	58.70%	54
TOTAL		92

Q28 Does the court provide an interpreter during court proceedings for limited English proficient parties?

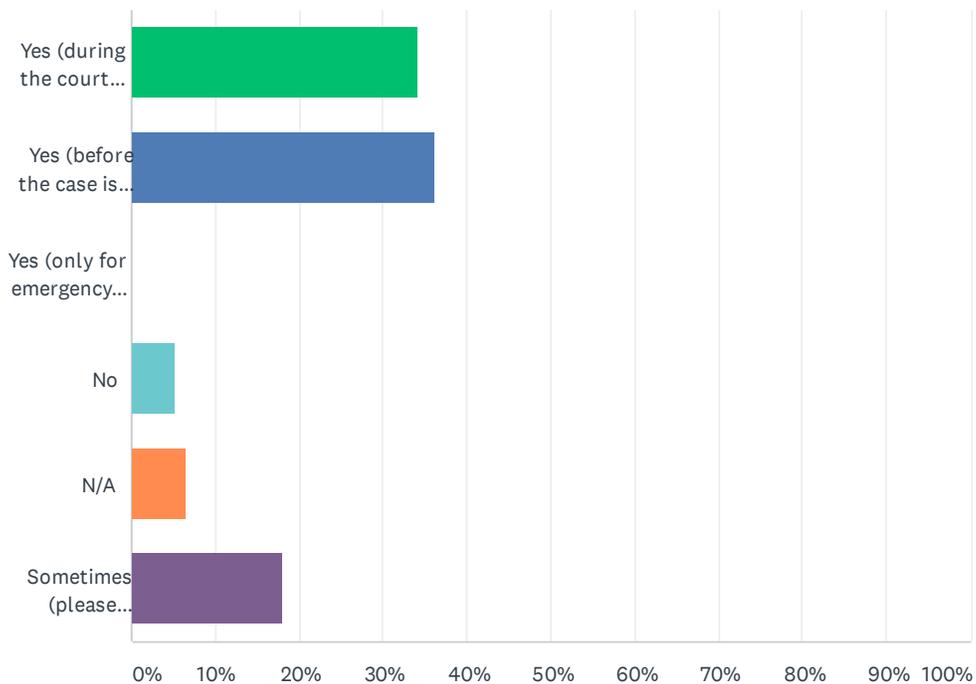
Answered: 93 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	96.77%	90
No	3.23%	3
TOTAL		93

Q29 If you answered yes to the previous question, do attorneys use the court interpreters for attorney-client communications?

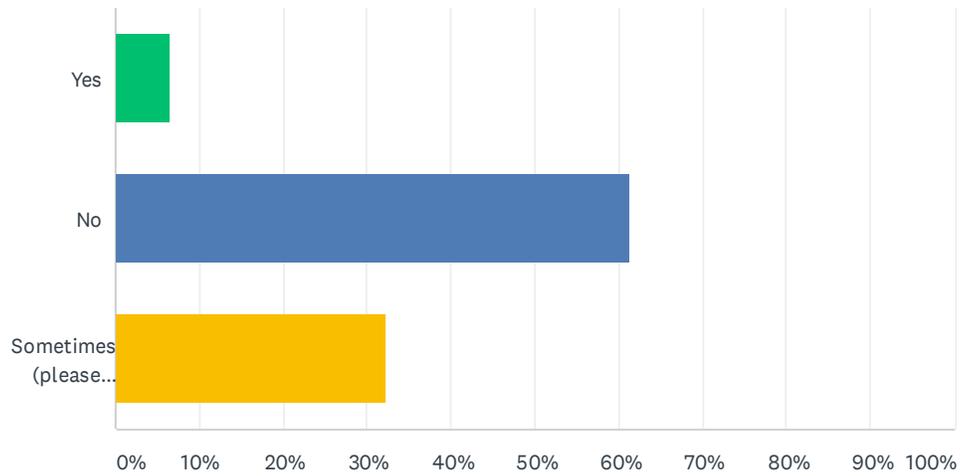
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes (during the court proceeding only)	34.04%	32
Yes (before the case is called)	36.17%	34
Yes (only for emergency applications)	0.00%	0
No	5.32%	5
N/A	6.38%	6
Sometimes (please explain)	18.09%	17
TOTAL		94

Q30 For limited English proficient parties, are written court orders transcribed into their primary language?

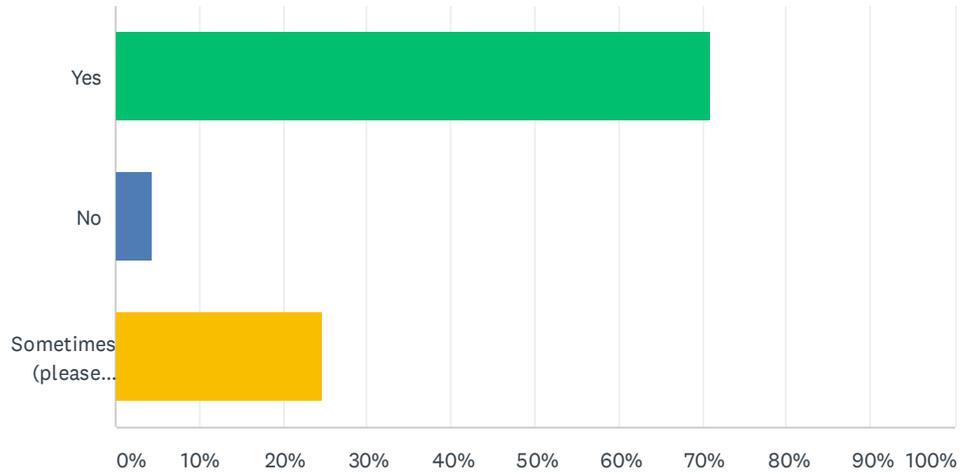
Answered: 93 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	6.45%	6
No	61.29%	57
Sometimes (please explain)	32.26%	30
TOTAL		93

Q31 Are you able to obtain copies of documents in family court files in which your client is a party?

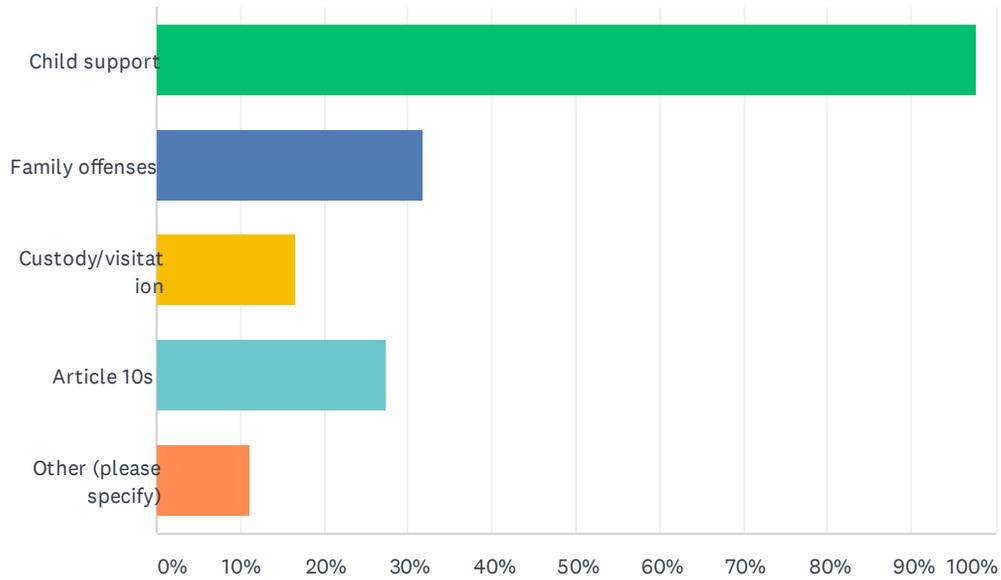
Answered: 93 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	70.97%	66
No	4.30%	4
Sometimes (please specify)	24.73%	23
TOTAL		93

Q32 In the county where I practice, the family court commits litigants to jail for violations of orders in the following types of proceedings. (Select all that apply)

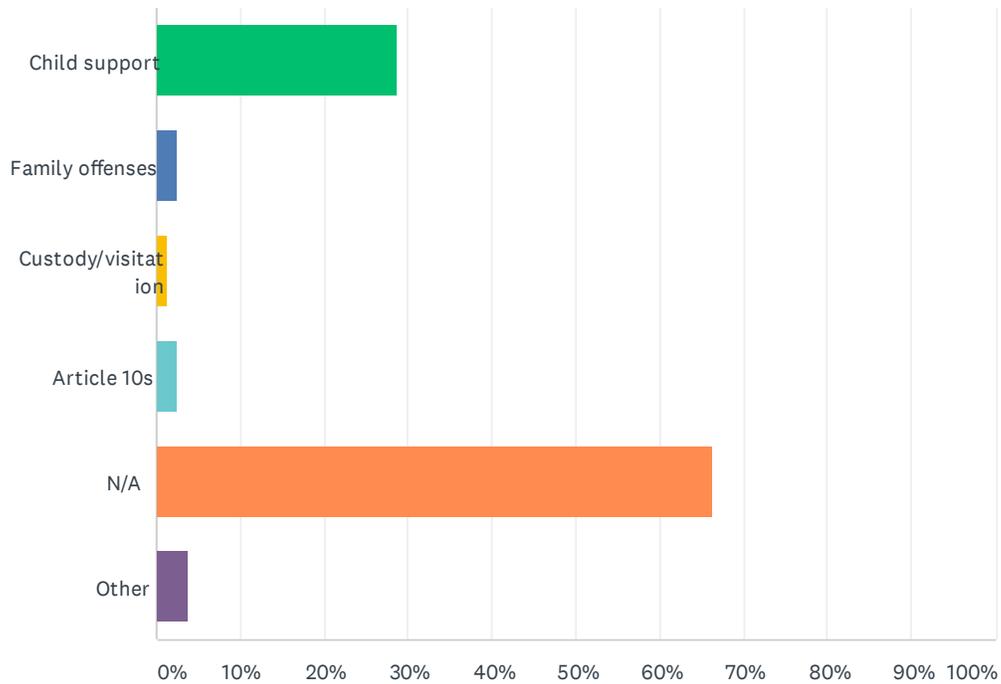
Answered: 91 Skipped: 10



ANSWER CHOICES	RESPONSES
Child support	97.80% 89
Family offenses	31.87% 29
Custody/visitation	16.48% 15
Article 10s	27.47% 25
Other (please specify)	10.99% 10
Total Respondents: 91	

Q33 I have noticed an increase in the number of litigants being committed to jail in the following types of proceedings. (Select all that apply)

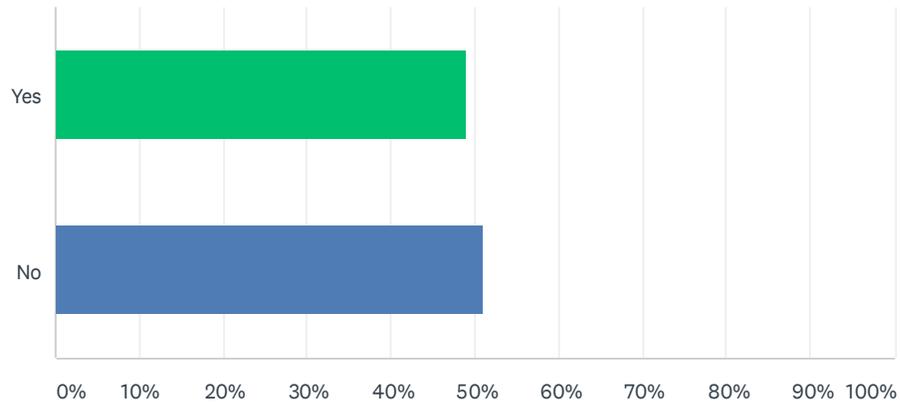
Answered: 80 Skipped: 21



ANSWER CHOICES	RESPONSES
Child support	28.75% 23
Family offenses	2.50% 2
Custody/visitation	1.25% 1
Article 10s	2.50% 2
N/A	66.25% 53
Other	3.75% 3
Total Respondents: 80	

Q34 Have you ever witnessed the court engage in a pattern of behavior that you believed was contrary to the law and harmful to your client (e.g., disrespectful treatment of litigants and counsel or bias or prejudice)?

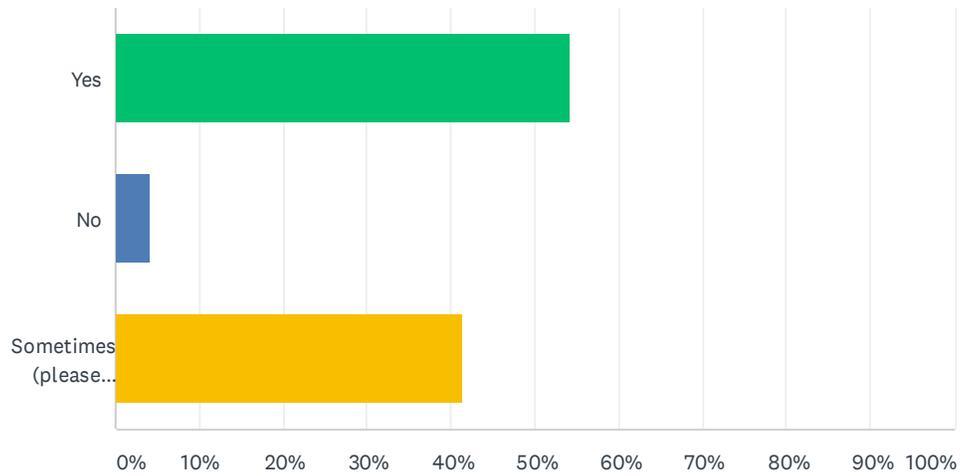
Answered: 92 Skipped: 9



ANSWER CHOICES	RESPONSES
Yes	48.91% 45
No	51.09% 47
TOTAL	92

Q35 For article 10 cases only, when there is an order for CPS or ACS supervised visits, does CPS or ACS comply with these orders?

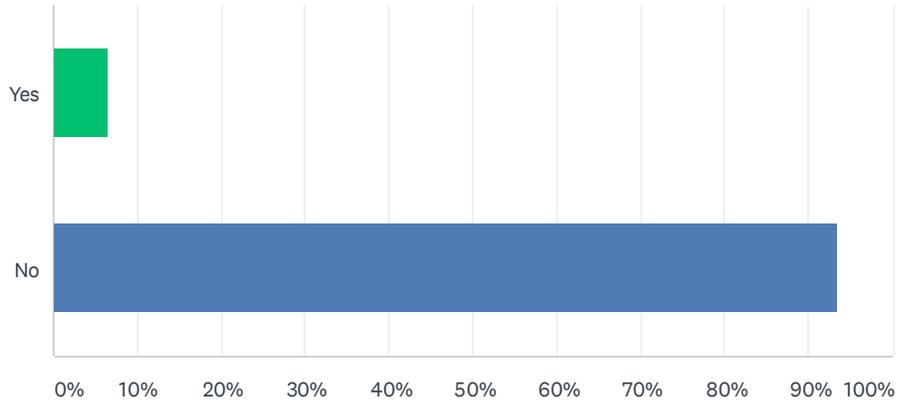
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	54.26%	51
No	4.26%	4
Sometimes (please explain)	41.49%	39
TOTAL		94

Q36 For all other types of cases, where professionally supervised visitation is ordered, does your county have a sufficient number of supervisors available to facilitate such visits?

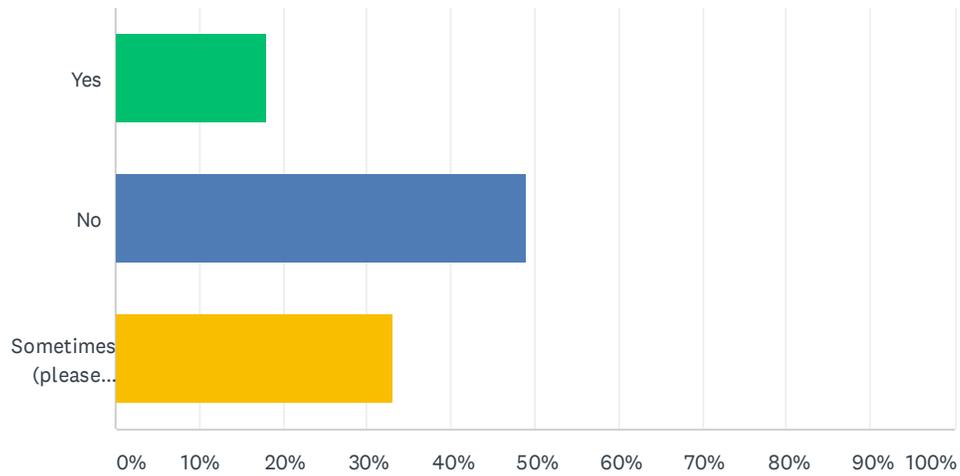
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES
Yes	6.38% 6
No	93.62% 88
TOTAL	94

Q37 Does your county provide transportation assistance to non-custodial parents for professionally supervised visitation?

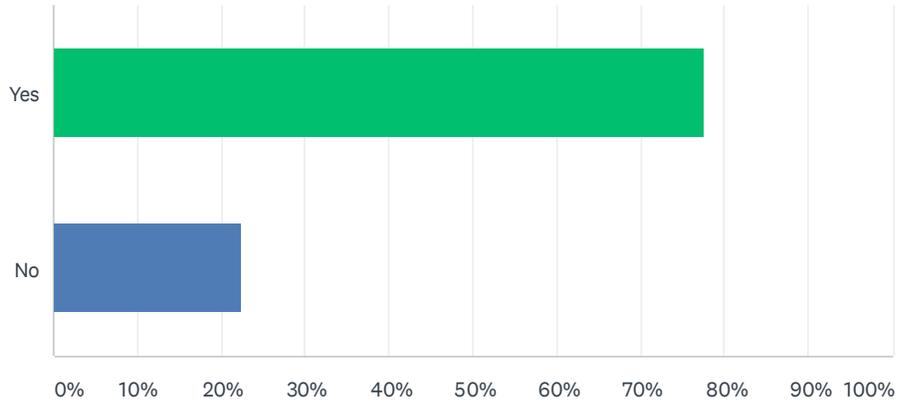
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	18.09%	17
No	48.94%	46
Sometimes (please explain)	32.98%	31
TOTAL		94

Q38 Are there any practices, policies, or procedures of ACS/CPS or its attorney(s) that you believe hinder the preservation or reunification of families in your cases?

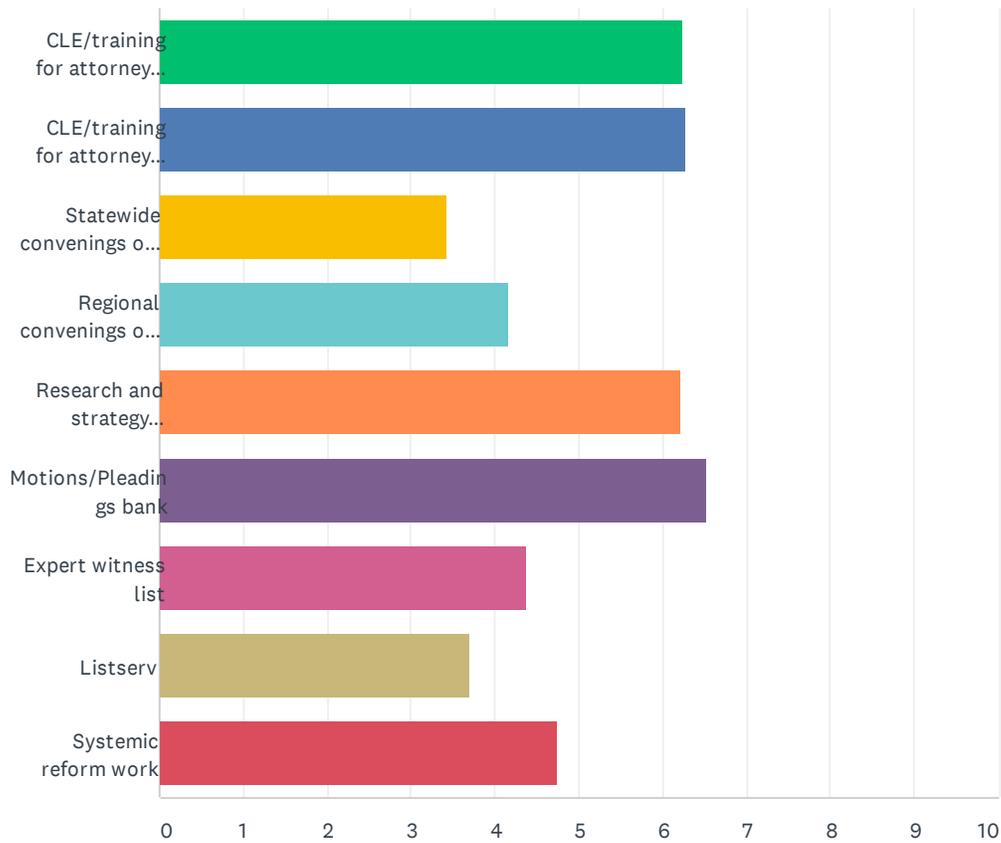
Answered: 89 Skipped: 12



ANSWER CHOICES	RESPONSES	
Yes	77.53%	69
No	22.47%	20
TOTAL		89

Q39 NYSDA provides a number of services to family court defenders. What would you like to see as NYSDA's priorities for providing backup support services to you or your organization, ranked in order of priority, with 1 being the highest and 9 being the lowest?

Answered: 93 Skipped: 8

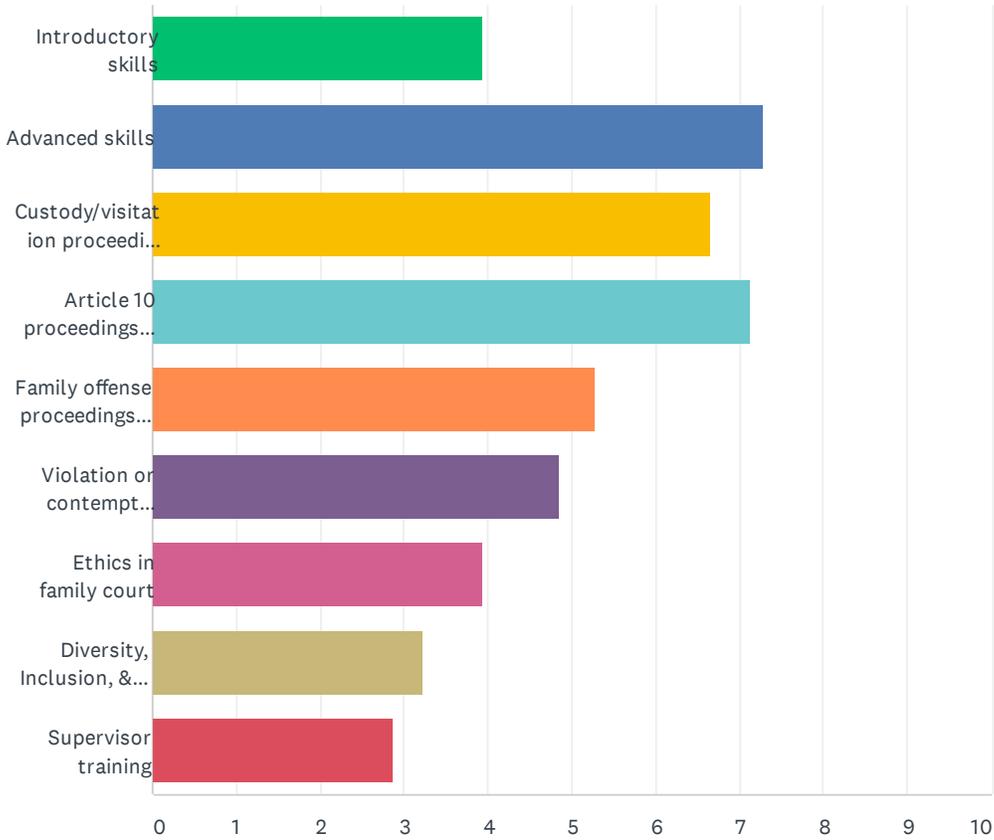


NYS Defenders Association Family Court Defenders Survey

	1	2	3	4	5	6	7	8	9	TOTAL	SCORE
CLE/training for attorneys (in person)	22.73% 20	13.64% 12	17.05% 15	12.50% 11	7.95% 7	10.23% 9	6.82% 6	4.55% 4	4.55% 4	88	6.23
CLE/training for attorneys (online)	21.35% 19	21.35% 19	11.24% 10	13.48% 12	7.87% 7	6.74% 6	6.74% 6	6.74% 6	4.49% 4	89	6.27
Statewide convenings of family court practitioners	1.12% 1	2.25% 2	5.62% 5	7.87% 7	11.24% 10	12.36% 11	21.35% 19	20.22% 18	17.98% 16	89	3.43
Regional convenings of family court practitioners	3.33% 3	6.67% 6	8.89% 8	6.67% 6	17.78% 16	14.44% 13	11.11% 10	18.89% 17	12.22% 11	90	4.16
Research and strategy assistance (by phone or email)	10.11% 9	23.60% 21	15.73% 14	17.98% 16	12.36% 11	8.99% 8	4.49% 4	5.62% 5	1.12% 1	89	6.21
Motions/Pleadings bank	17.78% 16	18.89% 17	23.33% 21	12.22% 11	6.67% 6	10.00% 9	10.00% 9	0.00% 0	1.11% 1	90	6.52
Expert witness list	2.22% 2	8.89% 8	7.78% 7	13.33% 12	14.44% 13	16.67% 15	11.11% 10	14.44% 13	11.11% 10	90	4.38
Listserv	2.25% 2	3.37% 3	5.62% 5	12.36% 11	13.48% 12	11.24% 10	14.61% 13	16.85% 15	20.22% 18	89	3.71
Systemic reform work	23.33% 21	4.44% 4	6.67% 6	4.44% 4	8.89% 8	7.78% 7	13.33% 12	8.89% 8	22.22% 20	90	4.74

Q40 Please rank the following types of CLE programs you would like to see NYSDA provide, in order of priority, with 1 being the highest and 9 being the lowest.

Answered: 92 Skipped: 9

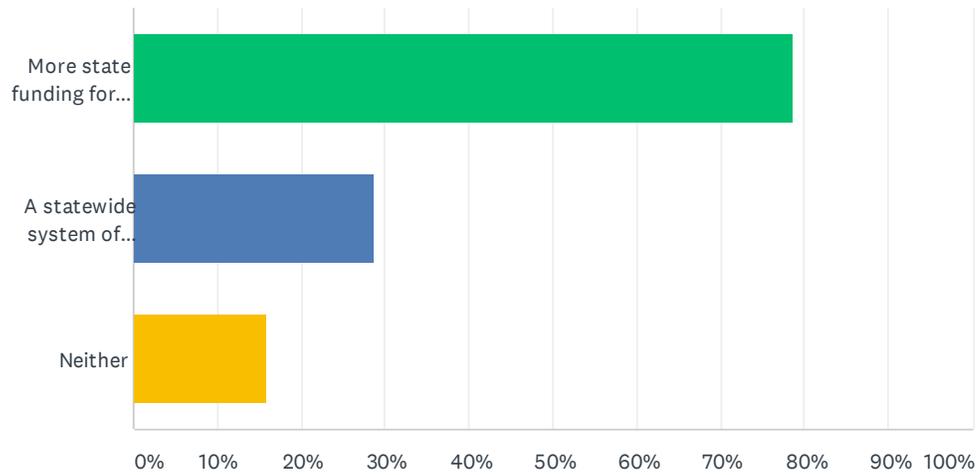


NYS Defenders Association Family Court Defenders Survey

	1	2	3	4	5	6	7	8	9	TOTAL	SCORE
Introductory skills	13.95% 12	4.65% 4	3.49% 3	3.49% 3	9.30% 8	11.63% 10	10.47% 9	17.44% 15	25.58% 22	86	3.93
Advanced skills	37.78% 34	21.11% 19	11.11% 10	6.67% 6	11.11% 10	8.89% 8	2.22% 2	1.11% 1	0.00% 0	90	7.27
Custody/visitation proceedings (substantive law)	8.79% 8	27.47% 25	21.98% 20	20.88% 19	10.99% 10	4.40% 4	4.40% 4	0.00% 0	1.10% 1	91	6.65
Article 10 proceedings (substantive law)	27.78% 25	24.44% 22	16.67% 15	15.56% 14	5.56% 5	4.44% 4	1.11% 1	4.44% 4	0.00% 0	90	7.13
Family offense proceedings (substantive law)	1.12% 1	3.37% 3	23.60% 21	21.35% 19	21.35% 19	10.11% 9	11.24% 10	7.87% 7	0.00% 0	89	5.27
Violation or contempt proceedings including child support (substantive law)	3.37% 3	5.62% 5	8.99% 8	17.98% 16	17.98% 16	24.72% 22	11.24% 10	6.74% 6	3.37% 3	89	4.85
Ethics in family court	6.90% 6	3.45% 3	4.60% 4	5.75% 5	9.20% 8	12.64% 11	31.03% 27	20.69% 18	5.75% 5	87	3.93
Diversity, Inclusion, & Elimination of Bias in family court	0.00% 0	3.41% 3	3.41% 3	5.68% 5	11.36% 10	12.50% 11	22.73% 20	20.45% 18	20.45% 18	88	3.22
Supervisor training	2.30% 2	6.90% 6	5.75% 5	2.30% 2	3.45% 3	9.20% 8	5.75% 5	21.84% 19	42.53% 37	87	2.87

Q41 Please check the statement or statements you believe to be true.

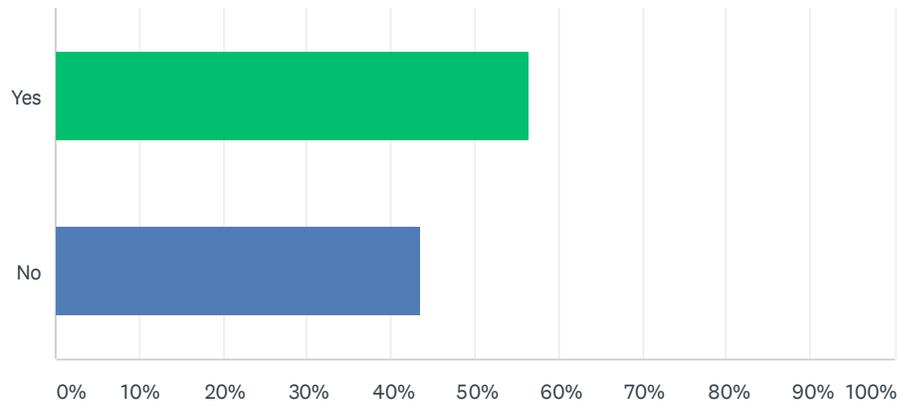
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES	
More state funding for county public defense programs would be a positive step towards improving the quality of family court mandated representation.	78.72%	74
A statewide system of family court public defense would be a positive step towards improving the quality of family court mandated representation.	28.72%	27
Neither	15.96%	15
Total Respondents: 94		

Q42 Do you believe your job as a family court defender causes a degree of stress and/or trauma that is difficult to manage?

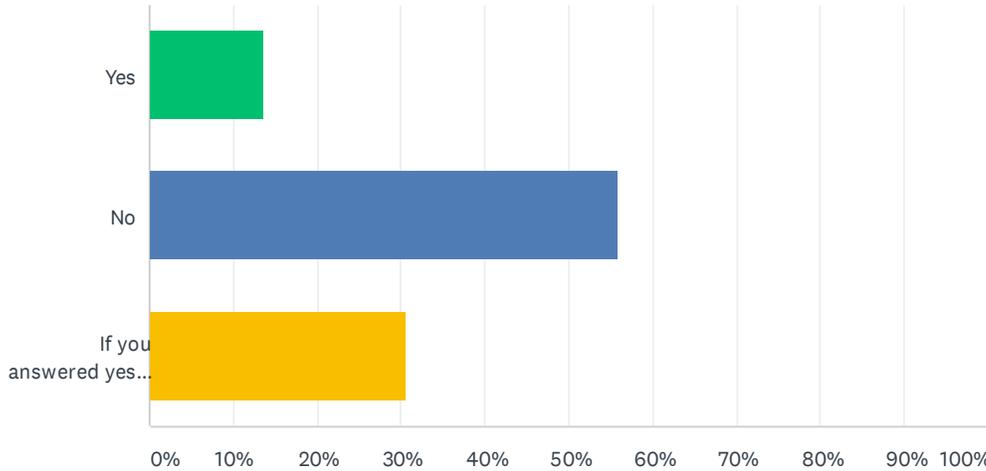
Answered: 94 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	56.38%	53
No	43.62%	41
TOTAL		94

Q43 Have you ever felt pressured to take or decline to take certain action in the representation of your client (e.g., pressure to settle a case you thought should go to trial; pressure not to file a motion)?

Answered: 95 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	13.68%	13
No	55.79%	53
If you answered yes, from whom did you feel pressured?	30.53%	29
TOTAL		95

Q44 If you answered yes to the previous question, what did you expect to happen if you didn't give into the pressure?

Answered: 47 Skipped: 54

Deleted to preserve anonymity of respondents.

Q45 What if anything do you think could be done to ameliorate the stress caused to our clients by being in the family court system?

Answered: 75 Skipped: 26

Deleted to preserve anonymity of respondents.

Q46 If the survey did not address a topic you would like to discuss, please write any additional comments here.

Answered: 22 Skipped: 79

Deleted to preserve anonymity of respondents.