

Report Detailing Impact of COVID-19 on the New York City Family Court Urges Reform

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Over the past several months, I have had the honor of co-chairing a joint [New York City Bar Association/Fund for Modern Courts](#) work group, which just issued its [report](#) on the impact of COVID-19 on the New York City Family Court. Given its large caseload, the fact that about 80% of the litigants are unrepresented, and a longstanding lack of resources and inadequate investment in technology, the Family Court was hit much harder by the pandemic than other courts.

The report details “a significant shutdown of service [...] for a large number of litigants for an extended period of time.” While “essential” cases and “emergency” matters went forward, the vast majority of custody, visitation, child support and adoptions stagnated for months, many for almost a year before being scheduled. Litigants were literally turned away at the door with limited information about their cases or the status of court operations generally. This grave situation impacted real people, something Melissa Russo at WNBC captured through the voice of litigants during an evening news broadcast: [NYC Family Court in Crisis, New Report Says – NBC New York](#).

The real story here is not as much about the pandemic as it is about how the pandemic laid bare inequities that had existed in the Family Court for decades. The lack of resources, including an insufficient number of judges, inadequate staffing, and limited technology, long predated COVID-19. At the root of the problem is New York State’s antiquated court structure — comprised of 11 separate and distinct trial courts – which makes it difficult for court administrators to allocate limited resources where they are most needed. The structure locks in disparities among the various trial courts which, in turn, disproportionately impacts the poor and people of color.

The report urges executive and legislative action to address the underlying inequities in the system. Indeed, the Fund for Modern Courts is leading a [coalition](#) of over 100 organizations to support Chief Judge Janet DiFiore’s proposed constitutional amendment to simplify the court system.

The report also calls for the Family Court to adopt [New York State Courts Electronic Filing](#) (NYSCEF); provide regular statistical reporting; enact uniform rules; expand technological capabilities for remote proceedings and for communications with stakeholders; move judges, staff, and other resources from other trial courts as necessary and appropriate to tackle backlogs and delays; and expand management training for jurists.

Recognizing growing awareness of the acute need to advance racial and social justice, the report pushes for a concerted effort among the bench, bar, and state lawmakers to reform the system so that we can better protect the safety and security of families and children. As the report notes, “The emergence, however uneven, of remote technology and a growing recognition that the Family Court is under-resourced and that its in-person service model does not fit today’s world should be a source of hope.”

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