



**FUND FOR MODERN COURTS, INC.  
FAMILY COURT MONITORING PROJECT**

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**STATEWIDE  
FAMILY COURT MONITORING PROJECT  
FINAL REPORT**

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## STATEWIDE

### I—INTRODUCTION

#### A—General Description

The Fund for Modern Courts, Inc. has recently completed the second phase (9 months) of an 18 month citizen Family Court Monitoring Project. The project, designed to develop and implement a systematic format for citizen participation in the Family Courts was funded through grants from the Division of Criminal Justice Services (\$89,033) and New York Community Trust (\$7,467).

This report represents the discussions, impressions, findings and recommendations of the citizen volunteers who participated in the project. The recommendations and issues cited in the statewide and local area reports are directed towards members of the judiciary, local bar associations, legislators and citizen groups. It is intended that this report will foster a better understanding of the problems that exist in the Family Court as citizens perceive them and provide the forum for improvement and change. In addition, it is anticipated that this effort will promote other citizen efforts in the Family Court.

#### B—Citizen Participation

It is evident from the degree of recent media, legislative and public attention focused on the operations and problems of the courts in New York State that there is a need for a more detailed public scrutiny and understanding concerning the operations of the courts. Recently, increased attention has been focused on the Family Court in the light of violent acts committed by juveniles. Experts in the field of juvenile justice as well as lay persons are taking a closer look at this court. There have been some attempts by the New York State Legislature to address the problems of juvenile violence through the Juvenile Justice Reform Act of 1976 (see New York City report). The problems of the Family Court are not restricted to the effective disposition and treatment of the violent juvenile offender; a previous report issued by the Fund last March cited that in the Family Court there also exist problems of delay and adjournment, inadequate citizen information services, disparate physical conditions, and uneven quality of representation. These conditions sometimes promote a negative attitude and lack of respect for the juvenile justice process in those citizens who come before the court.

The concept of citizens going into court to monitor or observe proceedings, though a relatively new movement, is becoming broadly encouraged and accepted. While there have been many excellent professional studies conducted, they usually address the management practices and policies of the court and have not uniformly represented the viewpoint of the lay person.

Many petitioners, respondents and witnesses represent the non-professional lay population. In order for a juvenile justice system to meet the needs of the population it

serves, it must be responsive to the comments, criticisms and recommendations of the lay person.

The methodology of the Family Court Monitoring Project therefore was designed to utilize the talents of trained citizen volunteers and to allow them through observation of Family Court proceedings to evaluate the system in their own terms.

While there are obvious advantages in designing and carrying out a citizen study there are also significant limitations. A citizen study cannot be expected to address the legal or management problems of the court and cannot gather and evaluate sophisticated quantitative data. In addition, lay people cannot evaluate and address legal and due process issues.

This report should be viewed as a citizen effort which is a beginning in an ongoing evaluation and learning process. The project findings and recommendations have been developed by citizens and local advisory committees evaluating the system as they perceive it.

#### C—Project Focus and Goals

The research focus of the project was to collect limited information about Family Court activity. Particular attention was paid to juvenile delinquency and PINS (persons in need of supervision) hearings. In New York City a separate study was done on preliminary information regarding the Juvenile Justice Reform Act of 1976 and Designated Felony petitions.

The goals of the project included but were not limited to:

1. collecting and evaluating data affecting the quality of juvenile justice
2. providing specific recommendations for upgrading the current system
3. initiating and maintaining a dialogue between citizens and their local judiciary.
4. providing a presence of concerned citizens in the courtroom.

Specific research investigations focused on collecting and evaluating data concerning:

1. protection of and adequate explanation of respondent's rights
2. quality of representation  
reasons for and frequency of adjournment and delay
4. physical conditions in the court
5. disposition of Designated Felony petitions in New York City
6. citizen access to the court

#### D—Report Structure

This report represents the second and final part of a two part 18 month study of the Family Court in 9 areas in New York State. A first report issued in March, 1977 detailed the observations, findings and recommendations of 220

volunteers in Erie, Nassau and Westchester (Yonkers, White Plains, New Rochelle) Counties and in New York City (Bronx, Queens, Manhattan). For a detailed account of the findings a copy of the first report can be obtained by writing to the Fund for Modern Courts, Inc.

This report is in five parts. In addition to the general recommendations and issues discussed in the statewide report, area reports contain information specific to the local court. There are four area reports: Albany, Onondaga, Mid-Hudson (Orange, Ulster and Sullivan) and New York City (Bronx, Brooklyn and Manhattan).

The New York City and Albany reports are more detailed and contain a greater amount of qualitative and quantitative statistical information. In addition, the New York City report contains a section on processing Designated Felony petitions. The significant proportion of Designated Felony petitions are filed in New York City; filings outside of New York City are minimal.

### **E—Cases Observed**

Monitors observed a total of 3,527 hearings and 383 sessions statewide (Table 1). Of those, 166 sessions and 1,469 hearings were observed in New York City and 2,058 hearings and 217 sessions were observed in areas outside of New York City. Table 2 documents the kind of cases observed; the majority of hearings observed were support proceedings. With the exception of the Mid-Hudson counties, monitors were able to observe a proportionate number of intake, fact-finding and dispositional hearings. Probation Intake proceedings were excluded from the study. While Probation Intake is an integral part of Family Court operations, monitors were excluded from observing and commenting about this function because probation administration believed it was not within the scope of the grant.

### **F—Acknowledgements**

The State Advisory Board, project staff and local advisory committees thank New York State Administrative Judge Richard J. Bartlett for his continuing support of our citizen monitoring efforts and to all the Family Court judges who accepted the monitors into the courtroom and assisted the project coordinators. Special appreciation is extended to the Division of Criminal Justice Services and New York Community Trust whose financial support made the project possible.

We wish to extend our appreciation to Stuart D. Spiegler, Data Processing Consultant, Kenneth D. Klockseim, Consultant, and Robert D. McGinnis, Professor of Criminal Justice, Ramapo College of New Jersey for their participation in the project.

Finally, each monitor is extended special appreciation and thanks for their diligent efforts, sensitive observations and commitment to the project.

## **II—SUMMARY OF RECOMMENDATIONS**

### **Case Scheduling, Calendar Calls, Length of Hearings**

1. Under the supervision of the Administrative Judge of the Family Court and Chief Clerk, each Family Court should evaluate the possibility of employing a split calendaring system. Where appropriate, this system should schedule cases for specific time periods.

2. Under the supervision of the Administrative Judge of the Family Court and Chief Clerk, each Family Court should adopt a policy of holding calendar calls during each session. Information as to when cases will be heard or the reasons for extensive delays should be shared with participants in waiting areas.

### **Representation**

3. The appropriate Appellate Division in cooperation with the Office of Court Administration and Family Court should design and develop training seminars for panel attorneys who will practice as law guardians in the Family Court. These seminars should be available periodically and required where appropriate.

4. The Office of Court Administration and the Family Court in New York City should conduct an evaluation of the continuing role of the Corporation Counsel in juvenile delinquency proceedings. Particular attention should be paid to staffing levels (support, research and secretarial staff) in order to upgrade the legal services available.

### **Respondent's Rights**

5. Each judge and attorney should make a concerted effort to explain the proceedings, rights and results of hearings to the respondent in simple non-legal language.

### **Information Services**

6. Information centers, should be established in central areas of courthouses, staffed permanently and consistently (perhaps by volunteers) to assist those citizens who come to the court. Information dispersed to the citizens should focus on:

- a. location of courtrooms and key areas
- b. types of services available
- c. ancillary agencies

In those areas where there is a large Hispanic or non-English speaking population there should be an adequate number of bilingual volunteers to assist this population.

7. Citizen groups and the local bar association should develop bilingual pamphlets detailing court procedure, structure and function of the court, etc. These pamphlets should be available at key areas in the court and distributed at information centers.

8. The Office of Court Administration should develop and implement uniform statewide guidelines for the kinds of information which can and should be published on a daily calendar and the manner of distribution. At a minimum, calendars should be posted in central areas.

### **Adjournment**

9. The Office of Court Administration in cooperation with the Family Court and local bar association should develop, promulgate and enforce minimum standards and goals for the granting of adjournments.

10. The Office of Court Administration in cooperation with the Administrative Judge of each Family Court should develop and enforce sanctions to be applied to attorneys, respondents and agency personnel who consistently delay or adjourn proceedings through lateness, lack of preparedness or non-appearance.

### **Physical Conditions**

11. The Office of Court Administration in cooperation with each Family Court, local bar associations, and citizen task forces should develop and implement minimum standards and goals for the physical environment of Family Courts in New York State. The minimum standards and goals should include but not be limited to:

- a. adequate space allocation for:
  1. lawyer/client conference areas
  2. holding areas for juveniles in detention
  3. child-care services
  4. information booths
- b. strict guidelines on the maintenance (cleanliness) of the courtroom, waiting room and detention facility.

## **III—FINDINGS AND RECOMMENDATIONS**

### **A—Case Scheduling, Calendar Calls, Length of Hearings**

The case scheduling system of a court determines the utilization of the resources of a court. This includes the use of court space and equipment, as well as the time spent by judges, attorneys, police, citizens and other personnel. If any one of these resources is underutilized or mismanaged, the cost of the entire system may rise, while the effectiveness may go down and a negative impression created.

There were many comments from monitors concerning the way cases were scheduled, the lack of calendar calls, the amount of time spent waiting for cases to be heard and the brevity of hearings.

#### **1. Case Scheduling**

With two exceptions (Onondaga County and New York City Intake parts) monitors observed that there was no system utilized to schedule cases for specific times or specific blocks of time (split calendaring). Generally, cases

are scheduled for 9:30 a.m. except in Albany County where sessions begin at 9:00 a.m.

The Onondaga Family Court employs a particularly innovative case scheduling system in an attempt to abate the amount of time respondents and petitioners wait for their cases to be heard. That court has been experimenting with a case scheduling system which divides each morning and afternoon session into two time blocks.

Generally, these time blocks are as follows: 9:30 a.m. - 11:00 a.m., 11:00 a.m. - 12:00 p.m., 2:00 p.m. - 3:30 p.m., 3:30 p.m. - 5:00 p.m. All litigants, counsel and other participants for a particular time block are told to appear at the beginning of that block. It is anticipated that no participant should have to wait longer than 90 minutes. Monitors in Onondaga County commented that this particular system appears to be working satisfactorily.

In New York City, in the Intake parts, cases are scheduled for either 9:30 a.m. or 1:00 p.m. sessions. Generally, 35-40 cases are scheduled for each session with cases added to the calendar during the session.

During this phase of the study in places other than Onondaga and New York City Intake parts no similar scheduling system was observed. All litigants are told to appear at the beginning of the day (generally at 9:30 a.m.).

#### **2. Calendar Calls**

In all areas across the state monitors commented on the irregularity or non-existence of calendar calls (see local area reports for specific data). Monitors believed that calendar calls should be held consistently to assist the court in establishing priorities for the day's cases and immediately inform the clerk about impending delays and adjournments. Monitors strongly urged that if particular information is available regarding delays during a session or the time a particular case will be heard, this information should be shared with citizens waiting for their cases to be heard. Too often monitors observed participants in the waiting rooms, frustrated by unexplained delays, with no one available to inform them when their case would be heard.

#### **3. Length of Hearings**

Monitors observed that the majority of cases were held in five minutes or less. While it was noted that the brevity of the proceeding did not always indicate a poor quality of justice, monitors noted that brief hearings after long waiting periods only served to increase the level of frustration experienced by many citizens who had cases in court.

### **Recommendations**

1. Under the supervision of the Administrative Judge of the Family Court and Chief Clerk each Family Court should evaluate the possibility of using a split calendaring system. Where appropriate, this system should schedule cases for specific time periods.

2. Under the supervision of the Administrative Judge of the Family Court and Chief Clerk, each Family Court should adopt a policy of holding calendar calls during each session. Information as to when cases will be heard or the reasons for extensive delays should be shared with participants in waiting areas.

## **B—Representation**

Many of the comments made by monitors regarding representation during the second phase of the project were similar in scope to those made in the first report. Monitors made two comments: in areas outside of New York City representation by law guardians (generally supplied to the court through lists supervised by the Appellate Division) was not uniform in quality; in New York City representation for the petitioner supplied by the Corporation Counsel's office seemed poor.

Monitors cited many problems in the representation of juveniles (juvenile delinquency and PINS petitions). They observed that in areas outside of New York City some of the panel attorneys assigned to juvenile cases were knowledgeable about Family Court law and procedure and others were not. While monitors did not have negative comments about the entire population of respondent counsel, it appeared that a proportion of the attorneys observed did not have adequate knowledge about Family Court law, juvenile justice legislation and their individual case.

Monitors believed that before a prospective attorney is assigned to the Family Court by the Appellate Division he/she should be screened to determine capabilities. In addition, the Appellate Division in cooperation with the Office of Court Administration and the Family Court should design and develop seminars for panel attorneys who practice in the Family Court in order to acquaint them with Family Court procedure and juvenile justice legislation.

### **New York City**

Monitors observing cases in New York City (Bronx, Manhattan, Brooklyn) observed that the quality of representation available to the respondent from the Legal Aid Society was of uniform quality, and generally quite good. Monitors' comments focused on the poor quality of representation available to petitioners in juvenile delinquency cases. They observed that the Assistant Corporation Counsel in these cases often did not appear to be prepared for the hearings.

While monitors did comment on the poor quality of representation when compared with the Legal Aid Society, they also noted that the support staff of the Corporation Counsel's office seemed inadequate. Classically, "prosecutors" have not played a significant part in Family Court proceedings (although Assistant District Attorneys are, now assigned to handle Designated Felony petitions). With the increased formality of proceedings and an increased

adversarial philosophy, adequate legal assistance for the petitioner is mandatory.

The Corporation Counsel's office lacks support staff to assist in pre-trial investigation, and case research in order to prepare legal arguments. Monitors believed that the petitioner may be at a disadvantage and many cases may be dismissed that are appropriate for court disposition.

While a detailed discussion is presented in the New York City report, a general recommendation is offered in the Statewide report to suggest that the Office of Court Administration and Family Court conduct a reevaluation of the continuing role, present staffing and functioning of the Corporation Counsel to determine if a reallocation of funds and services is possible in order to upgrade the quality of petitioner representation in juvenile delinquency cases.

## **Recommendations**

3. The appropriate Appellate Division in cooperation with the Office of Court Administration and Family Court should design and develop training seminars for panel attorneys who will practice as law guardians in the Family Court. These seminars should be available periodically and required where appropriate.

4. The Office of Court Administration and Family Court in New York City should conduct an evaluation of the continuing role of the Corporation Counsel in juvenile delinquency proceedings. Particular attention should be paid to staffing levels (support, research and secretarial staff) in order to upgrade the legal services available.

## **C—Respondents' Rights**

Another area that elicited many negative comments from monitors focused on the adequate protection of the rights of the respondent. While a detailed discussion on respondents rights is included in the local reports, a general statewide trend became obvious. Monitors were most concerned that the rights of the respondent did not appear to be adequately explained and the language utilized during the court hearing was often incomprehensible to the citizen appearing before the court.

Monitors observed many members of the bench and bar who took time to explain the nature of the proceedings and rights to the respondent. Too often, however, monitors observed proceedings that were disposed of in 3 minutes or less with no explanation to the participant as to what happened.

Volunteers believed that a general understanding as to what was happening during the court session was lacking and often people appearing before the Family Court seemed unaware of their rights. Monitors were distressed when they observed no attempt to explain rights or ask if participants understood the nature of the proceeding.

Monitors were sensitive to the fact that the counsel for the respondent bears the ultimate responsibility of explain-

ing court procedure, however they believed that the judge should also make a concentrated effort to explain the result of each hearing and insure the participant's full understanding. When possible, this should be done in simple, non-legal language.

#### **Recommendation**

5. Each judge and attorney should make a concerted effort to explain the proceedings, rights and results of hearings to the respondent in simple non-legal language.

#### **D—Information Services**

Monitors were keenly aware that when citizens come to the Family Court they are often confused, unaware of where to go, and not knowledgeable of what services are available or when their case will be heard. In most areas monitors cited a general lack of information services.

Volunteers consistently commented on the need for the court to provide a number of information and citizen services to make the court more accessible and meet the needs of those who have business before the Family Court. It was suggested that these services include:

a. Volunteer staffing of information centers in a central area of the courthouse. Where there is a large Hispanic or non-English speaking population, there should be an adequate number of bilingual "volunteer aides" to assist this population.

b. Bilingual pamphlets detailing court procedure, Probation Intake procedure, structure and function of the court, location of key areas in the courthouse, community services and ancillary agencies should be available at key areas in the court. They should also be distributed in a central area of the courthouse or at information centers. Each courtroom or part should be labeled indicating the number of the courtroom and presiding judge. If possible, a copy of the calendar should be posted to indicate which cases are being held in that particular part.

Monitors observed that the availability and types of information printed on daily calendars varied considerably from county to county. In New York County calendars are generally posted in full public view in a central area while in other counties calendars are not posted and generally unavailable. Some calendars contain detailed information about the cases scheduled for the day, including information about respondent counsel, number of adjournments, and how many days the case has been on the calendar. Other calendars are not as detailed. Monitors believed that in view of the recent emphasis placed on the disclosure of information regarding Family Court records, the Office of Court Administration should develop and promulgate statewide guidelines regarding what information is appropriate to be published on daily calendars. At a minimum, calendars should be posted in a central area.

#### **Recommendations**

6. Information Centers should be established in central areas of courthouse (staffed permanently and consistently perhaps by volunteers) to assist those citizens who come to court. Information dispersed to the citizens should focus on:

- a. location of courtrooms and key areas
- b. types of services available
- c. ancillary agencies

In those areas where there is a large Hispanic or non-English speaking population there should be an adequate number of bilingual volunteers to assist this population.

7. Citizen groups and the local bar associations should develop a bilingual pamphlet detailing court procedure, structure and function of the court, etc. These pamphlets should be available at key areas in the court and distributed at information centers.

8. The Office of Court Administration should develop and implement uniform statewide guidelines for the kinds of information published on a daily calendar. At a minimum calendars should be posted in a central area.

#### **E—Adjournment**

In the courts that were monitored, the percentage of cases adjourned was 50% statewide (Table 4). When possible, monitors documented the major reasons for adjournment. While it was noted that many adjournments were necessary to progress the case to another stage (i.e., to continue a fact-finding hearing, to arrange for placement or to appoint counsel), a significant proportion of the adjournments observed appeared to be unnecessary.

The majority of unnecessary adjournments seemed to stem from the non-appearance of an essential party, generally the respondent. Frequently cases were delayed or adjourned due to the lateness, absence or unpreparedness of an attorney. Monitors questioned why the judge did not take a more active role in the prevention of unnecessary adjournments through reprimand to the probation officer or social worker, warnings or sanctions to the counsel, or warrants issued to the respondent who consistently failed to appear.

While it was recognized that the judge sometimes may have no other choice but to grant an adjournment request, rarely were adjournment requests denied or sanctions imposed.

Constant adjournments coupled with delays severely erode the public's confidence in the Family Court system. In addition, constant non-productive adjournments adversely affect the juvenile who is in "limbo" with no immediate treatment available, (in temporary detention or in temporary foster care). Not only is this detrimental, it also perpetuates a negative attitude toward the court. This is particularly true when witnesses or petitioners come to court and are forced to wait for their case to be heard only to have it adjourned to another date.

It should be a major goal of the Office of Court Administration and each Family Court to enforce guidelines on granting adjournments. In addition, proper sanctions should be imposed on those individuals who consistently delay or cause adjournments through non-appearance or lateness.

### Recommendations

9. The Office of Court Administration in cooperation with the Family Court and local bar association should develop, promulgate and enforce minimum standards and goals for the granting of adjournments.

10. The Office of Court Administration in cooperation with the Administrative Judge of each Family Court should develop and enforce sanctions to be applied to attorneys, respondents and agency personnel who consistently delay or adjourn proceedings through lateness, lack of preparedness or non-appearance.

### F—Physical Conditions

Monitors were able to make extensive comments regarding the physical facilities of the courthouse and courtroom (i.e., audibility, cleanliness, space allocation, lighting, temperature and heating).

It should be noted that monitors did not observe any major structural problems or severe shortcomings in the physical facilities in the courts observed. The Family Courts in many of the areas observed were either in new buildings (Manhattan, Bronx, Mid-Hudson), or recently renovated (Albany, Onondaga).

Attitudes of the citizens who come to the court are shaped by the way the courthouse and courtroom looks. It is the first impression they get of the court. Clean, well-lit courts with adequate space to provide essential services should be an immediate goal that all courts should meet. Physical conditions cannot be linked directly to the quality of justice available in the court; however, inadequate facilities often contribute to a negative attitude and the lack of dignity and decorum undermines the impact of the proceedings on those who come to court.

Compared with Criminal Court, Family Court parts are smaller, and less crowded (generally, only the participants involved in the hearing are present). Audibility (a problem reported in the Criminal Court report (released in July 1976)) is not a serious problem. Rather, monitors commented on the lack of space, the crowding in the hallways and confusion resulting from these conditions. Adequate space was lacking for lawyer-client conference rooms, child care centers and holding areas for juveniles in detention.

Courthouse facilities were often not properly maintained. Monitors believed that there should be strict guidelines for the cleanliness levels of the courthouse and courtroom. These should include waste receptacles and ash trays to lessen the amount of trash discarded in corridors and waiting

areas. At a minimum there should be restricted areas for smokers.

### Recommendation

11. The Office of Court Administration in cooperation with each Family Court, local bar associations, and citizen task forces should develop and implement minimum standards and goals for the physical environment of Family Courts in New York State. The minimum standards and goals should include but not be limited to:

- a. adequate space allocation for:
  1. lawyer/client conference areas
  2. holding areas for juveniles in detention
  3. child-care services
  4. information booths
- b. strict guidelines on the maintenance (cleanliness) of the courtroom, waiting room and detention facility.

### G—Methodology

#### Project Structure

##### 1. Statewide

A Statewide Advisory Board was established by the Board of Directors of the Fund for Modern Courts, Inc. The Board served as the policy making body for the entire project. Board members were individuals with knowledge and expertise in juvenile justice, court management and law. The Board regularly assisted in the preparation of training materials and assisted in the design of the data collection instrument and reviewed reports and materials.

The Statewide Advisory Board developed general policy issues that were investigated and supervised and approved project activities in the local areas.

The Statewide Advisory Board was composed of the following individuals:

Richard Coyne, Chairman	Vice-President and Chairman of the Courts and Criminal Justice Task Force, Economic Development Council of New York City, Inc.;
David Ellis	Former Executive Director, Fund for Modern Courts, Inc; currently in private practice.
Pauline Feingold	Chairwoman, New York Women in Criminal Justice.
Donald Grajales	Director, Region II, Legal Services Corporation.
Robert MacCrate	Former President, New York State Bar Association; currently in private practice.
Archibald R. Murray	Executive Director, Attorney-in-Chief, Legal Aid Society.

Flora Rothman	Chairwoman, Justice for Children Task Force, National Council of Jewish Women
Hon. Caroline K. Simon	Former Judge, Court of Claims, Former Secretary of State of New York, currently in private practice.

## 2. Local Areas

In each project area an advisory committee was established to set specific local policy. Within guidelines established by the Statewide Advisory Board, the local committee in each project area assisted the local coordinator in:

- recruiting and coordinating training programs for monitors
- selecting the courts or court parts to be monitored
- evaluating project progress
- editing and analyzing project data
- developing recommendations and formulating local area report

Individual members of the local advisory committee are acknowledged in the local report.

In each area, a part-time local coordinator was responsible for the operation of the project. With assistance from the local advisory committee duties of the local coordinator included, but were not limited to:

- a. recruiting and screening project volunteers
- b. developing and implementing an intensive training program
- c. scheduling and supervising the volunteers in court
- d. collecting, editing and evaluating qualitative and quantitative data
- e. developing narrative reports on monitor findings
- f. meeting regularly with members of the local advisory committees to evaluate progress.
- g. meeting with members of the local judiciary, bar association and citizen groups to inform them about the project and insure their cooperation.

### 3. a. Volunteer Recruitment

For this phase of the project, 274 volunteers were recruited and trained. Preliminary requirements for participation in the project were that the individual:

- participate in a two week training session
- be available for monitoring one half day once a week
- commit themselves to a four month period with the project
- respect the confidentiality of the proceedings observed

### b. In Class Training

For two weeks on an intensive basis and as a special part of the regularly scheduled monthly meetings, monitors attended discussion sessions led by members of the judiciary, attorneys, court personnel, probation officers, and others.

The purpose of these discussion sessions was to inform the monitors about the unique procedures, structure and function of the Family Court and to allow the monitors the opportunity to ask specific questions about the Family Court.

A significant amount of time during the training was devoted to the method of data collections. (The forms were complicated in design and the type of information to be gathered had to be explained thoroughly.) Each local coordinator had the responsibility of insuring that this phase of the training was complete. (The more accurate the monitors were in collecting and recording their observations, the greater the reliability of the quantitative data gathered).

During the course of the project, additional training schedules were often arranged to address specific problems and questions and to supplement the training of individual monitors who had missed earlier training sessions.

### c. In Service Training

After the in-class training and court tours, monitors were given their first opportunity to collect data about the Family Court. The first two weeks of monitoring were generally discarded and treated as a pilot or trial period. The local coordinator maintained constant communication with the monitors during the pilot period in order to immediately correct mistakes and pinpoint problem areas.

With these three stages of training completed, each volunteer was given a monitoring assignment. Each local coordinator made the decision to assign monitors to one part on a permanent basis or to rotate monitoring assignments throughout the monitoring period.

### d. Conclusions

The experience of the past 18 months of the staff and volunteers of the Family Court Monitoring Project has been to identify and harness the vast amount of citizen power available and willing to participate in the judicial process. While monitoring is a first step in the direction for citizen participation, it cannot stop there. Trained citizen volunteers can be utilized to:

- a. staff information centers
- b. assist in staffing child-care centers
- c. participate in forums that will develop ways to improve the accessibility of the court
- d. provide the support to the court to implement recommendations for change
- e. identify other areas for citizen involvement

The citizen volunteers and local coordinators have reported that with few exceptions, the judiciary, bar association and court personnel have been supportive of the monitoring project, receptive to their ideas and in some cases willing to participate in future monitoring efforts.

We feel that the most important aspect of the project is

that citizens are beginning to participate, looking for other outlets for participation and most important, the judiciary is willing to cooperate in that process. It is anticipated that this "grass roots" support and involvement will continue and

that a permanent community forum will develop perhaps in the form of a permanent citizen advisory task force which will implement long term changes and improvements in the Family Court.

H. Tables

TABLE 1

STATEWIDE

County	NUMBER OF HEARINGS/SESSIONS OBSERVED			
	Session		Hearing	
	Number	%	Number	%
New York	62	16	608	18
Bronx	41	11	409	12
Kings	63	16	452	13
Suffolk	22	6	216	6
Albany	92	24	1111	30
Ulster	26	7	93	3
Orange	18	5	91	2
Sullivan	7	2	22	1
Onondaga	52	13	525	15
Totals	383	100%	3,527	100%

TABLE 3

STATEWIDE

Outcome of Hearing	Outcome of Hearing	
	Number	%
Adjourned	1023	50
Dismissed	207	10
Adjourned in Contemplation of Dismissal	100	5
Judgment Susp.	19	1
Decision Reserved	18	1
Adjudicated PINS	41	2
Case Business Complete	513	25
Other	67	3
Can't determine	60	3
Totals	2058	100%

NEW YORK CITY/STATEWIDE DATA

	Session		Hearing	
	Number	%	Number	%
NYC	166	43	1,469	42
Statewide	217	57	2,058	58
Totals	383	100%	3,527	100%

TABLE 2

TYPE OF CASE OBSERVED

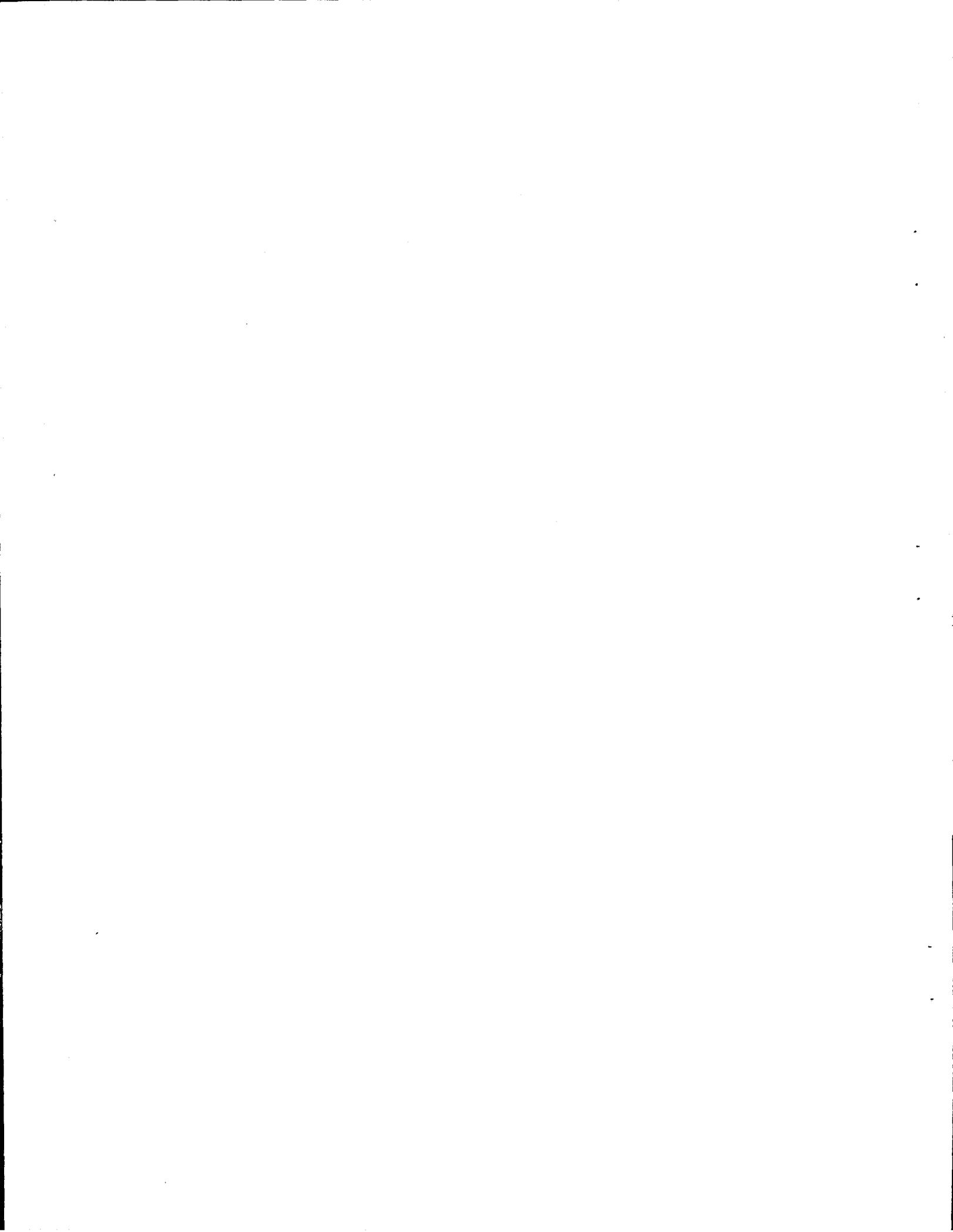
Case	Upstate		New York City	
	Number	%	Number	%
Adoption	3	-	3	-
Permanent Neglect	10	-	36	2
Juvenile Delinquency	379	18	376	26
Support	845	41	189	14
Guardianship	3	-	55	4
Informal	1	-	0	-
Foster Care Review	33	2	2	-
Approval Foster Care Placement	9	-	0	-
Consent to Marry	1	-	0	-
Abuse and Neglect	71	3	185	13
Family Offenses	142	7	64	4
Paternity	177	9	141	9
Referred from Supreme Court	4	-	4	-
Persons in Need of Supervision	254	12	298	21
Uniform Support of Dependents Law	21	1	10	-
Material Witness	16	1	10	-
Can't Determine	89	6	96	7
TOTALS	2058	100%	1469	100%



I.  
**ALBANY COUNTY  
FAMILY COURT MONITORING PROJECT  
FINAL REPORT**

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## ALBANY COUNTY

### I—INTRODUCTION

The Albany County Family Court Monitoring Project was launched in March 1977. Sponsored by the Fund for Modern Courts, Inc. and supervised locally by a Citizens Advisory Committee, the project was the first effort in Albany County to allow citizen volunteers to observe certain aspects of the Family Court. The project was funded through a grant from the Division of Criminal Justice Services and New York Community Trust.

The primary goals of the project included educating citizens about the Family Court, providing a presence of concerned citizens in the courtroom, initiating a dialogue with the judiciary, pinpointing problems within the court, and formulating recommendations to improve the Family Court system.

Monitoring in Albany County began in June 1977. For a period of four months, over thirty volunteers collected both quantitative and qualitative information on the types and numbers of case hearings, the physical conditions of the court, courtroom decorum, legal representation of both adults and juveniles, respondents' rights, and the frequency of and reasons for adjournments and delays of case hearings.

The following report is based on quantitative (statistical) data collected during the months of June and August, and the qualitative (narrative) comments and impressions of the monitors gathered over the duration of the project.

For this report monitors observed and documented case activity during June and August (Tables 1 and 1A). In June, monitors observed 90 (13%) juvenile delinquency hearings, 71 (10%) PINS (persons in need of supervision) hearings, and 393 (55%) support hearings including U.S.D.L. (uniform support of dependents law) proceedings. The rest of the observations in June included other adult cases. In August, monitors observed 43 (13%) juvenile delinquency hearings, 35 (9%) PINS hearings, and 198 (58%) support hearings including U.S.D.L. proceedings. Again the remainder of the proceedings observed were other adult matters. In June, monitors observed 236 intake hearings, 177 fact-finding hearings, and 127 dispositional hearings; in August, 119 intake hearings, 82 fact-finding hearings, and 51 dispositional hearings were observed. (Table 2)

The suggestions which follow are made in the hope of helping the court to improve its efficiency, as well as assisting it in being responsive to the problems of the community it serves. This report and the recommendations are directed to the members of the judiciary and court administration.

The project and staff and monitors wish to acknowledge

New York State Administrative Judge Richard J. Bartlett, Judge Phillip G. Coffey, Judge Michael V. Tepedino and the entire staff of the Albany Court Family Court for their cooperation and assistance throughout the duration of the project. Appreciation is also extended to Mary Anne Weinman, Program Director of Christians United in Mission, and to Keith Russel and Carol Thomas of the Emanuel Baptist Church for the use of meeting rooms, office space and telephones and for providing staff and volunteers with a wealth of information and support. The local coordinator of the project was Ms. Claudia Schlosberg. She may be contacted at 1510 Van Vraneken Avenue, Schenectady, N.Y. 12308. Tel. (518) 374-2770. Ms. Kathy Vilardi may also be contacted at (518) 418-4815.

### II—SUMMARY OF RECOMMENDATIONS

1. The court reporters should be relieved of all extraneous duties that infringe on their ability to keep complete records of all court proceedings. The court reporter should be present during the time court is in session.

2. The court administration should investigate the possibility of placing a court assistant or secretary in each hearing room to assist the judges by handling cases and files, scheduling adjournments and noting cases that require further attention (preparation of orders and summonses, notices to attorneys and assignment of counsel).

3. The two judges should coordinate their schedules. Specifically, both judges should begin court at a uniform time and both should hold hearings in the afternoon when appropriate.

4. The court should adopt a split-session calendar in order to schedule hearings at specific times rather than all at the same time.

5. When there are significant delays at the beginning of or during a session, the court attendant should inform all parties in the waiting room about the delay and about the approximate length of the delay.

6. When one of the judges goes on an extended vacation the case load of the other judge should be closely monitored. If possible, a third judge should be called in if needed.

7. The Deputy Sheriff should be roving or moving rather than stationed in one area of the courthouse so as to provide equal protection to both judges and a security presence in the waiting room.

8. The doors to the hearing rooms should be kept closed while court is in session. Court personnel, attorneys and all other persons wishing to speak with the judges should be instructed to take their requests to the court attendants who could then notify the judges between cases, rather than interrupt proceedings.

9. Each judge should state clearly in every case that a respondent has the right to counsel or to appointed counsel at every stage in the proceeding.

10. The judge should appoint law guardians at a point which will allow attorneys an adequate amount of time to interview clients and prepare their cases.

11. Training seminars in Family Court law and procedure should be established by the County Bar Association in cooperation with the Office of Court Administration, and should be required where appropriate for panel attorneys who practice as law guardians.

12. Law guardians should be appointed for juveniles at the preliminary hearing as required by law regardless of their parents' financial status.

13. The judges are ultimately responsible for seeing that all persons appearing before them are aware of their rights and obligations as well as the consequences of any court action. Therefore,

a. judges should make every effort to speak audibly and in language that is easily understandable by lay people;

b. charges should be read at the beginning of every appearance and if such a reading is waived by an attorney, the judge should ask the respondent if he or she admits or denies and understands those charges;

c. adequate time should be allowed each respondent in order to consider charges before being compelled to answer any allegations.

14. The Family Court should develop informational materials on rights and procedure. These materials should be available to all persons entering the court.

15. The air conditioner in one hearing room should be modified or replaced, or a microphone installed to increase audibility.

16. The public restrooms should receive more attention from the building maintenance staff.

17. In Watervliet and Cohoes, the judge should consider holding court in either the City Court itself or in a larger office.

### III—FINDINGS AND RECOMMENDATIONS

#### A—Court Structure

##### 1. Part and Staff Structure

There are two judges in the Albany County Family Court. Unlike Family Courts in larger metropolitan areas, there are no separate court parts and consequently, there is no rotation system. Each judge presides over his own hearing room and hears all types of cases.

The staff of the Albany County Family Court is composed of 26 individuals. The staff/judge ratio is 13:1, which is much higher than the staffing levels observed in other courts. The Chief Clerk of the Court is responsible for all court records, the official seal of the Family Court and the supervision of all other court personnel, and is directly accountable to the judges.

Other court personnel include the Deputy Chief Clerk, two court attendants, three court reporters and various clerical personnel who are responsible for such tasks as typing court orders and petitions.

The Deputy Chief Clerk and an Assistant Deputy Clerk function as intake workers. As such, they are responsible for scheduling and distributing all new cases to the judges.

The two court attendants act as bridgepersons between the judges' hearing rooms and the waiting room. They are responsible for keeping track of all persons who are waiting to see the judges, notifying the judges when cases are ready and calling the calendar. They are not uniformed and have no security function. Monitors noted, however, that they do play an important role within the court and that frequently the pace of a particular session is dependent on their ability to keep people moving in and out of the hearing rooms.

Of the three court reporters employed by the court, one works exclusively with one judge, another works exclusively with the other judge, and the third court reporter is rotated. The court reporters are responsible for taking down the official record of court proceedings. However, since the judges do not have personal secretaries and no other personnel are assigned to the courtrooms while the court is in session, the court reporters must carry out a variety of additional duties. Monitors noted that the court reporters were required to schedule adjournments, hand files to the judges and track down missing information and reports. In addition, the court reporters were sometimes called upon to search for available law guardians, copy legal papers, call attorneys who failed to appear and deliver personal messages. As a result, monitors noted that the court reporters sometimes left the courtrooms during sessions or were not present when sessions began. In most cases the sessions were not stopped when reporters left.

Monitors were concerned that the varied duties and responsibilities of the court reporters might interfere with their ability to maintain a record of proceedings and affect the court's efficiency and the rights of individuals appearing before the court.

## Recommendations

1. The court reporters should be relieved of all extraneous duties that infringe on their ability to keep complete records of all court proceedings. The court reporter should be present during the time court is in session.

2. The court administration should investigate the possibility of placing a court assistant or secretary in each hearing room to assist the judges by handling cases and files, scheduling adjournments, and noting cases that require further attention (preparation of orders and summonses, notices to attorneys and assignment of counsel).

### 2. Days and Hours of the Court

The Albany County Family Court is open five days a week Monday through Friday. Court sessions are scheduled to begin at 9:00 a.m. and at 1:30 p.m. There are no scheduled ending times for sessions; sessions end whenever the docket is cleared. Monitors observed that sessions were not convened at a uniform time and often afternoon sessions were cancelled without notification.

Every other Friday, one of the judges, accompanied by his court reporter and a court office assistant, convenes Family Court in Watervliet and Cohoes, two other cities in Albany County. The judge begins the day in Watervliet at 10:00 a.m. After clearing the docket, he travels to Cohoes where sessions are scheduled at 11:00 a.m. and 1:30 p.m. In both cities, Family Court is held in the office of the City Court Judge in City Hall. Although space limitations prevent the judge from holding hearings in either of these two locations, other types of cases are handled routinely, thus sparing many residents a trip to the Albany Family Courthouse.

### Recommendation

3. The two judges should coordinate their schedules. Specifically, both judges should begin court at a uniform time and both should hold hearings in the afternoon when appropriate.

### 3. Calendaring, Case Schedules and Court Procedure

Monitors' comments suggest that court scheduling is a major problem area. All preliminary hearings, dispositional hearings and all other types of proceedings other than fact-finding hearings are generally scheduled for 9:30 a.m. Monitors observed one judge holding "informal" hearings at 9:00 a.m., and cited commendable efforts to schedule long hearings at specified intervals later in the morning or in the afternoon. Despite these efforts, 20-30 cases were still scheduled for 9:30 a.m., which led to an inordinate amount of crowding and waiting. Typically, people waited more than an hour before their cases were called. Monitors suggested that the adoption of a split calendar would alleviate the crowds and waiting.

Volunteers observed that there were rarely any formal

calendar calls. Tables 3 and 3A document the time and location of calendar calls when they were held. From 60 sessions observed in June and 32 sessions observed in August, calendar calls were held only 6 times (3 times each in June and August). Those calendar calls that were held were observed in the waiting room. Generally, as people entered the waiting room the court attendants noted their names and inquired as to whether or not all parties were present. Generally, no information as to when cases would be heard or the reason for any delay was passed on to the citizen.

Monitors noted that cases were often called although all parties had not yet arrived. These cases were dismissed, adjourned or closed out. In some instances, the judge issued warrants or carried on with the proceedings minus the absent party. In one instance, the judge adjourned the case and scheduled a hearing, although the respondent was not present at the time.

Monitors commented that the judges seemed determined to clear the docket and end the session as early as possible. In some instances the judges disposed of cases very quickly. Tables 4 and 4A document the length of hearings observed by monitors during June and August. In June, 141 hearings (20%) were held in less than two minutes. In August, 62 (18%) of the hearings observed were held in two minutes or less. In June, 250 (35%) of the hearings were complete in three to five minutes and in August, 17 (35%) of the hearings were completed in three to five minutes. Although this finding was not significantly different from those in other areas, monitors noted that petitioners and respondents often appeared frustrated when, after waiting for hours, their cases were rushed through the court. One woman stated, "We waited all morning for that?"

On several occasions, monitors reported that one judge worked straight through the lunch break to the scheduled starting time of the afternoon sessions. Occasionally, the judge himself scheduled return dates for the noon hour so that the people would not have to lose time from work. Monitors were impressed with these efforts.

During July, monitors observed that scheduling problems were somewhat complicated by the fact that one of the judges was on vacation for three weeks. Before taking his vacation, the judge had substantially reduced his case load by closing out some cases and adjourning others until August; however, monitors noted that there were still many cases remaining on his calendar throughout the duration of his absence. These cases were generally added to the other judge's calendar.

### Recommendations

4. The court should adopt a split-session calendar in order to schedule hearings at specific times rather than all at the same time.

5. When there are significant delays at the beginning of or during a session, the court attendant should inform all parties in the waiting room about the delay and about the approximate length of the delay.

6. When one of the judges goes on an extended vacation the case load of the other judge should be closely monitored. If possible, a third judge should be called in if needed.

#### **4. Security**

During the course of this investigation, monitors did not observe any incident requiring the intervention of security personnel other than the routine escort of prisoners to and from the jail. However, several months before the project began, a man shot and killed his wife in the waiting room of the court and allegedly threatened the life of one of the judges as well.

Despite this incident, security within the Albany County Family Court is not heavy. The only uniformed officer regularly in the building is a Deputy Sheriff, and he is stationed at the side entrance of one judge's hearing room. The main door to this hearing room is kept closed at all times so that persons appearing before the judge must use the side entrance and pass in front of the Deputy Sheriff upon entering or leaving this courtroom. Furthermore, the side entrance is always left open so that the Deputy Sheriff has an unobstructed view of the judge while court is in session.

Although monitors felt that the most potentially violent area of the Family Court building was the adult waiting room, the Deputy Sheriff can neither see the waiting room, nor can he be seen by the waiting parties, from his vantage point. In addition, the Deputy Sheriff cannot see into the other judge's hearing room as his door is always closed during the session. Monitors suggested that, rather than post the Deputy Sheriff in a fixed location, he should patrol the area.

#### **Recommendation**

7. The Deputy Sheriff should be roving or moving rather than stationed in one area of the courthouse so as to provide equal protection to both judges and a security presence in the waiting room.

#### **5. Ancillary Services**

The Albany County Probation Department, although a separate and autonomous unit, works closely with the Family Court. The Probation Department staffs and administers the cashier's office or support bureau where respondents can make support and restitution payments directly to the court. The Probation Department is also responsible for intake screening and diversion, predisposition investigation and post-disposition supervision of juveniles.

In Albany County, the probation intake process was first formally established in January 1976. Since September 1976, it has been the entry point for juvenile delinquency and PINS petitions into the Family Court system. The intake

process provides an opportunity to divert cases not requiring judicial action and effect voluntary solutions between the petitioner and the alleged juvenile offender. On a voluntary basis, a youth may also be referred to community-based agencies for services and/or treatment or informal supervision by probation staff.

At the present time, two probation officers function as intake workers. As noted above, they handle only juvenile cases. According to the Director of the Albany County Probation Department, intake services will be expanded to adult cases sometime next year when funding for additional staff can be secured.

Monitors observed that in juvenile delinquency cases a psychologist from the Albany County Mental Health Department performs preliminary psychological evaluations and furnishes them to the Family Court judges. These are generally furnished prior to the dispositional hearing. Monitors questioned whether the practice of an independent psychologist performing evaluations so early in the proceeding was within the scope of the law.

#### **B—Decorum**

Observers noted that the Albany County Family Court is an informal court. Judges do not wear robes. The court rooms are small and pleasantly decorated. Monitors commented that the tone and dignity of the court varied from hearing room to hearing room depending on the individual judge. In general, monitors felt that the judges were courteous and efficient but somewhat superficial in their treatment of individual cases.

Monitors cited few major disruptions. However, people were not prevented from entering the courtroom or poking their heads through the doors of the hearing rooms while court was in session. On one occasion, a monitor reported: "Although the judge was in the midst of a support case, a law guardian entered the hearing room, walked past the petitioner and respondent and sat down next to me. He attempted to engage me in conversation, asking many questions about the monitoring project. He didn't seem at all concerned about the fact that there was a case going on. Although the judge made no comment, I felt the law guardian was both rude and disruptive."

In one courtroom, both the judge and court reporter smoked constantly during delays and between cases. While monitors did not expressly state that they objected to smoking at these times they observed that when court was in session, the courtroom was quite stuffy. The air conditioner in one court room had to be turned on in order to clear the air, which diminished audibility. Monitors suggested that there be restricted smoking areas to alleviate this problem.

#### **Recommendation**

8. The doors to the hearing rooms should be kept closed while court is in session. Court personnel, attorneys and all other persons wishing to speak with the judges should be

instructed to take their requests to the court attendants who could then notify the judges between cases, rather than interrupt proceedings.

### **C—Representation**

In Albany County, any private attorney is eligible to become a law guardian by making an application to the Family Court judges. These names are then submitted to the Appellate Division for approval. Law guardians are assigned by the judges, and they are reimbursed for their services by the County.

Table 5 documents who the respondent was in each of the 716 hearings observed in June and the 342 hearings observed during August. Table 6 documents the type of representation. It was observed that 303 (42%) of the respondents in June and 159 (46%) in August represented themselves. In addition, 57 (87%) of the respondents in June and 41 (31%) of the respondents in August appeared without representation (Table 5).

Monitors were concerned that participants did not appear to be fully aware of their right to appointed or assigned counsel. In addition, they did not observe a concerted effort on the part of the court to inform litigants of their right to counsel at each stage of the proceedings.

Monitors also commented on the quality of representation. They stated that the quality of representation varied considerably, depending on the individual lawyer involved. Some attorneys elicited negative comments from monitors for being unprepared, late or impersonal. In addition, monitors observed that many juveniles appeared without counsel. In some cases, this seemed to be caused in part by the judges' failure to appoint law guardians at the preliminary hearings. Monitors commented that when a judge did appoint counsel to a juvenile, he usually tried to find someone who was already in the courthouse. A typical example of the many such cases observed involved a young boy on a PINS charge. In this case, the monitor reported that a law guardian was found in the waiting room and immediately appointed. The case was recessed so that the law guardian could speak with the juvenile and was recalled nineteen minutes later. While it is realized that this practice avoids costly adjournments, monitors were concerned that it may be at the expense of adequately prepared cases.

In addition, the majority of cases appeared to be assigned to three law guardians from the list. Monitors questioned why the assignment of cases was not equally distributed among all attorneys on the list.

Monitors felt that many law guardians did not act as strong advocates for the child and were more concerned with expediency than with whether or not the juvenile understood the proceeding. Monitors noted many cases in which the juvenile was asked to admit or deny allegations that had not been read aloud at the beginning of the hearing. One monitor noted: "I assumed in many cases that the

reading of the petition had been waived and that the law guardian had reviewed the allegations with the respondent before the hearing began. Yet, often when the judge asked the respondent to enter a plea, the respondent looked bewildered and was not able to respond without further elaboration of the charges."

In another case, the monitor reported: "The law guardian entered the court and told the judge that he had talked with the child and his mother, but the child had not been very cooperative. The law guardian stated he would only nod his head when asked if he had done the things on his petition. 'He did nod his head yes, that's the only admission I could get out of him, your Honor!'"

Monitors were particularly concerned with the behavior of one law guardian who seemed to systematically force confessions from his clients in front of the judge. As one monitor noted: "In every case, after they entered the court, the law guardian approached the judge and asked him if he could consult with his client for a few moments. The judge always answered affirmatively, at which time the law guardian would ask, 'Did you do it?' Acting more like a prosecutor than counsel for the defense, the law guardian waited until his client confessed. The judge then immediately adjudicated the child as either a PINS or juvenile delinquent, depending on the original charges."

### **Recommendations**

9. Each judge should state clearly in every case that a respondent has the right to counsel or to appointed counsel at every stage in the proceeding.

10. The judge should appoint law guardians at a point which will allow attorneys an adequate amount of time to interview clients and prepare their cases.

11. Training seminars in Family Court law and procedure should be established by the County Bar Association in cooperation with the Office of Court Administration, and should be required where appropriate for panel attorneys who practice as law guardians.

### **D—Respondents' Rights**

In general, monitors felt that public understanding of the Family Court was lacking and often people appearing before the court were unaware of their rights and were confused by the proceedings. In fact, monitors repeatedly observed cases in which there was obvious confusion on the part of the parties involved and many cases in which the parties had to return to the courtroom to request clarification. In some instances, monitors noted that the people did not seem fully aware of the extent of the judge's authority and appeared surprised and upset upon hearing the judge's final disposition. Although monitors are aware that it is the responsibility of Probation Intake to explain the possible result of filing a PINS petition, they believed that the judge and law guardian also share this responsibility.

Although the judges generally explained proceedings when requested to do so, they were sometimes abrupt and often appeared rushed. In addition, monitors felt that many people appearing before the judges were intimidated and thus unable to articulate their questions and concerns. In one case, the monitor reported that the judge mumbled the charges. Although the respondent asked to have them repeated, the judge replied, "Culity or not guilty," and the request was not repeated.

Monitors noted that at the preliminary stage of proceedings, the judges usually read the petitions, but that at subsequent hearings, petitions were rarely reviewed for the benefit of the parties. In addition, monitors commented that in cases where the judge read the petition and advised the respondent of his/her rights, this was often done in such a manner as to render it incomprehensible. For instance, one judge simply could not be heard. He not only spoke softly but also mumbled and seemed to skim the petition rather than read it verbatim. Monitors noted that many persons appearing before this judge had to ask him to repeat himself and still he was difficult to understand. Although the other judge was audible, he spoke very rapidly. In addition, monitors noted that he often read the petition and the respondent's rights and then, without a pause, asked that the respondent admit or deny allegations. As a result, monitors felt that in many cases respondents entered pleas without having had an adequate opportunity to consider their right to remain silent, to counsel and to a hearing.

Monitors were particularly concerned that in certain types of cases the rights of respondents were frequently ignored. Specifically, in juvenile delinquency and PINS cases one judge often stated that he expected the parents to go out and hire a private attorney to represent the child and that the court could not appoint a law guardian unless financial need was established. This was routinely stated despite the fact that the Family Court Act (Part 4, Section 249) expressly states that law guardians shall be appointed to all juveniles regardless of their parents' ability to retain private counsel. Monitors also noted that the judges sometimes did not seem to respect the juvenile's right to remain silent. In one case for instance, the monitor reported that when the juvenile refused to answer the judge, the judge said, "Talk or you will go to the shelter today."

### Recommendations

12. Law guardians should be appointed for juveniles at the preliminary hearing as required by law regardless of their parents' financial status.

13. The judges are ultimately responsible for seeing that all persons appearing before them are aware of their rights and obligations as well as the consequences of any court action. Therefore,

a. judges should make every effort to speak audibly

and in language that is easily understandable by lay people:

b. charges should be read at the beginning of every appearance and if such a reading is waived by an attorney, the judge should ask the respondent if he or she admits or denies and understands those charges;

c. adequate time should be allowed each respondent in order to consider charges before being compelled to answer any allegations.

14. The Family Court should develop informational materials on rights and procedure. These materials should be available to all persons entering the court.

## E—Support and Paternity Proceedings

### 1. Employment Reports

Monitors noted that both judges routinely required unemployed men with family support responsibility to actively seek and secure employment. Each respondent is asked to report to the court on a weekly basis with a list containing the names of a specified number of places (usually between 10 and 15) where he had looked for work. Monitors commented that the rights of welfare recipients and unemployed men were not consistently treated with sensitivity. While one judge seemed sympathetic to the plight of the unemployed, often suggesting a few potential employment sites, the other judge seemed threatening, often stating that if the respondent did not return with the required list, he would be thrown in jail. In addition, monitors noted that this judge also ordered pregnant women and women with children to find jobs and remove themselves from the welfare rolls despite the fact that the law states that women with children under six years of age or who are needed in the home to take care of others in the family are exempt from any work requirement.

Questions were raised by monitors regarding the utilization of the court's time to hold employment report hearings and asked whether it would be feasible to assign another office within the judge's supervision to perform this function.

### 2. Support Proceedings

Monitors were able to observe support proceedings. They were disturbed by the pattern of one judge who routinely ordered what appeared to be unreasonably high support payments. Monitors reported several cases in which the judge attempted to enforce orders of support against boyfriends of women on welfare even though it was the monitor's understanding that the law has yet to recognize any obligation of support in such a situation.

Volunteers observed these and other patterns and expressed a desire to be able to continue monitoring in order to intensively investigate and report about how support and paternity cases are handled by the Family Court.

## **F—Results of Hearings**

Monitors documented the results of the 1,241 hearings observed in June and August. Adjournments took place in 400 (57%) of the hearings observed in June; 36 (5%) of the cases observed were dismissed and 12 cases (2%) were adjudicated juvenile delinquents or PINS. (Please refer to Table 6 for the remainder of the June results).

In August, 185 (54%) of the 342 hearings observed were adjourned, 13 (4%) were dismissed and 16 (5%) were adjourned in contemplation of dismissal. (Please refer to Table 6 for the remainder of the August results).

## **G—Delay and Adjournment**

### **1. Delay**

Monitors were able to document inter and intracase delay (intercase delay — delay between cases; intracase delay — delay within the same case). Monitors observed delays between cases of 15 minutes or more in 12% of the hearings in the June and 18% of the hearings in August (Table 7). Generally, these delays were due to non-appearance of an essential party.

Monitors documented intracase delays of 15 minutes or more in 10% of the hearings observed in June and 8% of the hearings observed in August. Again, the significant proportion of these delays was due to the non-appearance of an essential party (Table 8).

### **2. Adjournment**

57% of the hearings observed in June and 54% of the hearings observed in August were adjourned. While the majority of the adjournments were necessary to progress the case to a new stage, a significant proportion of the adjournments were due to the judges requiring employment and financial reports (Table 9).

## **H—Physical Conditions**

The Albany County Family Court is in its own building at the corner of Pine and Lodge Streets, directly behind City Hall and within a block of the Court of Appeals and County Court buildings. The building is easily identifiable and is close to bus lines. Free street parking near this downtown location is very difficult to find. Cars are often double and triple parked along the narrow streets. There is however, a parking garage across the street from the Family Court building. While it is convenient to the Court, monitors noted that it was often filled as well as expensive.

Although the building is old, the interior has been remodeled. Overall, monitors felt that the facilities are clean and well-lighted but somewhat drab in appearance. Except for the two hearing rooms and judges' chambers (which are panelled and tastefully decorated), all public rooms are painted institutional green and devoid of decoration.

While the facilities are generally adequate in terms of size, the physical lay-out of the building is poorly organized. For instance, the hearing rooms, adult waiting room, cashier's office, judges' chambers, attorney conference rooms and miscellaneous offices are located on the first floor, while the juvenile waiting room and Juvenile Probation Department are located on the second floor. The Clerk's office, Adult Intake and all other offices of the court are located on the third floor. While court is in session, the court reporters, attorneys, attendants and the public must run all over the building to get needed information and complete their business. In addition, since the Clerk's office and judges' chambers and hearing room are on separate floors, communication between the Clerk and the individual judges is hampered. Monitors also noted that during the morning sessions, the narrow halls separating the waiting room from the hearing rooms and from other court offices are congested by attorneys, making passage between the courtrooms and the waiting room difficult.

Generally, monitors felt that temperature control throughout the building is adequate. However, a noisy air conditioner in one judge's hearing room did affect audibility.

Monitors noted that (except for a candy machine on the second floor and a water cooler on the first) food facilities are not available in the building. Interpreter services are only rarely available and there are no babysitting services. In addition, there are no information services. While the public restrooms are clearly designated, they are in the basement down a long, dingy staircase. Many monitors commented that maintenance of these facilities is poor.

In both Watervliet and Cohoes, monitors commented that the offices used by the judge are much too small. There is not enough room for all concerned parties to be seated during the proceedings and the monitors themselves had to stand wedged between the door and a desk. Despite the lack of space, one monitor commented that the facilities in Watervliet and Cohoes provide a more pleasant, modern and well-kept atmosphere than the Albany Family Court building.

### **Recommendations**

15. The air conditioner in one hearing room should be modified or replaced, or a microphone installed to increase audibility.

16. The public restrooms should receive more attention from the building maintenance staff.

17. In Watervliet and Cohoes, the judge should consider holding court in either the City Court itself or in a larger office.

### **Problems Particular to Local Area**

From the beginning, the Albany County Family Court Monitoring Project faced delays due to the fact that accessibility to the judges was initially very difficult. The senior judge of the Court was on vacation from April 8th until May

9th. During this time, all efforts to contact the other judge were unsuccessful, and on May 9th he, too, took a vacation.

Thus, until May 10th (when there was finally a meeting with the senior judge and permission was received to monitor the court) the project's future was uncertain. This situation made volunteer recruitment and all other preliminary phases of the project somewhat difficult to accomplish. However, permission and cooperation were given freely by that judge and the monitoring began soon after.

One minor problem encountered was that the calendars prepared by the Chief Clerk of the Court did not contain all of the relevant information about individual cases. They did not, for example, list the docket numbers. Had the docket numbers been available, monitors would have been able to trace the entire progress of individual cases through the court.

While the calendars were of limited value, they were helpful to the monitors, and copies were made readily available to them through the office of the Chief Clerk of the Court. In Watervliet and Cohoes, however, extra copies of the calendar were occasionally unavailable.

Another problem was encountered in July during the three week period in which one of the judges was on vacation. As noted previously in the report, the remaining judge handled the calendars for both himself and his vacationing colleague. However, rather than use his own hearing room for all cases, he periodically changed courtrooms to handle the cases on the other judge's calendar.

According to the court reporters, the judge used both hearing rooms to help keep case records in order and to distribute work among the court reporters. Unfortunately, while this system may have worked well for the court, it was most frustrating to the monitors who reported not being able to follow the judge. As one monitor commented, "the judge would frequently leave his courtroom without indicating where he was going. Sometimes he would leave to hear cases on the other judge's calendar, but usually by the time I realized this, it was too late to enter the hearing room and I would miss the case. All in all, it was very confusing as he did this often and without any advance notice."

## I—Methodology

### 1. Project Structure and Staff

The coordinator was responsible for carrying out all phases of the Albany project. In addition to recruiting, training and supervising volunteers, she was responsible for evaluating monitor reports, tabulating data and writing the final report. In addition, the coordinator was responsible for developing a community-based Advisory Committee.

### 2. Albany Advisory Committee

The Advisory Committee of the Albany Family Court

Monitoring Project was established to assist the local coordinator in recruiting and training volunteers, establishing goals and guidelines for the project, meeting with the local judiciary and assisting with public relations. The Advisory Committee was also responsible for approving the content of the final report. Members of the Albany Advisory Committee were:

Ms. Pat Ashley	Member, NYS Coalition for Criminal Justice
Ms. Joyce Bascom	Member, FOCUS Task Force on Criminal Justice
Mr. Jerry L. Blanton	Social Worker, employed by the NYS Division for Youth
Ms. Carol Hausen	Director, Anchor Association
Ms. Ruth Kelly	Law Guardian and Private Attorney
Ms. Trish McTighe	Member, Citizens Coalition for Children
Mr. Herbert Hughes	Executive Director, Parents Against Drugs
Ms. Marilyn Rothstein	Member, Albany County League of Women Voters
Ms. Ruth Valley	Trinity Institute
Dr. Max Siporin	Professor, SUNYA, School of Social Welfare
Mr. Peter Winkler	Social Services Planning Specialist, NYS Department of Social Services
Ms. Kathy Vilardi	Staff Person, Community Legal Rights Foundation and Citizen Monitor

### 3. Volunteer Recruitment

A total of 32 volunteers were recruited and trained throughout the duration of the project. These citizens came from a wide variety of backgrounds and ranged in age from 19 to 68.

Although there are many schools and colleges in the Albany area, few students were recruited primarily because the project was initiated in the late spring and continued through the summer months. However, a large percentage of the monitors were college graduates, many holding degrees in the field of criminal justice. Several monitors were enrolled in or graduated from para-legal programs, and one woman was a retired legal secretary.

Fourteen citizen volunteers were employed outside of the home while the project was in progress. Of these, only two were on vacation for the summer; the others were either employed on a part-time basis or were allowed time off from work to participate in the program. Some of the monitors either worked for or were associated with various community groups such as Christians United in Mission, the Community Legal Rights Foundation, the Citizens Coalition for Children, the League of Women Voters, the

Junior League, and the New York Public Interest Research Group.

All citizen volunteers were required to make a minimum commitment of one-half day per week for an initial period of two months and to participate in a two-day training session or its equivalent. In addition, each monitor was afforded the opportunity to observe court activity during both morning and afternoon sessions as well as in both hearing rooms of the two Albany County Family Court judges.

#### 4. Volunteer Training

Training was designed to give volunteers a basic, but thorough, understanding of the Family Court and to familiarize volunteers with court terminology and procedure. Sessions focused on the history and purpose of the Family Court, the fundamentals of Family Law, juvenile justice, and the role of law guardians. In addition, the role of the Department of Social Services' Court Liaison Officer in support cases, the role of the Probation Department, and procedures for collecting data were discussed. Individual sessions were led by attorneys, members of the staff of the Albany County Probation Department, representatives of the Albany County Department of Social Services, and the project coordinator. In addition, monitors toured the facilities of the Albany County Family Court and spoke with individual members of the court's staff.

After the first two weeks of monitoring, volunteers met to discuss their initial reactions and were invited to evaluate the training program. At on going monthly meetings, monitors met to discuss their experiences, to share the problems they had identified and to develop recommendations to improve court conditions. Monitors also met with the Youth Services Supervisor for the New York State Division for Youth and for a second time with a law guardian to discuss aspects of juvenile law. Monitors were also afforded an opportunity to spend a day with a Probation Officer from the Juvenile Unit of the Albany County Probation Department. With permission of the parties, individual monitors observed intake interviews as well as home visits and conferences between probation officers and probationees. Additionally, a small group of monitors traveled to Claverack, New York, to tour Brookwood Center, a secure facility for juvenile delinquent boys.

Resource materials used by the monitors included the Family Court Monitoring Handbook prepared by the Fund for Modern Courts, Inc., a booklet on juvenile rights prepared by the Community Legal Rights Foundation, and the Family Court Act of New York State.

The thirty-two volunteers who participated in the Family Court Monitoring Project composed the first citizen group ever to systematically observe the activities of the Albany County Family Court. For many, the opportunity to sit in a hearing room, heretofore closed to the general public, and to observe the interactions of judges, attorneys and litigants, was a valuable educational experience. Yet, more impor-

tantly, the data which they collected and the observations recorded constitute a body of evidence which points to some very serious problems. Often, the judges were faced with a lack of the resources or the authority to provide solutions to long-standing social problems.

Monitors felt that the rights of respondents were not adequately safeguarded, that the court seemed to be poorly administered, and that too often the court imposed sanctions that seemed to be without basis in law. Moreover, people were often treated with a disregard for their individual problems.

It is therefore the hope of everyone connected with the project that the recommendations included in this report be considered with dispatch and that the Office of Court Administration provide the supervision and guidance necessary to bring the Albany County Family Court within the provisions of the Uniform Rules for the Family Court and the Family Court Act of the State of New York. It is also the hope of the residents of Albany County who participated in this project that the court will continue to be cooperative and forward-looking by maintaining a dialogue with the community and working with community groups to foster change and improvements in the Family Court system.

#### MONITORS Albany County

Lenore Barr	Alison Lamb
Joyce Bascom	Susan Lang
Patricia Beetle	Claire Malone
Susan Berman	Yvette Middleton
Emeric Browne-Marke	Carol Miesowicz
Rhonda Childs	Gerianne Sciandra
Susan Ciancia	Darwin Skinner
Beatrice Cohen	Margret Skinner
Lea Collins	Ann Miller Spencer
Jean Dobbs	Joann Smith
Iris Doiron	Jackie Shane
Louis Fiscarelli	Kathy Vilardi
Kathy Hart	Susan Watson
Mary Beth Kirby	Mary Anne Weinman
Penny Kurtz	Terri Weinman
Renita Johnson	Emily Witamborski

**TABLE 1**

**ALBANY — JUNE**

Type	TYPE OF HEARING OBSERVED	
	Number	%
Delinquency	90	13
Support	388	54
Guardianship	2	—
Foster Care Review	24	3
Foster Care Placement	1	—
Neglect	11	2
Offense	45	6
Paternity	37	5
Referral from Supreme Court	1	—
PINS	71	10
USDL	5	1
Custody of Minors	26	4
Can't determine	15	2
Totals	716	100%

**TABLE 1A**

**ALBANY — AUGUST**

Type	TYPE OF HEARING OBSERVED	
	Number	%
Delinquency	43	13
Support	195	57
Foster Care Review	6	2
Consent to Marry	1	—
Neglect	6	2
Offense	21	6
Paternity	12	4
Referred from Supreme Court	1	—
PINS	35	9
USDL	3	1
Custody of minors	16	5
Can't determine	3	1
Totals	342	100%

**TABLE 2**

**PURPOSE OF HEARING**

Hearing	PURPOSE OF HEARING	
	Number June	Number August
Intake	236	119
Fact Finding	177	82
Disposition	127	51
Other	143	60
Can't determine	33	30
Totals	716	342

**TABLE 3**

**ALBANY COUNTY**

**TIME OF CALENDAR CALL**

Time	June		August	
	Number Sessions	%	Number Sessions	%
9:15			1	3
9:30	3	95		
1:30			1	3
1:00			1	3
No Calendar Call	57	5	29	91
Totals	60	100%	32	100%

**TABLE 3A**

**TYPE OF CALENDAR CALL**

Location	June		August	
	Number Sessions	%	Number Sessions	%
In waiting room	1	2	3	8
Can't determine	2	3		
No Calendar Call	57	95	29	92
Totals	60	100.0	32	100.0

**TABLE 4**

**ALBANY — JUNE**

**HEARING TIME IN MINUTES**

Time	Number	%
Less than 3	141	20
3-5	250	35
6-8	134	19
9-11	64	9
12-17	49	7
18-30	29	3
31-39	16	2
40-60	7	1
63-75	8	1
81 +	5	1
Invalid	13	2
Totals	716	100%

**TABLE 4A**

**ALBANY — AUGUST**

**HEARING TIME IN MINUTES**

Time in Minutes	Number	%
Less than 3	62	18
3-5 minutes	117	34
6-8 minutes	73	21
9-14 minutes	36	10
15-20 minutes	16	6
21-29 minutes	10	3
30-41 minutes	14	4
42-60 minutes	5	2
61-71 minutes	2	1
165	1	-
184	1	-
Can't determine	5	2
Totals	342	100%

**TABLE 5**

**ALBANY  
RESPONDENT**

Respondent	June		August	
	Number	%	Number	%
Child	184	26	84	25
Father	78	11	85	25
Mother	17	2	16	5
Husband	356	50	122	36
Wife	37	5	13	4
Other	18	3	6	17
Can't determine	26	3	4	1
Totals	716	100%	342	100%

**TABLE 6**

**ALBANY**

**RESPONDENT REPRESENTATION**

	June		August	
	Number	%	Number	%
Law Guardian	24	3	4	1
Panel Attorney	136	19	62	18
Private Attorney	133	19	70	20
Self	303	42	159	46
Other	29	4		
No Representation	57	8	41	12
Can't determine	34	5	6	2
Totals	716	100%	342	100%

**TABLE 7**

**ALBANY COUNTY**

**REASON FOR INTER-CASE DELAY**

Reason	June		August	
	Number	%	Number	%
<b>Non appearance lateness</b>				
Respondent	5	6	4	6
Petitioner	2	2	2	3
Both Sides	7	8	6	9
Private Counsel	4	6	4	6
Law Guardian	2	2	-	
Panel Attorney	-	-	1	2
Police Officer	1	1	-	
Clerk	1	1	-	
Parent/Guardian	1	1	-	
Agency Representative	-		1	2
Judge	18	27	8	13
Sub Totals	41	46%	26	41%
<b>Unprepared</b>				
No Cases Ready	8	9	4	6
Law Guardian	-		1	2
Late Reports	2	2	-	
To arrange placement	10	11%	5	8%
<b>To progress case</b>				
to arrange placement	2	2	-	
Sub Totals	2	2%	0	0
<b>Miscellaneous</b>				
Conference in chambers	8	9	6	9
Other	10	12	1	16
Recess	7	8	3	5
Can't determine	5	9	13	21
Sub Totals	33	37%	32	51%
Totals	86	100%	63	100%

**TABLE 8**

**ALBANY COUNTY**

**INTRA-CASE DELAY TIME**

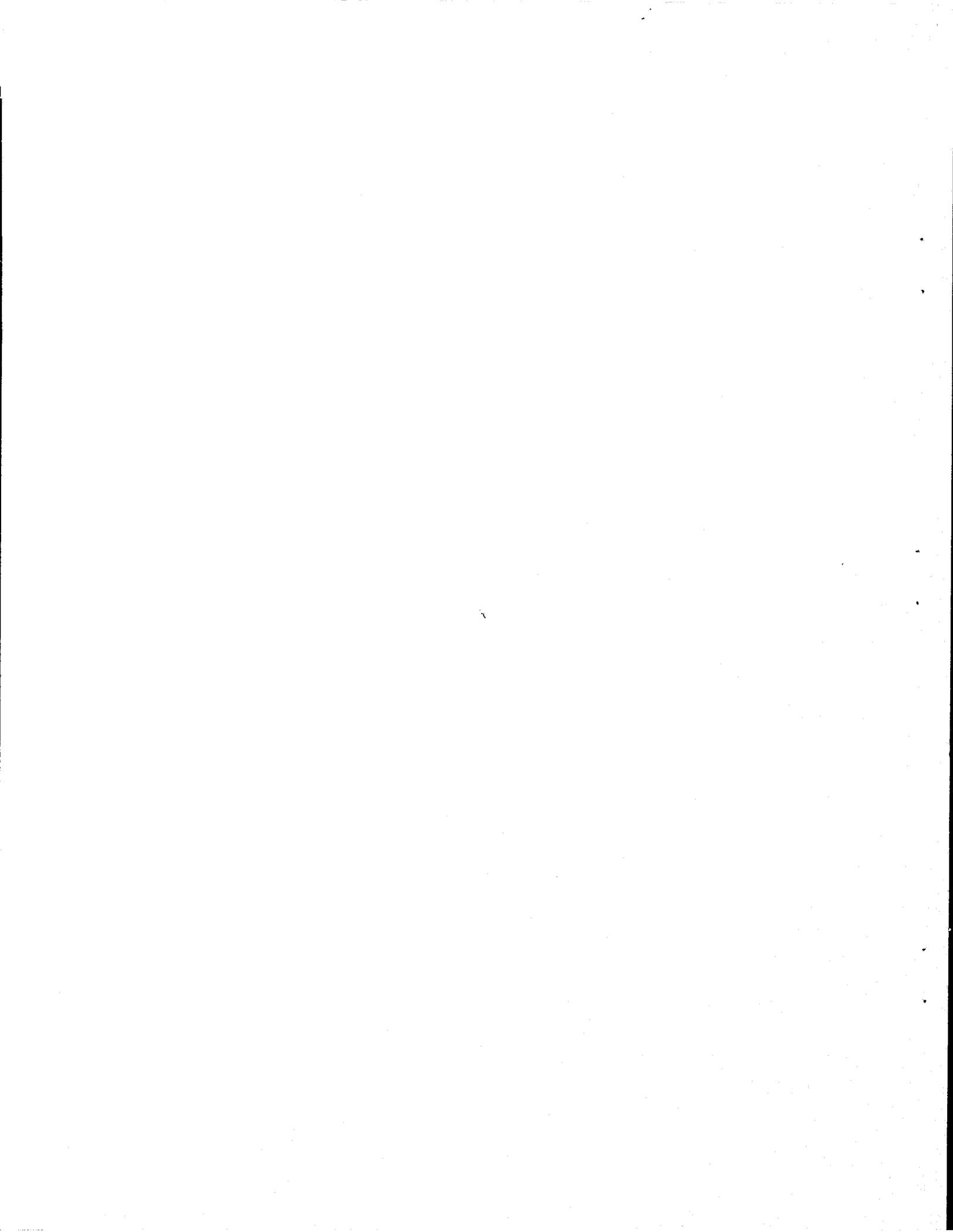
Time	June		August	
	Number	%	Number	%
15 Minutes	30	4	18	5
30	18	3	7	2
45	7	1	2	1
60	7	1		
75	6	1		
No delay	648	90	315	92
Totals	716	100%	342	100%

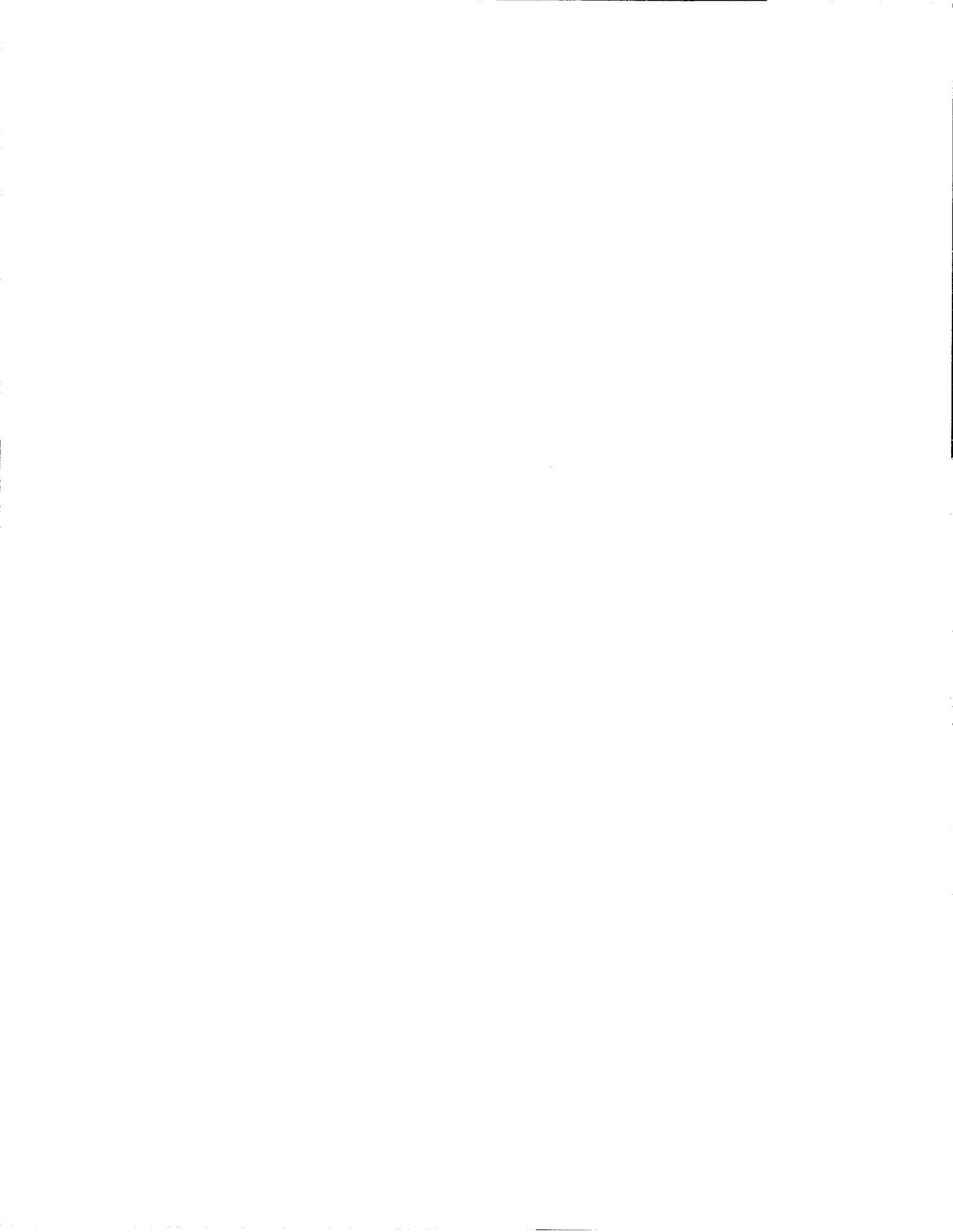
TABLE 9

## ALBANY COUNTY

## REASON FOR ADJOURNMENT

Reason	June		August	
	Number	%	Number	%
<b>Non appearance</b>				
respondent	19	5	16	9
petitioner	10	2		
both sides	1	—	1	.5
private counsel	7	2		
law guardian	1	—		
private counsel	7	2		
parent/guardian	1	—		
interpreter			1	.5
probation officer			1	.5
judge	1	—		
Sub Totals	47	11	19	10.5%
<b>Unprepared</b>				
no cases ready			1	.5
late reports	4	1	2	1.0
Law Guardian	2			
Subtotals	6	1	3	1.5
<b>To Progress Case</b>				
For fact finding	56	14	30	16
For dispositional hearing	43	10	4	2
To continue hearing	36	9	17	9
To appoint counsel	21	5	15	8
To arrange placement	10	2	10	6
For financial evaluation	103	25	60	33
For medical report	3	1	22	12
Sub Totals	272	66	158	85
<b>Miscellaneous</b>				
other	54	13	5	3
can't determine	37	9		
Sub Totals	91	22	5	3
TOTALS	416	100%	185	100%





**ONONDAGA COUNTY**

**FAMILY COURT MONITORING PROJECT  
FINAL REPORT**

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## ONONDAGA COUNTY

### I—INTRODUCTION

The Onondaga Family Court Monitoring Project was launched in February 1977. Sponsored by the Fund for Modern Courts, Inc. in cooperation with the Citizens Court Observers, the project was designed to observe, assess and document certain aspects of Family Court activity. The project was made possible by funds from the Division of Criminal Justice Services and New York Community Trust.

Since March 1977 over 40 volunteers have been monitoring and collecting qualitative and quantitative data on Family Court hearings, physical conditions of the court, legal representation, respondents' rights, and reasons for delays and adjournments. Goals of the project included increasing citizen awareness and participation in the Family Court, identifying problems of the court as they relate to the community and making recommendations to improve conditions in the Onondaga Family Court.

This report details the observations and recommendations of the project volunteers. Qualitative (narrative) information reflects monitors' impressions and comments from March to September, 1977. Quantitative (statistical) information was obtained from June monitoring. All four court parts were observed and are represented in the data.

Monitors observed a total of 52 sessions and 525 hearings during the month of June. Of these, 77 (15%) were delinquency proceedings, 50 (10%) were PINS (persons in need of supervision) proceedings, and 214 were support including USDL (Uniform Support of Dependents Law) proceedings (Table 1).

The Onondaga County report should be read in conjunction with the statewide report which discusses the findings and recommendations of monitors in all four project areas. The statewide report should also be referred to for a detailed discussion of project goals, research focus and methodology. Findings specific to the Onondaga project are included in this local report.

Project staff and monitors wish to express appreciation to the judges, the Family Court Administrator, and court personnel who were extremely helpful and cooperative. We would also like to acknowledge the assistance of the Division of Children's Services and the Legal Department of the Department of Social Services, the County Attorney's Office, the Probation Department, and attorneys Bernadine Luttinger and William Andrews, all of whom helped with training sessions.

The local coordinator of the project was Ms. Claire Anderson. She may be contacted at 853 Livingston Avenue, Syracuse, New York 13210, (315) 479-8851.

### II—SUMMARY OF RECOMMENDATIONS

1. Copies of calendars should be made available to monitoring groups for research purposes.
2. The Standard Means Test to determine eligibility for court appointed counsel should be re-evaluated. The possibility of using partial payments for the near indigent should be explored.
3. Attorneys should be held directly accountable to the court when they do not appear on time. Sanctions should be imposed on those attorneys who consistently fail to have their cases prepared or who cause adjournments by non-appearance or lateness.
4. A fully-staffed information center, conspicuously and conveniently located, should be provided to help people with problems and refer them to appropriate community resources. Signs should be posted near the courtrooms to give directions.
5. The telephone number and services of the Volunteer Center should be posted in several places in the courthouse.
6. Ash trays should be placed in smoking areas and waste receptacles should be available in the waiting room and hallways.

### III—FINDINGS AND RECOMMENDATIONS

#### A—Court Structure and Procedures

##### 1. Part Structure

Onondaga Family Court consists of four parts, with four judges staffing these parts. Judge Edward McLaughlin is the Administrative Judge of the court. In addition to his administrative duties, he also presides over one of the parts. The other three judges are Raymond Barth, Morris Schneider and Peter Kolakowski.

Each judge handles all types of cases which are assigned on a random basis as they come in. Once a judge is assigned to a case he follows it to its conclusion. This allows the judge to become familiar with the case and provides case continuity. One week a month is set aside for trials.

##### 2. Staff Structure

A unique feature of the Fourth Judicial Department (which includes Onondaga County) is the post of Administrator of the Family Courts, held by Mr. William O'Brien. He works under the direction of the Administrative Judge of the Fourth Judicial Department and works with the Office of Court Administration, Family Court clerks and Family Court Administrative Judges. He collects data on

case activity for all Family Courts in the Department, keeps judges informed of legislative changes and acts as liaison with all the Family Court judges in the Department. He also arranges training seminars for law guardians.

Each judge has a secretary who handles appointments, telephone calls and correspondence and prepares support order forms for cases not involved with the Department of Social Services. Each judge also has a court clerk who prepares files for cases on the calendar, selects trial and adjournment dates, informs litigants of their assigned attorney and court dates, and sees that all parties are present (or informs the judge why they aren't) for each case. The court clerk keeps track of case dispositions and appearances of attorneys and parties. The clerk also compiles statistics which go to the Family Court Administrator for transmission to the Office of Court Administration. In addition, there are four court stenographers who take verbatim notes of all court proceedings and transcribe them when necessary.

Security is the responsibility of the Sheriff's Department, which provides uniformed attendants for each part. The attendants keep order in the waiting rooms and the court rooms, determine when and if all parties to a case are present in the waiting rooms, and call the cases for the session. Deputy Sheriffs also are responsible for transporting children to and from the county detention facility, Hillbrook, which is on the outskirts of the city.

### **3. Case Scheduling**

The Onondaga County Family Court has been particularly innovative in an attempt to eliminate some of the time parties spend waiting for their cases to be heard.

For several months, the court has been experimenting with a new scheduling system. Each half day is divided into two time blocks: 9:30 to 11, 11 to 12, 2 to 3:30 and 3:30 to 5. All litigants and counsel scheduled for a particular period are told to appear at the beginning of the time block. This means, for example, all those scheduled for 9:30 to 11 would be told to appear at 9:30 and would be heard by 11. Therefore, no one should have to wait longer than one and a half hours. Although that is still a considerable time (especially if one has small children or is taking time off from work), it is an improvement over the previous schedule of half day sessions, where people might have had to wait up to three hours.

### **4. Calendar Calls**

Monitors observed that calendar calls are not held with regularity. Tables 2 and 2A document that in the 52 sessions observed a total of three calendar calls were held. Generally these calls when held were at 9:30 or 10:45 and in the waiting area or courtroom.

### **5. Length of Hearings, Court Scheduling**

Monitors observed that 198 (37%) of the intake and dispositional hearings observed were held in five minutes or less; 146 (27%) were held in six to eight minutes (Table 3).

Monitors were concerned about litigants who appeared to be confused and frustrated after making a trip to court, waiting for their case to be heard, and having so little time in court. (Table 3).

Some problems in court scheduling seemed to stem from the difficulty of coordinating the appearance of as many as eight people in the court at the same time, frequently only for brief periods. They include agency representatives and lawyers as well as litigants and their families.

Availability of calendars in juvenile cases had been a problem for the observers. The reason given was loss of confidentiality. However, monitors feel that they are capable of protecting the confidentiality of the parties; the interest of the monitors is only in the docket number in order to trace case continuity. Also, court attendants generally called out in a loud voice the names of litigants in the waiting rooms.

### **Recommendations**

1. Copies of calendars should be made available to monitoring groups for research purposes.

### **B—Representation and Respondents' Rights**

Petitions in the Family Court are often brought by the County Attorney's Office or Department of Social Services. Petitioner representation is documented in Table 4. In most instances, law guardians are assigned by the judge to represent the child in juvenile delinquency and PINS proceedings. Table 5 documents the representation for the respondent in all cases observed. While monitors reported that children were always given the opportunity for legal representation, they observed many instances of delay and adjournment because some of the law guardians were not adequately prepared or had not spoken to the child prior to the court appearance. (See section on adjournment and delay.)

Support and paternity petitions are handled by the Department of Social Services (DSS) Legal Department when welfare is involved. Support cases represent a large volume of court business (182 or 35%).

Adult respondents in cases not involving welfare are represented either by private counsel or Legal Aid. Judges are careful to advise respondents of their right to counsel, but monitors noted that many respondents said they could not afford an attorney even though their income was above the eligibility level for Legal Aid. In these cases, respondents had no choice but to represent themselves. Monitors suggested that other options be explored, such as partial payments, in order to insure adequate representation for all.

### **Recommendations**

2. The Standard Means Test to determine eligibility for court appointed counsel should be re-evaluated. The possibility of using partial payments for the near indigent should also be explored.

## **C—Delay and Adjournment**

### **1. Delay**

Monitors documented delays in three ways: session-start delay — delay between scheduled and actual starting time; intercase delay — the delay in time between cases; intracase delay — the delay in time within the same case.

Monitors did not document any significant problem with respect to session start, inter or intracase delay. Their observations on inter and intracase delay are reported on Tables 6 and 7.

### **2. Adjournments**

Monitors observed a total of 525 hearings, 252 (48%) of which were adjourned. An additional 7 (2%) were adjudicated JD or PINS and 67 (13%) were dismissed.

Volunteers documented that of the 252 adjourned hearings, 30 (12%) were adjourned for non-appearance by the respondent. A total of 47 cases (18.6%) were adjourned due to non-appearance of an essential party. Monitors observed many instances where the DSS attorneys were not properly prepared. Monitors frequently cited instances where essential financial statements were not available. As a result, cases were often delayed or adjourned.

A significant proportion of the hearings were adjourned to progress the case to another stage (for fact-finding, to arrange placement, etc.). However, since so many of the adjournments were caused by non-appearance or lateness monitors suggested that strict guidelines or sanctions be discussed and applied to curtail the number of unnecessary adjournments caused by non-appearance.

### **Recommendation**

3. Attorneys should be held directly accountable to the court when they do not appear on time. Sanctions should be imposed on those attorneys who consistently fail to have their cases prepared or who cause adjournments by non-appearance or lateness.

## **D—Physical Conditions**

As the Family Court Project was getting underway, an extensive remodelling of the first floor of the County Courthouse was near completion.

The Onondaga County Courthouse is convenient to bus transportation and parking nearby is adequate. The new courtrooms are not large but are bright and clean with an environment that is both informal and dignified. Each courtroom has two waiting rooms which enables each part to take both juvenile and adult cases in the same session. Each courtroom has a holding room for juveniles in detention with a clouded glass door so that children can be seen but not identified. There is a conference room for lawyers and their clients.

The central information area for all parts is conveniently located near the main entrance of the courthouse. It is clearly marked "Information" and lists the four judges. Although there is an information desk it is often not staffed

to assist those citizens who come to court. Monitors feel that in order to provide an effective service the information desk should be fully-staffed at all times.

In addition to an information desk the telephone number and services of the Volunteer Center's Information and Referral Service should be posted in several places in the courthouse.

There is no provision for taking care of children of litigants or witnesses who must wait for their court appearance. There are few ash trays in the areas where smoking is permitted, and no waste receptacles. As a result, the waiting rooms and hallways are sometimes littered with trash.

Congestion in the halls has been greatly relieved by the remodelling, but there is still a lot of noise and confusion which is distracting in the courtroom every time the door opens.

Audibility varies in each courtroom. It is particularly good when litigants and attorneys stand at some distance from the bench and if the judge has a voice which projects well. Observers complained of difficulties in hearing in some courtrooms, due in part to mumbling or interference from outside noises.

## **Recommendations**

4. A fully-staffed information center, conspicuously and conveniently located, should be provided to help people with problems and refer them to appropriate community resources. Signs should be posted near the courtrooms to give directions.

5. The telephone number and services of the Volunteer Center should be posted in several places in the courthouse.

6. Ash trays should be placed in smoking areas and waste receptacles should be available in the waiting rooms and hallways.

## **E—Problems Particular to Local Area**

During the course of monitoring, issues arose that although difficult to statistically document, were areas of concern to the monitors.

### **1. Placements**

In talking to judges and in their daily observation of court activity, monitors became aware of a noticeable lack of placement facilities. Juveniles were often detained in the Hillbrook detention facility because a suitable placement could not be found.

It should be noted that a volunteer program with the Probation Department is planned, in which volunteers would work under the direction of the Probation Liaison Officer to provide information to litigants and to judges. Several of the Family Court Observers will be involved in that program.

### **2. The Judge and the Agency Worker**

Monitors have observed instances where judges appear especially short-tempered and severe with social workers or

probation officers. They questioned if such treatment was detrimental to the client/worker relationship and against the best interests of the child. Judges and social workers should be working cooperatively in order to make appropriate decisions for children. Monitors observed that this was not always the case.

## F—Methodology

The Onondaga project was launched in February 1977 through an agreement between the Citizens Court Observers and the Fund for Modern Courts.

The Citizens Court Observers is a group of community minded people interested in the courts. The group was organized under the auspices of Church Women United with the cooperation of the League of Women Voters, the Junior League, the National Council of Jewish Women, the National Council of Negro Women, and the Black Political Caucus. It was a natural outgrowth of an already existing concern of these community organizations with the operation of the criminal justice system. The group was organized in February 1976 and began observing in the Syracuse City Police Court.

A report of their first year's activities was issued early in 1977. It contained several observations and raised some questions, such as difficulties in audibility, the need for defendants to appear in court in handcuffs, whether or not there is unnecessary pretrial detention, and the role of the District Attorney. The report resulted in several changes made in City Court procedures.

In March of 1977 the group received funding from the Fund for Modern Courts, Inc. to expand its activities to include observation in the Onondaga Family Court.

The advisory committee of the Family Court Monitoring Project consists of representatives of the Junior League, the League of Women Voters, Church Women United, the National Council of Jewish Women, and the Catholic Women's Association. It also has two advisors who are lawyers. The advisory committee maintains a liaison with the Onondaga County Citizens' Advisory Committee, a group appointed by the County Executive consisting of citizens, Family Court judges and representatives of various agencies dealing with the Family Court. Members of the local advisory committee are:

Claire Anderson	Minna Buck
Helen Druce	Edna Anderson
Ann Markovich	Margaret Stinson
Ann Chu	Juley Sirianni
Karen Gubman	Shanara Ayana
Rietta Gantter	Nader Maroun, Jr.
Eleanor Heinemann	Sarah Williams
Mary Engels	Nicki Hooper
Marty Piette	Mary Ellen Reynolds
Doris Iannuzi	Mitzi Laub
Isabel Seimer	Candy Caloia

Volunteer recruitment and training took place in March, 1977. Actual observation covered the months of April through September. Volunteers were recruited through community organizations such as the Junior League, the League of Women Voters, the National Council of Jewish Women, and the Catholic Women's Association. The Volunteer Center and media were also utilized.

Initially the monitors received four days of training. The sessions were conducted by the Family Court Administrative Judge, the Family Court Executive, representatives from the Children's Protective Division of the Department of Social Services, Legal Department and the County Attorney's Office. In addition, two lawyers who practice in Family Court provided assistance. The training period included a tour of the courthouse.

As new monitors were added to the project, they received a half day overview by the project coordinator and in-court training by an experienced observer for their first few sessions. Monthly meetings were also held for all monitors, at which they asked questions, exchanged observations and heard speakers on the Family Court or related matters.

Volunteers were under the supervision of the project coordinator, who also reviewed and edited all reports.

A total of 47 volunteers participated in the project. They ranged in age from 25 to 75. The preponderance of the volunteers were white middle class women. Four men were involved the first few weeks, and a few of the observers were black. Educational level ranged from high school through law school.

A comment should be made on the restrictions of the court monitor methodology. Because the observers only see what goes on in the courtroom itself (a very small part of the total action in a given case) there are many areas in which they are not able to comment.

The motivation and interest of the observers has been high throughout the project. They have found it exceedingly interesting and feel they have learned a lot. They recognize that the problems of the people coming to Family Court are not easy to resolve. Some of the problems of the Family Court system are inherent in the difficulties of coordinating many different entities and pinpointing responsibilities among them.

The observers, both at the monthly meetings and in their written reports, commented over and over again on the fairness, compassion, and firmness of all the judges. Court personnel went out of their way to be helpful, answering questions and filling in information missing during a court session. Special mention should go to the receptionist at the front desk who kept blank forms for the observers in her office and notified the coordinator when supplies ran low.

The coordinator, the advisory committee, and the observers wish to thank all those people who assisted the project.

G. Tables

**TABLE 1**  
**ONONDAGA — JUNE**  
**TYPE OF CASE**

<u>Type</u>	<u>Number</u>	<u>%</u>
Permanent Neglect	5	1
Delinquency	77	15
Support	182	35
Guardianship	1	—
Informal	1	—
Foster Care Review	2	—
Foster Care Placement	8	2
Neglect	23	4
Offense	51	10
Paternity	81	15
Pins	50	10
USDL	32	6
Can't determine	12	2
Totals	525 hearings	100%

**TABLE 3**  
**ONONDAGA — JUNE**  
**LENGTH OF HEARING**

<u>Time in Minutes</u>	<u>Number</u>	<u>%</u>
0-2	49	9
3-5	149	28
6-8	146	27
9-11	48	9
12-14	11	2
15-17	11	2
18-26	14	3
27-66	12	3
67+	7	1
Can't determine	78	16
Totals	525 hearings	100%

**TABLE 2**  
**ONONDAGA — JUNE**  
**TIME OF CALENDAR CALL**

<u>Time</u>	<u>Number</u>	<u>%</u>
9:30	2	4
10:45	1	2
No calendar call	49	94
Total	52 sessions	100%

**TABLE 4**  
**ONONDAGA — JUNE**  
**PETITIONER REPRESENTATION**

<u>Representation</u>	<u>Number</u>	<u>%</u>
County Attorney	70	13
DSS	185	35
Self	80	15
Private Counsel	91	17
Other	11	2
Can't determine	88	18
Total	525 hearings	100%

**TABLE 2A**  
**ONONDAGA — JUNE**  
**TYPE OF CALENDAR CALL**

<u>Type</u>	<u>Number</u>	<u>%</u>
In waiting room	2	4
In courtroom	1	2
No calendar call	49	94
Totals	52 sessions	100%

**TABLE 5**  
**ONONDAGA — JUNE**  
**RESPONDENT REPRESENTATION**

<u>Representation</u>	<u>Number</u>	<u>%</u>
Law Guardian/Legal Aid	17	3
Panel Attorney	110	21
Self	155	30
Other	24	4
No Representative	103	20
Can't determine	116	22
Totals	525 hearings	100.0%

TABLE 6

## ONONDAGA — JUNE

## INTERCASE DELAY

<u>Time in Minutes</u>	<u>Number</u>	<u>%</u>
10	5	1.0
20	2	.3
30	2	.3
50	2	.3
70	2	.3
Total Intercase Delay	<u>512</u>	<u>97.8</u>
Totals	525 hearings	100.0%

TABLE 7

## ONONDAGA — JUNE

## INTRACASE DELAY

<u>Time in Minutes</u>	<u>Number</u>	<u>%</u>
15	8	2
30	3	1
45	3	1
No Intracase Delay	<u>511</u>	<u>97</u>
Totals	525 hearings	100%

TABLE 8

## ONONDAGA — JUNE

## OUTCOME OF HEARING

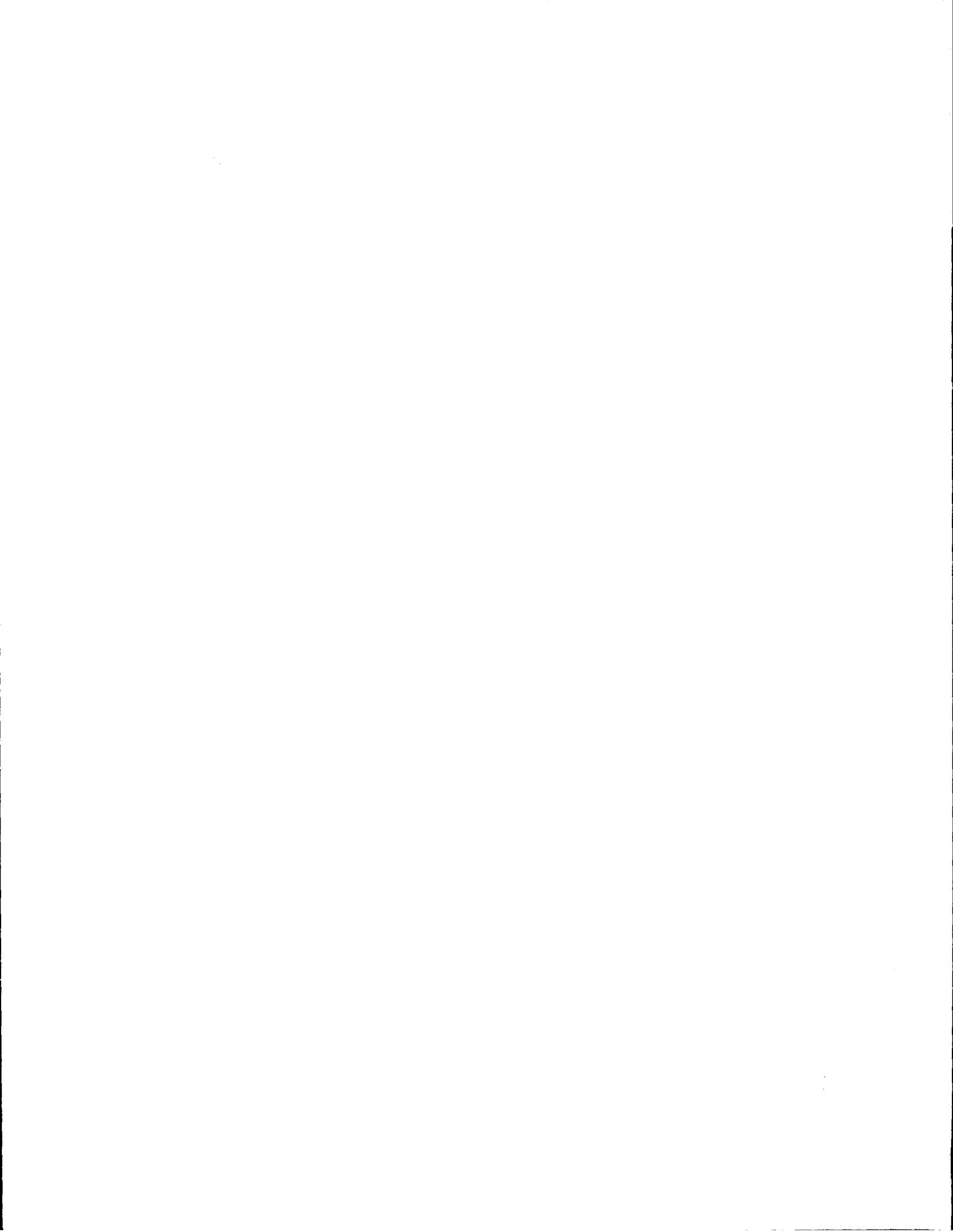
<u>Outcome</u>	<u>Number</u>	<u>%</u>
Adjourned	252	48
Dismissed	67	13
A.C.D.	7	1
Judgement Suspended	8	2
Decision Reserved	7	1
Adjudicated PINS	3	1
Adjudicated J.D.	4	1
Case Business Complete	134	26
Other	21	3
Can't determine	<u>22</u>	<u>4</u>
Totals	525 hearings	100%

TABLE 9

## ONONDAGA — JUNE

## REASONS FOR ADJOURNMENT

<u>Reason</u>	<u>Number</u>	<u>%</u>
<b>Non appearance or lateness</b>		
respondent	30	12.0
petitioner	4	1.5
both sides	6	2.4
private counsel	2	.8
law guardian	4	1.5
County attorney	<u>1</u>	<u>.4</u>
Sub Totals	47	18.6
<b>Unprepared</b>		
law guardian	2	.8
private counsel	1	.4
panel attorney	2	.8
late reports	<u>5</u>	<u>1.9</u>
Sub Totals	10	3.9
<b>To Progress Case</b>		
for fact-finding hearing	32	12.7
for dispositional hearing	23	9.2
to continue hearing	29	11.6
to appoint counsel	33	13.1
to arrange placement	9	3.6
for financial evaluation	9	3.6
for medical report	<u>7</u>	<u>2.8</u>
	<u>142</u>	<u>56.6</u>
Other	8	3.1
Can't determine	<u>45</u>	<u>17.8</u>
	<u>53</u>	<u>20.9</u>
Totals	252 adjournments	100%



**ULSTER, ORANGE, SULLIVAN COUNTIES  
MID—HUDSON**

**FAMILY COURT MONITORING PROJECT  
FINAL REPORT**

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## MID-HUDSON

### I—INTRODUCTION

The Fund for Modern Courts, Inc. has recently completed a citizens' Family Court Monitoring Project in the Mid-Hudson area in Ulster, Orange and Sullivan Counties. Funded by the Division of Criminal Justice Services and the New York Community Trust, the project was designed to initiate citizen participation in the courts and to allow citizen volunteers the opportunity to observe, assess and make recommendations about specific aspects of their local Family Court.

Within guidelines established by State and local advisory committees, monitors gathered data concerning case hearings, physical conditions, legal representation and respondents' rights. Goals of the project included but were not limited to educating the area's citizens about the Family Court, providing a concerned citizen presence in the courtroom, initiating a dialogue between citizens and the various agencies and personnel concerned with the operation of the juvenile justice system, and developing a set of recommendations to improve conditions and operations in the Family Court. The primary emphasis of the project was in the area of juvenile delinquency and PINS (persons in need of supervision). Most of the data collected concerns these types of cases.

Monitoring began in Ulster and Orange Counties in December 1976, and in Sullivan County in May 1977. The decision to delay monitoring in Sullivan County was made by the local advisory committee because the one Family Court judge had recently been elected to the bench and it was felt that a sufficient amount of time should be allowed the judge to acquaint himself with the court before any observations and evaluations took place. Qualitative (narrative) information regarding Ulster and Orange Counties reflects observations and impressions of the monitors from December 1976 to July 1977, and in Sullivan County gathered from observations between May and July 1977. Quantitative (statistical) data was obtained from May and June monitoring in all three counties.

Monitors observed a total of 206 hearings in the three counties (91 in Orange, 93 in Ulster, and 22 in Sullivan). Tables 1 and 1A document the type of hearings and cases observed by monitors. It should be noted that generally in all three counties juvenile delinquency and PINS proceedings were observed and that in Sullivan County only dispositional hearings were documented.

This report should be read in conjunction with the statewide and other local area reports which discuss the findings and recommendations in all monitoring areas. The statewide report should also be referred to for a detailed discussion of project goals, research focus, methodology and comparative analysis with other project areas. Methodology specific to Ulster, Orange and Sullivan Counties is included in this local report.

The local advisory committee, monitors, and local coordinator would like to express their appreciation for the cooperation, assistance and support of the Family Court judges and court personnel throughout the course of this project. The project would also like to acknowledge the cooperation of Judge Robert Sise, who was the Administrative Judge of the 3rd Judicial District at the time of the project and has now become Deputy State Administrative Judge. The local coordinator of the project was John Hicks; he may be contacted at 29 Oakland Avenue, Warwick, New York, (914) 986-1343.

### II—SUMMARY OF RECOMMENDATIONS

1. Each Administrative Judge of the Family Court and Chief Clerk in Ulster, Orange and Sullivan Counties should evaluate the feasibility of implementing a split calendaring system for case scheduling.

2. The Administrative Judge of the Family Court and the Legal Aid Society in Orange County should re-evaluate the practice of routinely assigning one attorney to represent juveniles in the Family Court. Attention should be given to expanding the number of attorneys assigned to Family Court practice.

3. Each judge and attorney should make efforts to explain proceedings and rights to respondents and petitioners in simple non-legal terminology.

4. A re-evaluation of the space allocation in the Ulster County courthouse should be made in order to alleviate the crowding in the hall areas. If possible, provisions should be made for:

- a. attorney-client conference areas
- b. juvenile detention facilities
- c. waiting areas
- d. child care centers

### III—FINDINGS AND RECOMMENDATIONS

#### A—Court Structure

##### 1. Court Parts and Case Scheduling

Orange, Ulster and Sullivan County Family Courts are more informal than the larger urban courts monitored in other areas. Monitors believed that this informal, less hurried, flexible structure contributed to the overall administration of justice.

There are no formal court parts in either Ulster, Orange or Sullivan Counties. In each county, there is an attempt to schedule similar matters for particular days during the week. Morning sessions are generally reserved for intake and dispositional hearings and afternoon sessions are set

aside for trials and fact-finding proceedings. Case loads vary from very crowded during the morning to very light in the afternoon.

Specific or split calendaring methods (scheduling hearings for specific times or sessions) are not utilized. All court personnel, respondents, and petitioners are required to appear at 9:30 A.M. Monitors observed that many respondents and witnesses appeared to be frustrated because they were forced to wait for long periods of time, only to have their cases disposed of in a few minutes. The monitors believed that this may have a particularly adverse effect on juveniles appearing in court for the first time.

### **Recommendation**

1. Each Administrative Judge of the Family Court and Chief Clerk in Ulster, Orange and Sullivan Counties should appear.

system for case scheduling.

### **2. Judicial Staffing**

There are two Family Court judges in both Orange and Ulster Counties and one in Sullivan County. Unlike other neighboring rural courts, where Family Court judges are often part-time and function in more than one judicial role, these three counties have full-time Family Court judges. Monitors felt that this contributed to the overall functioning of the court.

### **3. Security**

Security in the three counties is not a major factor for consideration. These courts do not seem to have the same security problems present in larger, urban jurisdictions. Uniformed court officers or Deputy Sheriffs are not routinely assigned to the Family Court; however, they are readily available if a security problem is expected and can be summoned and on the scene within minutes if needed.

### **B—Representation**

Table 2 details the type of representation for cases observed in the three counties. In Orange County 72 (80%) of the cases observed were represented by the Legal Aid Society. In Ulster County, 71 (76%), and in Sullivan County 100% were represented by a panel attorney. (See table for other findings).

There are two systems utilized in the three counties to provide representation for juveniles.

#### **1. Sullivan and Ulster Counties**

These two counties use a system of panel attorneys. Assignments are made from a list of attorneys approved by the Appellate Division.

#### **2. Orange County**

Representation in Orange County is by contract with the Legal Aid Society. The Legal Aid Society assigns (almost exclusively) one attorney.

While monitors noted that, in general, representation was more than adequate and that a proper balance between the adversarial and *parens patriae* roles was being observed, there was some concern expressed about the Orange County system. Their comments centered on the observation that because one attorney is exclusively assigned to the Family Court, it appeared that the only time the law guardian saw the respondent was for a brief period immediately prior to the court appearance. Monitors did acknowledge the fact that, since there was only one Legal Aid attorney assigned to the Family Court, the attorney might be overburdened. They also acknowledged that they were not aware of how much time was spent by the attorney in preparation for the appearance. It was distressing to find that this was the only meeting between respondent and attorney.

Monitors recommended that consideration be given to the expansion of the number of attorneys routinely assigned by the Legal Aid Society for representation of juveniles. This would reduce the case load per attorney and hopefully allow more time for attorney-client consultation.

### **Recommendation**

2. The Administrative Judge of the Family Court and the Legal Aid Society in Orange County should re-evaluate the practice of routinely assigning one attorney to represent juveniles in the Family Court. Attention should be given to expanding the number of attorneys assigned to Family Court practice.

### **C—Respondents' Rights**

In general, monitors were very impressed with the effort made by the judges, attorneys and other court personnel to adequately explain court procedure to respondents, petitioners and witnesses. Monitors commented that some of the legal vocabulary used resulted in less than complete knowledge or understanding of the proceedings. This was particularly true in cases where there had been some "in chamber" discussions.

Monitors noted that some judges took extra time during a hearing to explain the proceedings to participants. However, they received the impression that this kind of explanation might not have been given if the monitors had not been present.

### **Recommendation**

3. Each judge and attorney should make efforts to explain proceedings and rights to respondents and petitioners in simple non-legal terminology.

### **D—Physical Conditions**

The Family Courts in Orange, Ulster and Sullivan Counties are located in their respective county government centers. They are all accessible and parking is more than adequate.

Waiting room space is adequate in both Orange and Sullivan Counties except on the most crowded calendar days. Adequate space is not available in Ulster County. The courthouse in Ulster County was completed before the addition of the second Family Court judgeship and space is quite limited. Courtrooms and chambers are adequate in size and comfortable, but the newly created "second" courtroom has taken space that could be utilized for waiting rooms, attorney-client conference areas, detention and child care facilities. Monitors cited the unfavorable, unprofessional and disruptive impression created by families standing in the halls waiting for their cases to be heard, attorneys conducting confidential interviews with clients, and unruly children being left unattended. In addition, monitors observed that juveniles under guard who were transported from detention facilities were also required to wait in the crowded hallway with other respondents, petitioners and witnesses.

It was suggested that a re-evaluation of the space available in the Ulster County courthouse be made to alleviate the crowding in the hallways. This would include the space provisions for attorney-client conference areas, juvenile detention facilities, waiting rooms and child care centers.

If adequate space cannot be found, consideration should be given to the initiation of a split calendaring procedure with specific appearance times to reduce the number of participants waiting in the halls.

#### **Recommendation**

4. A re-evaluation of the space allocation in the Ulster County courthouse should be made in order to alleviate the crowding in the hall areas. If possible, provisions should be made for:

- a. attorney-client conference areas
- b. juvenile detention facilities
- c. waiting areas
- d. child care centers

#### **E—Local Issues**

During the project, monitors became aware of certain issues not directly observed in court. These issues were discussed with judges and court personnel. The following issues and recommendations grew out of these discussions.

##### **1. Probation Intake — Orange County**

The Intake Unit of the Department of Probation serves the eastern portion of the county. It is an unwritten policy to refuse any police-initiated matter to be heard by the Intake Unit: all police petitions are filed directly with the Family Court.

Section 733 of the Family Court Act states that a peace officer may initiate proceedings and Section 734b states that the Probation Department may not prevent any person who wishes to file a petition from having access to the court for that purpose. The Rules of the Family Court (2507 3-3b,)

state no person may be compelled to confer with them and the Probation Department may not compel any person to confer with them before filing a petition.

While the above sections lay the legal groundwork to bypass Probation Intake, it would seem preferable to try to minimize the amount of court time spent on hearing police-initiated petitions, some of which might be adjusted at an earlier stage.

It was recommended that the utilization and staffing of Probation Intake be expanded to serve the entire county and to include police-initiated cases.

##### **2. Probation Department — Sullivan County**

The Sullivan County Probation Department appears to be severely understaffed. There is only one officer assigned to Juvenile Intake. In addition to other responsibilities, he has a number of other probation cases. Probation counseling also suffers as a result of the inadequate staffing. Monitors have also noted in their court observations that the Probation Department appears to be very slow in furnishing pre-dispositional investigations to the court. They attributed this to understaffing in probation.

##### **3. Placement — Orange County**

According to a recent report of the Division for Youth, Orange County rates 8th highest in the state in the percentage of youth placed to total youth population. Most of the counties ranking higher were ones with large metropolitan or urban areas. While it is not within the scope of this report to determine the cause or possible ramifications, monitors would like to have the opportunity to continue to explore the placement practices in Orange County.

#### **F—Methodology**

The local coordinator for these three counties was responsible for establishing a local advisory committee, recruiting, training, scheduling and supervising monitors, and evaluating monitors' reports.

The local advisory committee functioned as the local policy making body for the project. Within the guidelines established by the State Advisory Board, the local committee assisted in the recruiting of volunteers, developed some criteria for evaluation, and reviewed the final report.

A wide range of interests and backgrounds was represented on the committee. The common thread was a deep concern for the youth of the area and concern for the operation of the juvenile justice system. Members of the local advisory committee were:

##### **Orange**

Al Romm, Editor, *Middletown Times Herald Record*  
Robert Hess, Orange County Department of Mental Health  
D. Clinton Dominick, III, Attorney and former New York State Senator

## **Ulster**

Constance Whitehurst, Director of Volunteer Services,  
Children's Home of Kingston  
Donald Roper, Professor, S.U.N.Y. at New Paltz  
Kenneth Egan, Social Worker, Children's Home of  
Kingston

## **Sullivan**

Ida Mae Mitchell, Former Member of Monticello School  
Board  
Selma Field, Public Relation Consultant  
Stephen Oppenheim, Attorney

### **1. Recruitment of Volunteers**

More than thirty volunteers were recruited and trained for the project. Volunteers came from a wide variety of backgrounds, included both sexes, and ranged in age from 18 to over 70. Orange County volunteers consisted of two groups: Orange County Community College students, recruited with the assistance of Stuart Stiles of the Division of Social and Behavioral Sciences, and members of the Junior League and the American Association of University Women.

Ulster County volunteers were mainly women connected with the Junior League, the American Association of University Women or the League of Women Voters. They were recruited with the aid of Constance Whitehurst of the Children's Home of Kingston.

Sullivan County monitors were recruited with the aid of Eleanor Knack, Director of the Sullivan County R.S.V.P. (Retired Senior Volunteer Program), and consisted entirely of senior citizens.

The differences among the three counties' volunteers made for an interesting mixture of ages and interests among them.

When possible, two volunteers were assigned to attend each session of court where juvenile matters were to be heard. Volunteers made a commitment to attend at least one half-day per week; many did so more often.

### **2. Training of Volunteers**

While the training process varied from county to county, the essential elements were as follows:

The first of three one and one-half hour sessions

consisted of a review of the goals of the project, some background information concerning the Fund for Modern Courts, Inc., a tour of the Family Court facilities (in some cases a brief period in the courtroom during a session) and a description of the procedures and terminology of the Family Court.

The second session generally included talks by various court-related personnel. These included judges, court clerks and law secretaries. In addition, representatives from the Probation Department, youth divisions of law enforcement agencies, Division for Youth, and Department of Mental Health and Social Services participated in the training.

The third session focused on the collection of data and the method of recording that data on the monitors' forms.

### **3. Response of Court Personnel to Monitors and Project**

Without exception, the response of the court personnel and other agency personnel to the monitors was cordial and helpful. Monitors were encouraged to raise questions after sessions and judges, court clerks, and/or law secretaries took the time to assist the monitors. Some of the judges, realizing that "in-court" observation didn't really give the whole picture, invited monitors into chambers for pre-session briefings concerning the cases on the day's calendar.

Most individuals connected with the juvenile justice system (e.g., D.F.Y., Probation Department, etc.) were eager to share some of their perceptions about the Family Court and the juvenile justice system with monitors and the local coordinator. They seemed hopeful that through public understanding of the shortcomings of the system, some constructive changes could be made.

Most judges seemed extremely proud of their records and the operations of their courts and seemed pleased to have monitors present. This, in itself, was seen by the monitors as a very positive sign.

The monitors themselves regarded the experience as an educational one. They were touched and troubled by the needs of many youngsters and families who come to court, and were sensitized to the difficulties that the complex Family Court system has in dealing adequately with these problems.

TABLE 1

MID-HUDSON

CASES OBSERVED

Case	Orange		Ulster		Sullivan	
	#	%	#	%	#	%
Juvenile Delinquency	65	71	32	34	14	64
PINS	14	15	26	28	8	36
Adoption			3	3		
Support	1	1	9	10		
Neglect	4	5	3	3		
Family Offense	1	1	9	10		
Paternity			4	4		
Returned from Supreme Court			2	2		
Custody	1	1	5	6		
Permanent Neglect	4	5				
Foster Care Review	1	1				
Totals	91	100%	93	100%	22	100%

TABLE 1A

TYPE OF HEARING

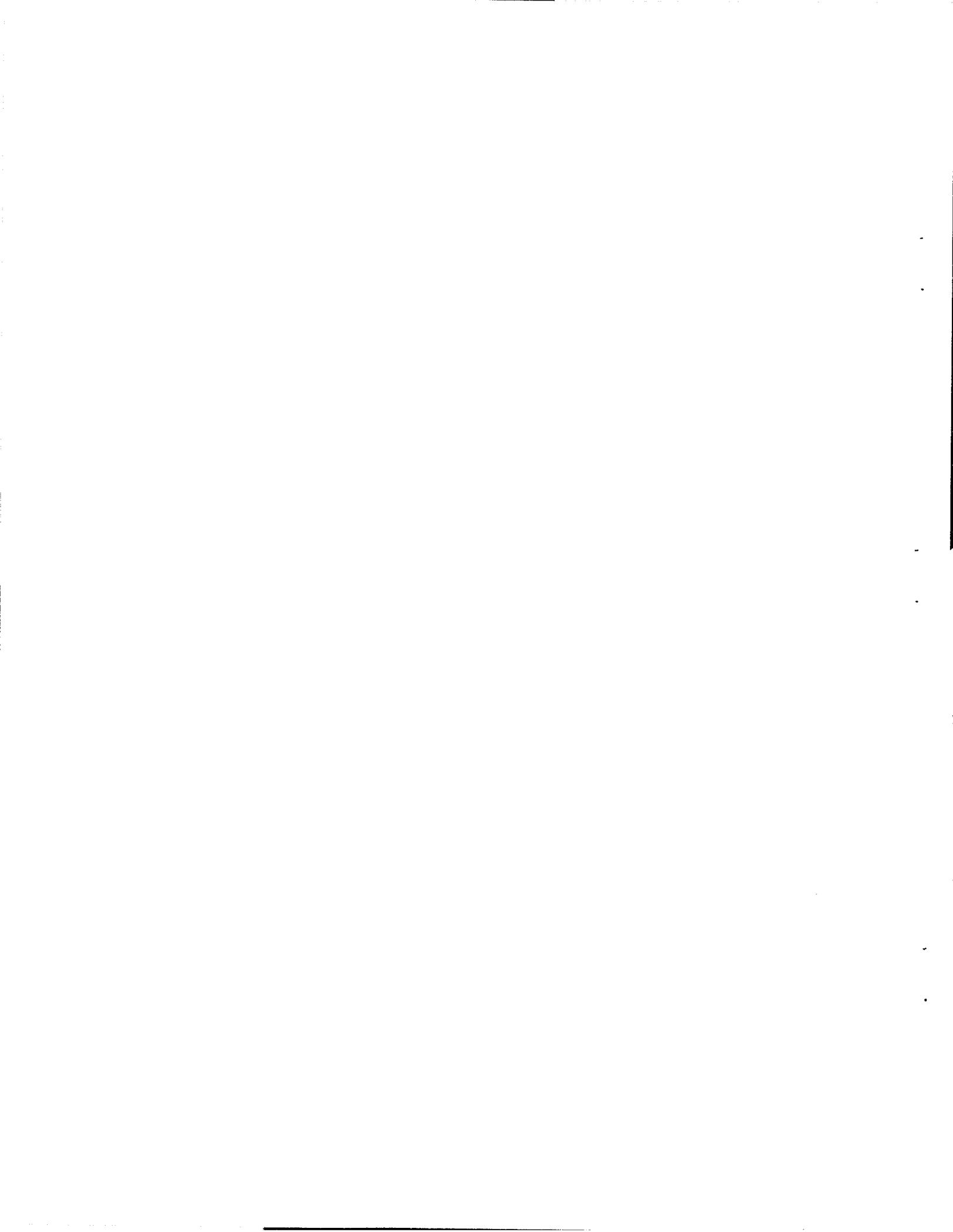
Type	Orange		Ulster		Sullivan	
	#	%	#	%	#	%
Intake	42	46	31	33		
Fact Finding	19	21	14	15		
Dispositional	22	24	39	42	22	100.0
Other	2	2	5	6		
Can't determine	6	7	4	4		
Totals	91	100%	93	100%	22	100%

TABLE 2

MID-HUDSON

RESPONDENT REPRESENTATION

Type of Representation	Orange		Ulster		Sullivan	
	#	%	#	%	#	%
Law Guardian (Legal Aid)	72	80				
Panel Attorney			71	76.0	22	100
Private Attorney	8	9	8	9.0		
Self	4	4	9	10.0		
Other	2	2				
Can't determine	5	5	5			
Totals	91	100%	93	100%	22	100%



**NEW YORK CITY  
FAMILY COURT MONITORING PROJECT  
FINAL REPORT**

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## NEW YORK CITY

### I—INTRODUCTION

In March 1977 more than ninety citizen volunteers began the second phase of the Fund for Modern Courts, Inc. New York City Family Court Monitoring Project. These citizen volunteers have been observing the intake and all purpose parts in three Family Courts: Manhattan, Bronx and Brooklyn. This project, which was sponsored by the Fund for Modern Courts, Inc. and funded by grants from the Division of Criminal Justice Services and the New York Community Trust, was designed to initiate and encourage citizen participation in the New York City Family Courts.

The major goals of the New York City project included educating citizens about the Family Court, providing a presence of concerned citizens in the courtroom, initiating a dialogue with the judiciary and court personnel and providing recommendations to improve the Family Court.

Citizens collected quantitative and qualitative data in all areas of family court jurisdiction: juvenile delinquency, PINS (persons in need of supervision), child abuse and neglect, support, custody, guardianship, paternity, family offense, permanent neglect, and U.S.D.L. (Uniform Support of Dependents Law) proceedings. The quantitative (statistical) data represents hearings observed during the months of May and June; qualitative (narrative) data reflects observations made by monitors from March through October 1977. Monitors did not observe Probation Intake proceedings.

The recommendations in this report are directed to the judiciary in the hope of either initiating changes or maintaining procedures which provide rapid case processing. Also, through these recommendations, it is hoped that a dialogue between citizens and the judges in each court can not only be initiated but maintained on an ongoing basis.

Finally, the project staff and the citizen monitors wish to acknowledge the continuing cooperation and support of Deputy Administrative Judge Joseph B. Williams and the local Administrative Judges, Edith Miller, Manhattan Family Court, Joseph Dyer, Bronx Family Court, and Philip Roach, Kings County Family Court. Special thanks is extended to the Clerks of the Courts, Raymond Allman, Manhattan Family Court, Raymond Jamet, Bronx Family Court and Bernie Caballero, Kings County Family Court who provided assistance and information to the citizen monitors. In addition, the staff owes thanks to Jeffery W. Allister, member of the Legal Department Kings County Family Court for his continued support and guidance. The New York City Coordinator, Virginia Wood, can be reached at 36 West 44th Street, New York, New York 10036, (212) 869-1130.

### II—SUMMARY OF RECOMMENDATIONS

#### Judicial

1. The Mayor should be urged to fill all judicial vacancies in the Family Court expeditiously with well-qualified people.
2. The Deputy Administrative Judge and the Office of Court Administration should limit rotation assignment of Family Court judges to a minimum of three months.
3. The Deputy Administrative Judge and the Office of Court Administration should establish clear guidelines which would allow judges to keep cases, especially neglect and abuse, within their caseload.
4. The Deputy Administrative Judge should establish mandatory training programs so that judges who are unfamiliar with the Family Court will be able to gain knowledge in this area (both those just appointed to the court, and those sitting in other courts who are called upon to serve as acting Family Court judges).

#### Legal Services

5. The City of New York Law Department, the Deputy Administrative Judge of the Family Court and the Office of Court Administration should re-evaluate the role of Corporation Counsel in the Family Court.
6. The City of New York Law Department should provide additional staff within Corporation Counsel offices, particularly in the areas of case preparation and interviewing, as well as clerical staff to handle filing of cases, typing of briefs, memoranda of law, and investigators.
7. Standards should be established for admission to the Appellate Division 18-B panel as well as ongoing training and supervision of the attorneys.

#### Security

8. Alleviate the responsibilities of the uniformed court officers by utilizing the services of citizen volunteers to assist (under the supervision of the Clerks of the Courts) in the roles of information messengers for case records, reports, etc., and calendar control assistance.
9. Assign two or more uniformed court officers to each waiting room during the noon recess.
10. Establish an ongoing in-service training program that would be mandatory for all uniformed court officers. This should include classes in:
  - a. security procedures
  - b. crisis intervention
  - c. first aid

#### Interpreters

11. There should be supervision of the interpreters as well as "spot checks" on their performance.

12. The selection process for interpreters should be expanded to include an extensive oral examination as well as a probation period.

### **General**

13. When there is a delay either in the start of a session or between cases, efforts should be made to inform the citizens as to the reason and expected length of delay.

14. The court should adopt a split calendar for all parts at least by scheduling cases for either the morning or afternoon sessions.

15. Calendars should be called before each session begins, especially for the afternoon session. In addition, a second calendar call should be initiated during the morning and afternoon in order to better order those cases which are ready for hearing.

16. Delays between cases should be kept at a minimum through imposition of sanctions for lateness of parties and better ordering of those cases which are ready for hearing.

### **Adjournments**

17. The judiciary should impose sanctions in order to minimize adjournments due to non-appearance of respondents. In addition, attorneys who will be absent should notify the court by writing to and/or calling the clerk of the part. If an attorney does not appear and fails to notify the court stringent measures should be used.

18. The Deputy Administrative Judge should establish administrative guidelines whereby if a judge finishes his or her calendar early, he or she should check to see if cases can be transferred from another part prior to adjourning his or her part.

19. Evaluation of financial records and reports should be ready and complete prior to fact-finding hearings so as to avoid further adjournments.

### **Hearings**

20. When a case is before the court, charges should be read aloud and explained to the parties involved. In addition, judges should consistently advise parties of their rights.

21. All procedures, as well as reasons for adjournments, should be made clear to the parties before the court.

### **Physical Facilities**

#### **Manhattan Family Court**

22. The lobby information desk should be staffed regularly, possibly using citizen volunteers under the supervision of the court or a social service agency.

23. A bilingual directory of offices should be prominently displayed in the lobby and all directional signs should be posted in Spanish and English.

24. Devices to alert uniformed court officers of possible security problems should be installed in probation interviewing areas.

25. The public cafeteria should be opened and should serve economically priced foods.

#### **Bronx Family Court**

26. In addition to the uniformed court officers who are stationed at the information desk in the lobby, volunteers should be used to give out information and to answer the telephones.

27. Directories and directional signs should be in both English and Spanish.

28. The public cafeteria should be opened as soon as possible.

#### **Brooklyn Family Court**

29. A bilingual directory of offices should be displayed in the lobby.

30. All signs should be posted in Spanish and English.

31. The presiding judge should prohibit the practice of using the courtroom as a corridor between parts and other offices in the courthouse.

32. Waiting areas and restrooms should be well-maintained.

33. Efforts should be made to increase the audibility in the courtrooms either by changing the physical layout of the courtrooms or having personnel speak more loudly.

## **III—FINDINGS AND RECOMMENDATIONS**

### **A—Organization and Staffing**

#### **1. Judicial**

Until late December there were eleven judicial vacancies on the Family Court bench. These vacancies made it difficult to cover each part in New York City. In the Bronx, for example, the new facility has a capacity for eight parts, but only six were open because sufficient judicial personnel were not available. The judges who were sitting were required to handle large calendars (thirty to forty cases) each day, and on occasion, were required to cover two court parts.

According to standards and goals for case processing of the Office of Court Administration, judges are supposed to be rotated from county to county on a quarterly basis; however, during the period covered in this report some judges were rotated on a weekly basis. Also, judges from the Criminal and Civil Courts were rotated to Family Court on a quarterly or half-yearly basis.

The judicial rotation practice tends to create a lack of consistency and continuity within the Family Court structure. Judges are often not familiar with the cases before them even though these cases may have been in litigation for months. Much time is spent by the judges reading the previous endorsements, reports and various other material in the case file. Many times a case will be adjourned, especially in support and neglect proceedings, because the

judge is unfamiliar with the matter and/or does not have enough time to decipher the issues and hold a hearing. In addition this rapid rotation system may afford an opportunity for judges to pass on a case rather than hear it. Also, some of the judges who are rotated into the Family Court from the Criminal and Civil courts do not seem to be well-versed in family law or procedural aspects. Monitors feel that the result of this situation is that the citizen before the court is sometimes left with a feeling of having wasted a day's time only to be told to return on another day and possibly have the episode repeat itself.

## 2. Legal Services

The Legal Aid Society represents the majority of children in delinquency and PINS (Persons in Need of Supervision) proceedings in Family Court; New York City Corporation Counsel is responsible for delinquency, support, USDL, paternity and PINS cases (when assigned by the court to represent the petitioner).

In the three counties studied, the monitors reported that the Office of Corporation Counsel seemed to be understaffed in relation to the number of cases the office handles not only in terms of attorneys, but also in terms of support and clerical personnel. Legal Aid seemed to be well-staffed in legal, support and clerical personnel. (See Chart A):

Chart A  
(as of September, 1977)

### Brooklyn Family Court

Corporation Counsel	Legal Aid
five (5) attorneys	thirteen (13) attorneys
two (2) paralegals	four (4) secretaries
one (1) secretary	two (2) investigators
	six (6) social workers

### New York Family Court

Corporation Counsel	Legal Aid
ten (10) attorneys	twelve (12) attorneys
two (2) secretaries	three (3) secretaries
one (1) paralegal	two (2) investigators
	five (5) social workers
	four (4) para-professionals (for social work unit)

### Brooklyn Family Court

Corporation Counsel	Legal Aid
thirteen (13) attorneys	twenty (20) attorneys
two (2) paralegals	four (4) secretaries
one (1) secretary	three (3) investigators
	three (3) social workers
	two (2) program counselors (for school cases)
	three (3) para-professionals (for social work unit)

Monitors found Corporation Counsel to be usually ade-

quate in court appearances. However, there were instances where Corporation Counsel was cited for lack of preparation, expertise and punctuality. Monitors observed that sessions were sometimes delayed due to Corporation Counsel not having any cases ready and/or being late for the session. (Table 5).

The attorneys for Legal Aid have been complimented on their efficiency, knowledge and preparation. Monitors were impressed by the fact that new attorneys with Legal Aid are given training before they appear in court and are also assisted by another attorney during their internship.

Appellate Division (18-B) panel attorneys appear in the Family Court when appointed by the judge. The panel attorneys do not represent the petitioner in delinquency cases; however, these attorneys are assigned to all other types of cases. Monitors expressed deep concern about the quality of representation in cases where 18-B panel attorneys appeared. Their comments centered on lack of preparation, unfamiliarity with the case, and on occasion, incompetence. One monitor reported that an 18-B attorney was admonished, on the record, for his incompetence. The panel attorneys were also cited for lateness or non-appearance, thus causing unnecessary delays or adjournments. (Tables 5 and 16)

## 3. Security

Each courtroom in the three counties has two uniformed court officers. One acts as the bridgeman, calling the calendar, regulating who enters and leaves the courtroom and calling cases into the courtroom. The other officer is stationed inside the courtroom and in addition to his other security duties, must also escort juveniles to and from detention. He or she may also be asked to carry records or reports between the courtroom and various other offices in the courthouse.

In all three boroughs, two to three court officers are stationed at the entrance to the courthouse and screen people as they enter the courthouse. These officers also provide information and answer the telephones at the desk.

During the noon recess there is a lack of security personnel in all three courthouses. Monitors have often voiced their concern about the lack of security. In one instance, a monitor observed that two youths started fighting in the waiting room shortly after 1:00 P.M. and two Legal Aid attorneys had to separate them since there was no court officer in the vicinity.

Monitors have noted that, in general, the court officers are pleasant and cooperative when dealing with the public; however, there have been instances where court officers have been quite rude and at times hostile.

## Recommendations

### Judicial

1. The Mayor should be urged to fill all judicial vacancies in the Family Court expeditiously with well-qualified people.

2. The Deputy Administrative Judge and the Office of Court Administration should limit rotation assignment of Family Court judges to a minimum of three months.

3. The Deputy Administrative Judge and the Office of Court Administration should establish clear guidelines which would allow judges to keep cases, especially neglect and abuse, within their caseload.

4. The Deputy Administrative Judge should establish mandatory training programs so that judges who are unfamiliar with the Family Court will be able to gain knowledge in this area (both those just appointed to the court, and those sitting in other courts who are called upon to serve as acting Family Court judges).

### **Legal Services**

5. The City of New York Law Department, the Deputy Administrative Judge of the Family Court and the Office of Court Administration should re-evaluate the role of Corporation Counsel in the Family Court.

6. The City of New York Law Department should provide additional staff within Corporation Counsel offices particularly in the areas of case preparation and interviewing, as well as clerical staff to handle filing of cases, typing of briefs, memoranda of law, and investigators.

7. Standards should be established for admission to the Appellate Division 18-B panel as well as ongoing training and supervision of the attorneys.

### **Security**

8. Alleviate the responsibilities of the uniformed court officers by utilizing the services of citizen volunteers to assist (perhaps under the supervision of the Clerks of the Courts) in the roles of information aide, messengers for case records, reports, etc. and calendar control assistance.

9. Assign two or more uniformed court officers to each waiting room during the noon recess.

10. Establish an ongoing in-service training program that would be mandatory for all uniformed court officers. This should include classes in:

- a. security procedures
- b. crisis intervention
- c. first aid

## **B—Ancillary Services**

### **Interpreters**

During the second phase of the New York City project, bilingual monitors were recruited through the Commonwealth of Puerto Rico, Department of Labor, Comprehensive Employment Training Act (CETA). These monitors were trained to evaluate the quality of the interpreter services in the Family Courts.

As was pointed out in the first court monitoring report, there is a high volume of Hispanic parties who come before the court, many of whom needed an interpreter.

The bilingual monitors found that, although interpreters were generally available for those who needed them, the quality of interpretation was poor. There were instances where some of the bilingual monitors were asked by the judge to act as interpreter. There were a number of instances of poor translation; i.e., the interpreter did not relate the actual content of what the person had said but rather gave an oversimplified and/or inaccurate summary. One monitor stated that the party asked several questions about the legal aspects of the case and the interpreter answered them. However, when the judge asked what the ten minute conversation was about the interpreter replied, "Nothing important."

Monitors also found that some of the interpreters spoke a dialect which was different from the dialect spoken by the party before the court. As one of the monitors said, "He (the interpreter) was interpreting on the interpretation."

### **Recommendations**

11. There should be supervision of the interpreters as well as "spot checks" on their performance.

12. The selection process for interpreters should be expanded to include an extensive oral examination as well as a probation period.

## **V.—COURT PROCEDURES AND CASE PROCESSING**

### **1. General**

#### **a. Calendars and Procedures**

Monitors were dismayed and concerned regarding the large calendars judges were expected to cover each day and how little time they were able to give to most cases (the average time per hearing was 3 minutes).

Few judges held calendar calls in their courtroom. Calendar calls are generally held in the waiting rooms at 9:30 a.m., however, few judges had calendar calls for the afternoon session. Monitors found that, because the court officer called the calendar in the waiting areas, it was sometimes difficult to hear the names. Also, parties who showed up on time were often penalized by being forced to wait all day without any explanation or recognition from the judge. Monitors stressed that persons who arrive on time and are ready to be heard should be given priority whenever possible.

Split calendars are used for the intake parts, while the all purpose parts utilized full day calendars. Due to the lack of specific calendaring times in the all purpose parts, all parties are required to be in court at 9:30 a.m. Some cases are not called until late afternoon and, due to a lack of time for a hearing, must be adjourned to another day. Petitioners and witnesses are not only inconvenienced by the fact that they must miss work, pay for transportation and frequently child

care services, but become frustrated by the long delays and adjournments.

Since calendars are extensive, judges are under pressure to finish; however, this should not be accomplished at the cost of the parties involved. Parties often spend an entire day waiting for their case to be heard only to find that the hearing lasts just a few minutes.

### **b. Sessions**

The Family Court in all three boroughs is scheduled to begin at 9:30 for the morning session and 2:00 for the afternoon session. The morning session is scheduled to end at 1:00, the afternoon session at 5:00.

During the course of monitoring it was found that of the 146 sessions observed, only 4% started at 9:30; most morning sessions began after 10:00. Of the afternoon sessions observed, only 1% began at 2:00 with 19% beginning between 2:15 and 2:30. In Brooklyn Family Court, however, some sessions did begin earlier (19% of 43 sessions observed). In the three Family Courts studied, the session delays were primarily due to no cases being ready for hearing (26%), (i.e., parties not present or late) and judges being late (15%). In Manhattan, session delays were also attributed to attorneys being late or unprepared (18% of 62 sessions observed). Most significant in the data was the fact that in over one-third of the sessions, monitors could not ascertain why the session did not start on time because no explanation was offered by the court personnel to either the monitors or those parties waiting for the session to begin. Monitors felt that this procedure was detrimental and frustrating to the citizens, and that efforts should be made to inform the public as to how long the session would be delayed and why.

The average length of sessions was between two and one-half to three hours. Although most morning sessions ended at 1:00 (36%), afternoon sessions generally ended between 4 and 4:30. This may be attributed to the fact that most cases are heard in the morning sessions and the afternoon sessions are reserved for full hearings.

Monitors reported that some of the parts closed after the morning session; judges were able to finish their calendars for their parts by 1:00 and did not return after lunch. This was particularly prevalent in the Manhattan Family Court. In Brooklyn, monitors made note that the judges seem to cooperate with each other; if one judge finishes his/her calendar before the session ends or has no cases for the afternoon session, he or she will send for cases from another part.

### **c. Intercase Delays**

In all three boroughs, delays between cases observed occurred in one-third of the cases. Reasons for intercase delays were attributed to no cases being ready, recess, and non-appearance or lateness of litigants or counsel. How-

ever, monitors were often unable to determine why a delay occurred (67%). Again, no explanation was offered either to the monitors or the parties in the waiting area. When there was a delay, the average time was fifteen minutes.

Delays in the Manhattan Family Court were mainly due to cases not being ready for hearing, non-appearance or lateness of parties, and Corporation Counsel and/or Legal Aid attorneys being late or unprepared. Recesses accounted for 11% of the delays between cases.

In the Bronx Family Court, monitors observed that more than half of the cases were delayed (246 delays out of 409 cases) and the reasons for the delays were never made clear to them or the parties before the court. Where monitors were able to document delays it was found that the non-appearance or lateness of parties and recesses accounted for the delays.

In the Brooklyn Family Court, delays were attributed to cases not being ready for hearing; in addition the lateness or non-appearance of attorneys caused delays some of the time; recesses accounted for 9% of the delays.

### **d. Intracase Delays**

Of the 1469 cases observed, delays occurred within 494 of the cases observed. Monitors were, on the whole, unable to determine why parties were waiting for the case to proceed; however, some delays were attributed to tardiness of respondents, Corporation Counsel and Legal Aid or reports being late or incomplete. Delays were generally 15 minutes.

## **2. Adjournments**

Of the 1469 cases observed throughout the three boroughs, 869 cases were adjourned (59%). In Manhattan 399 cases out of 608 were adjourned (65%), in the Bronx 226 cases out of 409 (56%) were adjourned, in Brooklyn 244 cases out of 452 (54%) were adjourned.

Reasons for adjournments were varied; non-appearance of respondents (58%), dispositional hearings (21%), to continue hearings (19%), and financial evaluation (12%) accounted for many of the adjournments.

In Manhattan Family Court, almost one out of every five cases was adjourned because of the non-appearance of respondents (22%). The comparable figures in the Bronx and Brooklyn were 18% for both boroughs.

Other reasons for adjournments in the Manhattan Family Court were reports being unsatisfactory or late (7%), to arrange placement for a child (13%), and to continue hearings (9%). In the Bronx Family Court continuance of hearings (8%), non-appearance of petitioners (4%), and financial evaluations (8%) accounted for adjournments.

Financial evaluation and arrangement of placement for children (5% and 4% respectively) were other reasons for adjournments in the Brooklyn Family Court.

### **3. Status of Juvenile Delinquents and PINS — Beginning and End of Hearing**

Monitors observed a total of 620 juvenile delinquency and PINS cases citywide. Of these 620 cases, 392 (63%) of the children were in the custody of their parents (or guardians) at the beginning of the hearing. This did not change at the end of the hearing: 391 (63%) remained in their parents' or guardians' custody.

Significant changes were apparent in terms of temporary detention and long-term placement. At the start of delinquency hearing, 105 children were in detention (17%); at the end of the hearing 76 children (12%) remained in detention, while the number in long-term placement went from 14 (2%) at the beginning of the hearing to 26 (4%) at the end of the hearing.

The Brooklyn Family Court had the highest percentage of children in detention both at the beginning and end of hearings (22% at the beginning; 17% at the end of hearing) whereas in Manhattan Family Court 12% were in detention at the start of the hearing and 8% in detention at the end of hearing. Bronx Family Court had 17% of the children in detention at the beginning of the hearing and 11% at the end of hearing. The percentage of children who were in the custody of an agency (i.e. foster case, residential treatment) at the beginning of a hearing and at the end of a hearing did not vary (14%).

It would seem that the majority of juveniles before the court are allowed to go home, unsupervised and untreated, prior to any finding by the court. Monitors felt that these juveniles, especially those who were accused of committing violent crimes, walked away from the proceedings with a feeling of "having gotten away with something." As one monitor stated: "These children become very smug because they come into this court after having committed horrible crimes and then find they can just go on their merry way."

### **4. Hearings**

#### **a. Purpose of Hearings**

More than half of the hearings (63%) in the Family Court in Manhattan, Bronx and Brooklyn, are for fact-finding; dispositional hearings accounted for 29%.

The Brooklyn Family Court showed the lowest rate for fact-finding (47% of 452 cases observed) and the highest rate for dispositional hearings (45% of 452 cases observed) of the three boroughs studied. It would seem that cases in the Brooklyn Family Court, which had the highest percentage of delinquency and PINS and family offenses petitions, are processed faster than in the Manhattan or Bronx Family Courts, that is, cases go from fact-finding to disposition in a shorter period of time, in relation to the Manhattan and Bronx Family Courts.

The Manhattan Family Court had the least amount of dispositional hearings (20% of 608 cases) and the highest

percentage of fact-finding hearings (75%) of 608 cases observed). This may be due to the fact that the Manhattan Family Court handles the majority of neglect and abuse cases of the three boroughs and the nature of these petitions is often complicated and complex in terms of the issues involved. It would seem that few cases go to dispositions; rather cases remain in the fact-finding stage for a longer period of time.

In the Bronx Family Court, 61% of the 409 cases observed were for fact-finding and 24% were dispositional hearings. Of these hearings, the majority were delinquency cases (32%) and support matters (27%).

#### **b. Explanation of Proceedings**

Monitors observed that citizens before the court were often not given any explanation concerning the procedures, their rights, the charge being brought, and the reason for a delay and/or adjournment. One monitor commented that "people need to be told of their rights before proceeding with their case. The judge gave one the impression that she doesn't want to be bothered with the cases."

In most cases the charges were not read aloud in court (see Table 8). This procedure was considered detrimental to the parties before the court in that some respondents, whether adult or juvenile, and parents of juveniles, were often baffled and confused as to why they were in court and what they were being charged with. Also, after cases were adjourned, parties were confused as to what they were supposed to do.

Some judges did take the time to explain procedures to the parties and ask if everything was clear. Several judges were cited for their patience, concern, and the ability to speak to the parties in simple, non-legalistic terms. However, this procedure was the exception rather than the rule.

### **Recommendations**

#### **General**

13. When there is a delay either in the start of a session or between cases, efforts should be made to inform the citizens as to the reason and expected length of delay.

14. The court should adopt a split calendar for all parts at least by scheduling cases for either the morning or afternoon sessions.

15. Calendars should be called before each session begins, especially for the afternoon session. In addition, a second calendar call should be initiated during the morning and afternoon in order to better order those cases which are ready for hearing.

16. Delays between cases should be kept at a minimum through imposition of sanctions for lateness of parties and better ordering of those cases which are ready for hearing.

#### **Adjournments**

17. The judiciary should impose sanctions in order to

minimize adjournments due to non-appearance of respondents. In addition, attorneys who will be absent should notify the court by writing to and/or calling the clerk of the part. If an attorney does not appear and fails to notify the court, stringent measures should be used.

18. The Deputy Administrative Judge should establish administrative guidelines whereby if a judge finishes his or her calendar early, he or she should check to see if cases can be transferred from another part prior to adjourning his or her part.

19. Evaluation of financial records and reports should be ready and complete prior to fact-finding hearings so as to avoid further adjournments.

### Hearings

20. When a case is before the court, charges should be read aloud and explained to the parties involved. In addition, judges should consistently advise parties of their rights.

21. All procedures, and reasons for adjournments, should be made clear to the parties before the court.

## D—Designated Felony

### 1. Background

The Juvenile Justice Reform Act, relating to the treatment of juveniles accused of committing violent acts, became effective on February 1, 1977.

Under this statute, a juvenile between the ages of fourteen (14) and fifteen (15) who commits an act which, if done by an adult, would be murder 1° and 2°; kidnapping 1° (but only where there is use or threat of use of deadly physical force); arson 1° and 2°; robbery 1°; or an attempt to commit murder 1° or 2° or kidnapping 1°, assault 1°, rape 1°, sodomy 1°, is alleged to have committed a designated felony.

In addition, certain criteria and standards must be utilized and met in relation to the processing of these petitions: petitions may not be adjusted in probation intake part without prior written approval of a judge of the court; reasons for adjournments during the fact-finding proceedings must be stated in the court record; the duration of the case, that is, from the time of filing of the petition to the disposition must be no longer than ninety (90) days. If the juvenile is found to have committed a designated felony the court cannot adjourn the case in contemplation of dismissal (ACD). The provisions for restrictive placement provide that the juvenile be placed with the Division for Youth for an initial period of five years, the first twelve months in a secure facility if there is a finding of a Class A felony; for a Class B felony, the placement shall be for an initial period

of three years, the first six months but not more than twelve months in a secure facility.

The Act also provides for the Corporation Counsel in New York City to contract with the appropriate District Attorney for the prosecution of these cases. This proviso, in New York City, allows for the assignment of Assistant District Attorneys to Family Court for the sole purpose of prosecuting the petitions where a designated felony is alleged. Implementation is funded by a \$450,000 grant from the Division of Criminal Justice Services (DCJS).

Based upon the statistics collected by DCJS\* and estimation of the proportion of juvenile arrests which would be classified as designated felonies, allocations and personnel were made to four counties in New York City: Kings County, \$139,250; Bronx, \$112,600; New York, \$112,600; and Queens, \$85, 550.

The funds support a total of twelve (12) Assistant District Attorneys, four (4) investigators, four (4) secretaries and various other expenses.

The contract between the District Attorneys and the City was not signed until late August 1977. Therefore, the Assistant District Attorneys have only been involved with the designated felonies for several weeks.

### 2. Findings

Between September and November of 1976, in the four Family Courts, (Brooklyn, Bronx, Manhattan and Queens) a total of 1399 juvenile delinquency petitions were brought: 232 were equivalent to what is now considered a designated felony act. During the first six months in which the Juvenile Justice Reform Act was in effect (February to July 1977) 4679 juvenile delinquency petitions were filed; 289 children were charged with a designated felony. (For the purposes of this study, where more than one designated felony petition was filed against a juvenile, they were counted only once.)

It was found that robbery and assault were the charges most often brought under the designated felony act. The percentage for findings of 'guilt' these types of petitions rose from 11% in 1976 to 23% in 1977. It should be noted, however, that although there was an appreciable difference in the percentage of findings for designated felony petitions, there were fewer juvenile petitions filed in 1977. In 1976, 15% of the juveniles found to have committed robbery and/or assault were placed with the Division for Youth, while in 1977, 29% were placed with the Division. (This trend, however, applied only to assault and robbery cases).

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\*The statistics which were taken from the Crime Analysis Unit of the New York City Police from the first 10 months of 1976 indicated that there were 3,716 arrests of 14 and 15 year olds for violent crimes (a category which included crimes not classified as designated felony offenses).

In 1976 and 1977 one-third of the petitions alleging murder were dismissed or withdrawn. In 1976, where a finding for homicide was made, 60% of the dispositional hearings ordered placement with the Division for Youth; in 1977, 56% of these dispositions resulted in placement. The percentage of juveniles found to have committed homicide who were placed on probation rose from 5% in 1976 to 10% in 1977. In addition, kidnap, arson and sex offenses cases how no appreciable difference between 1976 and 1977 in either rate of findings or in placement of juveniles.

restrictive placements made, eleven for findings of murder, attempted murder or rape. Prior to the Designated Felony Act more juveniles were placed in secure detention facilities by the Division for Youth. Before 1977, Goshen and Brookwood, the two DFY restrictive placement facilities for juvenile delinquents only, had long waiting lists for placement. As of the first week in October, 1977 there were only 53 youngsters in Goshen, which has a capacity for 65; and 38 in Brookwood, which has a capacity for 60. These figures would seem to suggest that restrictive placements for violent juveniles are not being made and the intent of the Designated Felony Act has not been realized.

In the first six months of 1977 there were only twenty

### NEW YORK CITY

#### Number of Children Charged with Designated Felony

1977 - Designated Felonies  
1976 - Designated Felonies Equivalents

	1976			3 mos. Total	Feb.	Mar.	Apr.	3 mos. Total	1977			3 mos. Total	6 mos. Total
	Sept.	Oct.	Nov.						May	June	July		
Brooklyn	29	30	31	90	14	25	19	58	22	23	16	57	115
Bronx	21	20	8	49	9	18	23	50	13	10	8	31	81
Manhattan	19	14	14	47	7	3	10	20	6	8	4	18	38
Queens	11	11	24	46	7	7	12	26	11	11	7	29	55
TOTAL	80	75	77	232	37	53	64	54	49	51	35	135	289

### NEW YORK CITY

#### Dispositions All Boroughs Combined

(Offenses and Dispositions Grouped)  
1976 - 1977

	No. of Disp.	Placement with *DFY and CSS	Probation	**ACD-Withdrawn Dismissed- Judge. Susp.
Homicides				
1976	20	60%	5%	35%
1977	36	56%	11%	33%
Sex Offenses				
1976	25	36%	12%	52%
1977	20	40%	15%	45%
Kidnap-Arson				
1976	12	25%	—	58%
1977	13	23%	—	77%
Robbery-Assault				
1976	165	15%	29%	56%
1977	149	32%	28%	40%

\*Division for Youth/Commissioner of Social Services

\*\*Adjourned Contemplating Dismissal

## NEW YORK CITY

### Number of all Juvenile Delinquency Petitions By Boroughs (1976 - September - November) (1977 - February - July)

	1976				1977								
	Sept.	Oct.	Nov.	3 mos. Total	Feb.	Mar.	Apr.	3 mos. Total	May	June	July	3 mos. Total	6 mos. Total
Brooklyn	280	276	285	841	268	334	237	839	334	315	247	896	1735
Bronx	131	125	128	384	127	163	171	461	161	206	170	537	998
Manhattan	165	144	160	469	134	155	130	419	147	164	119	430	849
Queens	<u>184</u>	<u>171</u>	<u>191</u>	<u>546</u>	<u>137</u>	<u>189</u>	<u>174</u>	<u>500</u>	<u>211</u>	<u>227</u>	<u>156</u>	<u>594</u>	<u>1094</u>
TOTAL	760	716	764	2240	666	841	712	2,219	853	912	692	2,457	4676

### E—Physical Facilities

#### 1. Manhattan

In the first report issued by the Family Court Monitoring Project in March 1977, a detailed description of the physical facilities of the Manhattan Family Court was given. Recommendations were made concerning various aspects which monitors felt were important and pertinent to the citizens who come into the courthouse.

Of the recommendations made only two have been carried out: smoking areas have been designated and equipped with ashtrays and refuse baskets are provided in waiting rooms.

The information desk at the entrance of the courthouse is staffed by uniformed court officers and on occasion by Red Cross volunteers. When a volunteer is absent, the uniformed court officers must answer the telephones and provide information to persons entering the building. This interferes with their primary role of providing security. In addition, there is no directory of offices displayed in the lobby nor are any bilingual signs displayed.

Security is lacking in the Office of Probation where disruptions have occurred and the personnel present have had to handle difficult situations.

The public cafeteria on the ninth floor remains closed, thus providing no alternative to the high-priced restaurants in the area.

#### Recommendations:

22. The lobby information desk should be staffed regularly, possibly using citizen volunteers under the supervision of the court or a social service agency.

23. A bilingual directory of offices should be prominently displayed in the lobby and all directional signs should be posted in Spanish and English.

24. Devices to alert uniformed court officers of possible security problems should be installed in probation interviewing areas.

25. The public cafeteria should be opened and should serve economically-priced foods.

#### 2. Bronx

During the first week of May 1977, the Bronx Family Court moved into the new facility located at 900 Sheridan Avenue in the Bronx. The Bronx Criminal Court is also located within this building but has a separate entrance on 161st Street.

The nine-floor building has facilities for eight courtrooms and has four waiting areas. All of the courtrooms are located on the seventh floor. In addition there are private conference rooms near each courtroom. These rooms are clearly marked and accessible. There is a uniformed court officer stationed at an information desk on the seventh floor, who directs citizens to the parts and provides information as to the other offices in the building.

Two to three uniformed court officers are stationed in the lobby of the courthouse. Their duties include screening people entering the courthouse, providing information, answering the telephone and making security checks on parties going up to the courtrooms.

There are office directories in the lobby of the courthouse. The four elevators have directories which indicate the offices on each floor. Three of these elevators stop only on the Family Court floors while the fourth is shared by the Criminal and Family Courts.

The building is adequately maintained; however, the public restrooms are often without toilet paper, soap and paper towels. There are designated smoking areas at the elevator.

Seating in the waiting areas outside the courtrooms, offices and probation is ample and comfortable.

The offices in the court are more than adequate. The Legal Aid Society offices, however, are small and several of the attorneys must share offices. All of the offices for legal services and the ancillary services, i.e. Corporation Counsel, Bureau of Child Welfare, Department of Social Services and Department of Probation are on the sixth floor. The Adult and Juvenile Record rooms, as well as the administrative offices are on the eighth floor.

The holding room for juveniles is located on the seventh floor; juveniles are brought to the courtrooms via a connect-

ing corridor which leads to all the courtrooms. The detention area is spacious and comfortable. There is a kitchen which adjoins the holding room.

Lighting, audibility, and temperature were found to be good. All parts of the courthouse are clearly indicated by directories posted on each floor, however, there are no bilingual signs in the courthouse. Some of the court officers do speak Spanish and have been able to help those citizens who do not read or speak English.

There are facilities for a public cafeteria in the courthouse; it has not been opened as yet. Restaurants in the area are limited and tend to be over-priced and crowded during the noon recess.

### **Recommendations**

26. In addition to the uniformed court officers who are stationed at the information desk in the lobby, volunteers should be used to give out information and to answer the telephones.

27. Directories and directional signs should be in both English and Spanish.

28. The public cafeteria should be opened as soon as possible.

### **3. Brooklyn**

The Brooklyn Family Court is located at 283 Adams Street in the Boro Hall area of Brooklyn. It is convenient to bus and subway transportation.

The courthouse is a six story building which has ten (10) courtrooms and four (4) waiting rooms but only eight (8) courtrooms are in use.

Three to four uniformed court officers staff the information desk in the lobby but there is no directory of offices or courtrooms.

Courtrooms are located on the second, third and fifth floors of the courthouse. The waiting areas outside the courtrooms are generally overcrowded; smoking areas are limited to the elevator corridors. The restrooms are poorly maintained, i.e., broken toilets, lack of toilet paper, soap, paper towels, and running water.

Audibility is often poor in the courtrooms. Monitors noted that parties in the courtrooms had difficulty hearing what was being said. Also, due to the frequent opening and shutting of doors and court personnel walking in and out of the courtrooms, the already difficult situation was exacerbated.

Lighting and temperature control were adequate in the courtrooms and waiting rooms.

Calendars are posted outside each courtroom; however, there are no bilingual signs.

While the general maintenance of the building, except for the restrooms, appeared to be adequate, monitors remarked

that some of the waiting areas were littered. Also, the waiting rooms were found to be dingy and the seats uncomfortable.

The detention area for juveniles is located on the third floor of the courthouse. The rooms are well-maintained and magazines and books are available. This detention area is also used for adults who are brought in on warrants.

### **Recommendations**

29. A bilingual directory of offices should be displayed in the lobby.

30. All signs should be posted in Spanish and English.

31. The presiding judge should prohibit the practice of using the courtroom as a corridor between parts and other offices in the courthouse.

32. Waiting areas and restrooms should be well-maintained.

33. Efforts should be made to increase the audibility in the courtrooms, either by changing the physical layout of the courtrooms or having personnel speak more loudly.

## **F—METHODOLOGY**

### **A. Project Staff and Structure**

The coordinator was responsible for all phases of the New York City project. In addition to recruiting, training and supervising the citizen volunteers, she tabulated the data, edited the monitor reports, and wrote the project report. The coordinator also met with members of the judiciary to discuss the various aspects of the project.

### **B. Volunteer Recruitment**

Over ninety volunteers were recruited and trained during the second phase of the project. These citizens come from a wide variety of backgrounds and ranged in age from nineteen to seventy.

All volunteers were required to make a minimum commitment of one half day per week for three months. More than half of the volunteers spent two half days or one full day per week in court. They were also required to attend training sessions prior to monitoring and ongoing training sessions once a month.

### **C. Training**

Initial training focused on court procedures and terminology, and involved discussion sessions, court tours and group meetings with members of the judiciary and court personnel. In addition, volunteers met with representatives of the Department of Probation and the New York State Division for Youth. A special session was held by the coordinator to train volunteers in the use of the questionnaire in order to collect data on court proceedings.

After the initial training, citizens began monitoring. At the ongoing monthly meetings monitors discussed their observations and findings, and developed recommendations to improve conditions in the courts.

Field trips to Spofford Juvenile Center were arranged for the monitors who expressed interest in the services of the court. Others viewed the film "This Child is Rated X" and discussed juvenile delinquency and PINS issues.

Monitors utilized Marion C. Katzive's *A Caseworker's Guide to the New York State Juvenile Justice System*, as well as the *Fund for Modern Courts Inc. Court Monitoring Handbook* which was designed to acquaint monitors with Family Court procedures. Other resource materials were provided by the coordinator.

### C. Response of Court Personnel to Monitors

In general, the response to monitors was positive. Most court personnel, uniformed court officers, court clerks, court stenographers and judges, were cooperative and helpful. Many assisted the monitors in getting information concerning cases and explaining the rationale behind certain procedures.

However, a small number of judges did not seem to be enthusiastic about the citizen monitoring. One judge consistently interrogated monitors as to their background and the purpose of the project and then sometimes barred them from the courtroom. Other judges would not allow monitors to have a copy of the calendar because they felt it was confidential, even though the court calendars are posted in the lobbies and outside each part. Resistance to citizen monitoring was most prevalent toward the end of the project. One monitor said: "I was amazed that this judge wanted my calendar and told the clerk to notify the calendar room not to give the calendar to anyone but court personnel. I had been monitoring in this part for months and the issue never arose."

Court personnel were usually eager to share their perceptions of the problems in Family Court. The hope was often expressed that this project would help to bring about changes so necessary to the Family Court.

### G—ACKNOWLEDGEMENTS

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- S. Lorraine Reilly - G.L.I.E. (Group Live in Experience)
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- League of Women Voters
- National Council of Jewish Women
- Retired Senior Volunteer Program
- Yeshiva University
- Long Island Area Council of Unitarian Universalist Societies

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During the course of the New York City project, the Hon. Rudolph DiBlasi passed away. Judge DiBlasi was helpful and very gracious to the monitors in the Brooklyn Family Court. The monitors and the local coordinator felt he was a man of integrity, fairness and warmth, who brought those qualities to the bench. Judge DiBlasi will be sorely missed.

The following are citizen volunteer monitors, without whom this project would not have been possible:

- |                      |                    |
|----------------------|--------------------|
| Jeanette Aronoff     | Amelia Grygier     |
| Mario Arthur         | Debra Habersham    |
| Joseph Baker         | Helen Harden       |
| Lawrence Balin       | Frank Hardy        |
| Elliot Barnett       | Rachel Haskell     |
| Minnette Beecham     | Rita Harris        |
| Leon Behar           | Dolores Helmick    |
| Mary Bethea          | Martha Hill        |
| Dorothy Brown        | Leo Keinanen       |
| Kevin Burke          | Michael Levinson   |
| Debra Cardoza        | Lloyd Little       |
| Candida Carrasquillo | Sabrina Meadows    |
| Hattie Chisolm       | Deborah Milstein   |
| Besant Chojar        | Rae Newmark        |
| Veronica Cilla       | Patrick O'Brien    |
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| Murray Conwesser     | Josephine Rivera   |
| Alvin Cruz           | Willette Roberts   |
| Mercedes Diaz        | Gail Lynn Robinson |
| Susan Doyle          | Max Rothman        |
| Sharon Dupree        | Nancy Rue          |
| Mark Dyshanowitz     | Martha Russo       |
| Marie Echegaray      | Carol Shain        |
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|------------------|----------------|
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| Emerita Perez    | Isidro Tosado  |
| Lydia Ramos      |                |

## H. TABLES

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TABLE 1

**NEW YORK CITY**  
**TIME OF CALENDAR CALL**

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
9:15					1	2
9:30	27	44	10	25	16	37
9:45	12	19	8	20	5	12
10:00	4	6	2	5	3	7
10:15			3	7		
10:45			1	2		
2:00	1	2	1	2	1	2
2:15	2	3	2	5	5	12
2:30	1	2	3	7	2	5
2:45	2	3			1	2
3:00						
No Calendar Call	13	21	11	27	9	21
Totals	62	100	41	100	43	100

TABLE 2

**NEW YORK CITY**  
**TYPE OF CALENDAR CALL**

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Waiting Room	33	53	29	71	34	79
Parties called into Courtroom	12	19	4	10	2	5
Lawyers called into Courtroom	6	10	-	-	-	-
Other	6	10	1	2	4	9
Unable to Determine	5	8	7	17	3	7
Totals	62	100	41	100	43	100

TABLE 3

**NEW YORK CITY**  
**FIRST CASE ACTIVITY**

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
9:30	1	2	2	5	3	7
9:45	6	9	2	5	5	12
10:00	16	26	10	25	13	30
10:15	10	16	10	25	4	9
10:30	9	15	1	2	1	2
10:45	5	8	2	5	1	2
11:00	1	2	1	2		
11:30			1	2		
2:00					1	2
2:15	4	6	2	5	5	12
2:30	6	9	5	12	5	12
2:45	2	3	1	2	2	5
3:00	1	2				
Can't determine	1	2	4	10	3	7
Total	62	100	41	100	43	100

TABLE 4

**NEW YORK CITY**  
**TIME SESSION ENDED**

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
10:00					1	2
12:00					2	5
12:15	2	3	1	2		
12:30			2	5	4	9
12:45	1	2	5	12	6	14
1:00	25	39	15	37	12	29
1:15	16	25	3	7		
1:30	1	2				
2:30	1	2				
3:00					1	2
3:30					1	2
3:45	1	2			2	5
4:00					2	5
4:15					4	9
4:30	6	10	3	7		
4:45	2	3	1	2	3	7
5:00	2	3	2	5		
5:15	1	2				
5:45	1	2				
Can't determine	3	5	9	23	5	11
Total	62	100	41	100	43	100

TABLE 5

NEW YORK CITY		SESSION DELAY REASON					
	Manhattan		Bronx		Brooklyn		
	#	%	#	%	#	%	
Non appearance or lateness:							
Respondent					1	2	
Petitioner							
Both Sides	11	18	1	2	1	2	
Private Counsel			1	2			
Corp. Counsel	1	2					
Legal Aid	1	2					
Judge	6	10	11	27	5	12	
No cases ready	17	27	9	22	12	28	
Conference in chambers	1	2	1	2			
Other	4	6	4	10	2	5	
Unable to determine	19	30	11	27	21	49	
No delay	<u>2</u>	<u>3</u>	<u>3</u>	<u>8</u>	<u>1</u>	<u>2</u>	
Total	62	100	41	100	43	100	

TABLE 6

NEW YORK CITY		INTRACASE DELAY REASON					
	Manhattan		Bronx		Brooklyn		
	#	%	#	%	#	%	
Unprepared or lateness -							
Respondent	4	8	4	2	9	5	
Petitioner	3	5			1	0	
Both sides					1	0	
Private counsel	2	4			1	0	
Corporation Counsel	4	8			5	3	
Legal Aid	5	8	1	0	6	4	
Panel Attorney	2	4	2	1	1	0	
Police Officer					1	0	
Clerk	1	2					
Court Reporter	1	2			1	0	
Agency repres.	2	4			1	0	
Witness	1	2			1	0	
Conference in Chambers	3	5	2	1	4	3	
Reports late or unsatisfactory	1	2			2	1	
For work or financial evaluation			1	0	3	3	
Court to appoint attorney	2	4					
Other	5	8	5	2	13	7	
Recess	3	5					
Unable to determine	<u>16</u>	<u>29</u>	<u>238</u>	<u>94</u>	<u>136</u>	<u>74</u>	
Totals	55	100	253	100	186	100	

TABLE 7

NEW YORK CITY		INTERCASE DELAY REASON					
	Manhattan		Bronx		Brooklyn		
	#	%	#	%	#	%	
Respondent	4	4			4	2	
Petitioner	1	1			1	0	
Both sides	7	7	3	1	3	2	
Private counsel			1	0	2	1	
Corporation counsel	4	4			3	2	
Legal Aid	2	2	1	0	3	2	
Panel Attorney			1	0			
Court reporter	2	2					
Interpreter	2	2			1	0	
Agency repres.	2	2					
Parent, guardian	1	1					
CLO			1	0			
Judge	1	1	6	3	1	0	
Witness					1	0	
No cases ready	29	29	3	1	23	12	
Conference in chambers	6	6	3	1	3	2	
Other	7	7	2	1	3	2	
Unable to determine	21	20	216	89	124	66	
Recess	<u>12</u>	<u>12</u>	<u>9</u>	<u>4</u>	<u>17</u>	<u>9</u>	
Totals	101	100	246	100	189	100	

TABLE 8

NEW YORK CITY		CHARGE READ ALOUD IN COURT					
	Manhattan		Bronx		Brooklyn		
	#	%	#	%	#	%	
yes	72	12	61	15	89	20	
no	473	78	261	64	330	73	
unable to determine	<u>63</u>	<u>10</u>	<u>87</u>	<u>21</u>	<u>33</u>	<u>7</u>	
Totals	608	100	409	100	452	100	

TABLE 9

NEW YORK CITY		PURPOSE OF HEARING					
	Manhattan		Bronx		Brooklyn		
	#	%	#	%	#	%	
Intake	7	1	2	0	8	2	
Fact-Finding	458	76	251	61	212	47	
Dispositional	123	20	98	24	204	45	
Other	7	1	7	2	6	1	
Unable to determine	<u>13</u>	<u>2</u>	<u>51</u>	<u>13</u>	<u>22</u>	<u>5</u>	
Totals	608	100	409	100	452	100	

TABLE 10

## NEW YORK CITY

## PETITIONERS

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Parent, guardian	71	12	34	8	69	15
Husband	21	3	18	4	12	3
Wife	87	14	135	33	88	19
Child	4	1	5	1	2	0
Police	107	17	99	24	114	25
School	10	2	6	1	11	2
Private Citizen	20	3	27	7	13	3
Public/Private Agency	207	34	31	8	77	18
Other	4	1	15	4	9	2
Unable to determine	<u>77</u>	<u>13</u>	<u>39</u>	<u>10</u>	<u>57</u>	<u>13</u>
Total	608	100	409	100	452	100

TABLE 11

## NEW YORK CITY

## PETITIONER REPRESENTATION

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Corporation Counsel	279	46	195	48	208	46
DSS	73	12	36	9	38	8
Self	44	8	73	18	98	22
Private Counsel/18-B	117	19	36	9	17	4
Other	21	3	6	1	27	6
Unable to determine	<u>74</u>	<u>12</u>	<u>63</u>	<u>15</u>	<u>64</u>	<u>14</u>
Totals	608	100	409	100	452	100

TABLE 12

## NEW YORK CITY

## RESPONDENT

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Child	247	41	176	43	262	57
Father	55	9	28	6	26	6
Mother	191	31	25	6	47	10
Husband	72	12	125	31	85	19
Wife	12	2	12	3	8	2
Other	2	0	11	3	7	2
Unable to determine	<u>29</u>	<u>5</u>	<u>32</u>	<u>8</u>	<u>17</u>	<u>4</u>
Total	608	100	409	100	452	100

TABLE 13

## NEW YORK CITY

## RESPONDENT REPRESENTATION

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Legal Aid	220	36	201	49	262	57
18-B Panel	174	29	28	6	73	16
Private Attorney	73	12	125	31	85	19
Self	38	6	12	3	8	2
Other	21	4	11	3	7	2
Unable to determine	<u>82</u>	<u>13</u>	<u>32</u>	<u>8</u>	<u>17</u>	<u>4</u>
Totals	608	100	409	100	452	100

TABLE 14

## NEW YORK CITY

STATUS OF J.D. OR PINS  
BEGINNING OF HEARING

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Custody of parent, guardian	145	65	113	68	134	58
Detention	27	12	28	17	50	22
Long Term Placement	6	3	1	1	7	3
Custody of agency	34	15	19	11	35	15
Other	<u>10</u>	<u>5</u>	<u>5</u>	<u>3</u>	<u>6</u>	<u>2</u>
Totals	222	100	166	100	232	100

TABLE 14(a)

## NEW YORK CITY

STATUS OF JD, PINS  
END OF HEARING

	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Custody of Parent, guardian	153	69	103	62	135	58
Detention	17	8	19	11	40	17
Long-term placement	10	4	2	1	14	6
Custody of agency	33	15	17	11	33	14
Other	<u>9</u>	<u>4</u>	<u>25</u>	<u>15</u>	<u>10</u>	<u>5</u>
Totals	222	100	166	100	232	100

TABLE 15

NEW YORK CITY						
OUTCOME OF HEARING						
	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Adjourned	367	60	187	46	219	48
Adjourned-stayed warrant	14	2	16	4	8	2
Adjourned-warrant issued	18	3	23	6	17	4
Petition dismissed w/o prejudice	23	4	17	4	11	3
Petition dismissed for failure to prosecute	7	1	10	2	10	2
Petition dismissed	34	5	31	8	33	7
Adjourned in contemplation of dismissal (ACD)	27	5	12	3	19	4
Judgment suspended	5	1	4	1	6	1
Decision reserved	8	2	9	2	3	1
Adjudicated PINS	1	0	1	0	5	2
Adjudicated JD	5	1	5	1	5	2
Case business completed	57	9	32	8	70	16
Other	34	5	5	1	13	1
Unable to determine	8	2	57	14	33	7
Total	608	100	409	100	452	100

TABLE 16

NEW YORK CITY						
REASONS FOR ADJOURNMENT						
	Manhattan		Bronx		Brooklyn	
	#	%	#	%	#	%
Non-appearance or unprepared Respondent	86	22	40	18	40	18
Petitioner	17	4	9	4	12	5
Boti. Sides	7	2	3	1	4	2
Private Counsel	12	3	1	0	2	1
Corp. Counsel	2	0	4	2	7	3
Legal Aid	12	3	1	0	9	4
Panel Attorney	7	2	3	1		
Police Officer	11	3	4	2	7	3
Interpreter			1	0		
Agency repres.	5	1				
Parent, guardian	7	2	4	2	2	1
Witness	5	1	8	4	6	2
Reports late or unsatisfactory						
To progress case. for fact-finding after Intake	1	0			2	1
for disposition court to appoint attorney	3	1	16	7	32	13
to arrange placement	7	2	1	0	3	1
for work or financial eval.	51	13	7	3	11	4
report on blood tests	9	2	10	5	13	5
conference in chambers	1	0	2	1	1	0
to continue hearing	2	0				
Recess	37	9	18	8	5	2
Other	1	0				
Unable to determine	64	16	10	5	12	5
Totals	52	14	84	37	76	30
Totals	399	100	226	100	244	100



**END**