

New York Family Court

Court User Perspectives

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Preface

New Yorkers demand a lot from the city's Family Court. First established 37 years ago as an experimental court to oversee all family problems in one location, Family Court has jurisdiction over the immensely complex issues of custody and visitation, paternity, family violence, child support, abuse and neglect, foster care, and most delinquency matters.

Today Family Court's caseload is high, its physical plant deteriorating, and its resources strained. The court is looking both within and without for analysis of current problems and directions for the future. This report, funded by the New York Community Trust and prepared by the Vera Institute, is one step in the court's analysis. It examines the data from the first-ever systematic survey of Family Court users: both professional users (such as lawyers and caseworkers) and nonprofessional users (family members, teachers, and neighbors of the children and adults who depend on the court).

The findings are straightforward, encompassing both unanticipated praise in some areas and distress in others. Most civilian users have something good to say about Family Court—particularly about the court officers, who are often credited with being the best part of the system. Yet the problems are many, ranging from difficulties navigating the court physically to the burdens of the court's rigid calendar.

The most troublesome finding is the large proportion of people who say that they are without legal representation. And of those with representation, over a quarter say their attorney was not helpful. As Chief Administrative Judge Jonathan Lippman said in his recent report on the lack of legal representation for the poor in all courts, this situation has reached "crisis proportions," and has created "chaotic" courts.

Both of us are proud of the Family Court for subjecting its operations to this research inquiry, and committed to making Family Court a place of justice and efficiency that meets the needs of all New Yorkers.

Joseph M. Lauria, Administrative Judge, New York City Family Court

Christopher E. Stone, Director, Vera Institute of Justice

This year marks the 100-year anniversary of the establishment of Family Courts in the United States. The first was created in Chicago when Jane Addams and her fellow progressives convinced the Illinois legislature to design a separate justice system for children one based on rehabilitation instead of punishment.

Although children's courts existed in New York State's major cities early in the century, it was not until the constitutional convention of 1921 that the New York legislature, responding to the ideas of the progressive movement, formally authorized the establishment of juvenile courts. These early children's courts focused on abuse and neglect and delinquency because all matrimonial issues, including custody, were reserved for the Supreme Court. This division of authority over family and child issues made navigation of the court extremely difficult for those with any form of family-based litigation.

New York Family Court

Established in 1962, the New York State Family Court was created to centralize all family matters in one court, replacing the Domestic Relations Courts of New York City and the Children's Courts for all other jurisdictions in the state. Today, Family Court has jurisdiction of custody and visitation, paternity, family violence, child support, abuse and neglect, foster care, persons in need of supervision (PINS), and most delinquency matters. Family Court shares concurrent jurisdiction of adoptions with Surrogate's Court and domestic violence cases with Criminal Court. The Supreme Court retains exclusive jurisdiction of divorce, separation, and annulment of marriage, and of adult criminal cases involving child abuse. It also increasingly asserts its jurisdiction over juvenile offenders. In addition, the Supreme Court has concurrent jurisdiction of all matters usually handled in Family Court, although this jurisdiction is seldom exercised.

Over its 37 years of existence, New York State Family Court has seen society's demands upon it increase exponentially. Its caseload has tripled over the last 20 years alone, although its administrative apparatus and procedures have not evolved to meet the caseload's numerical or substantive demands. Nearly all Family Court participants both professional and nonprofessional agree that the system is grossly overburdened. In 1998, more than 654,000 cases were filed in New York State Family Court; 230,000 were in New York City alone, to be handled by 42 judges. Manhattan judges are expected to handle 30-50 cases daily; Bronx judges handle 50-70 cases. In contrast, 103 State Supreme Court judges (four borrowed from Family Court) handled the 36,212 criminal and 87,143 civil cases filed in New York City in 1998.

National trends suggest similar growth in caseloads. According to the National Center for State Courts, Family Court cases are increasing in volume faster than any other type of case, and currently account for more than 30 percent of cases in state civil courts.

Family Court's partner in New York City is often the Administration for Children's Services (ACS), an agency with a long, troubled history, though under several different names and with many different administrative structures. ACS is the largest child welfare administration in the United States.

Since Nicholas Scoppetta became commissioner of ACS in February 1996, he instituted a series of reforms including the professionalization of caseworkers through better training and higher salaries, a strategy of intensive casework and fact-finding, and a new emphasis on management accountability. These reforms alleviate some of the systemic problems within ACS.

But ACS caseworkers remain heavily burdened, carrying 30+ caseloads each, to handle some 50,000 reports of abuse and neglect annually. Of these reports, some 13,000 were validated in 1995, involving 77,000 children with 800 physical injuries and 70 related fatalities. ACS workers and the voluntary agencies under contract to ACS are also responsible for the 41,000 children now in New York City's foster care system.

This overburdened system is expected to address problems that would be difficult even with lavish resources. Placement and custody disputes, for example, are immensely troublesome under the best of circumstances. Some concerned parties, including some foster parents, neighbors, or teachers, do not have standing in court, even though the child's future may be decided in court. Many parties are inarticulate or confused about the proceedings. Even with standing, many people who need access to either a social worker or a judge are not sure of how to get it. The quality of legal advice can be very uneven, though the functioning of the court is based on the assumption that all necessary information will be presented to the judge.

Further, many issues have recently been criminalized in the sense that behavior once considered seriously inappropriate but not criminal is now subject to criminal sanctions. A mother who is thought to have neglected her children, for example, may now be arrested and her children taken from her. The mother may be sent to criminal court even as her children are handled by Family Court. The result for families is confusion, fear, and inefficiency.

Objectives of the Project

This year-long project set out to design an ongoing system for identifying problems and providing feedback to the New York County Family Court judiciary about issues facing court users, particularly nonprofessional or civilian users. It was modeled on Vera's Citizens Jury Project, which had created an OmbudService for jurors, the civilian users of Supreme Court. The OmbudService listens to juror concerns and complaints, and works to correct the complaints.

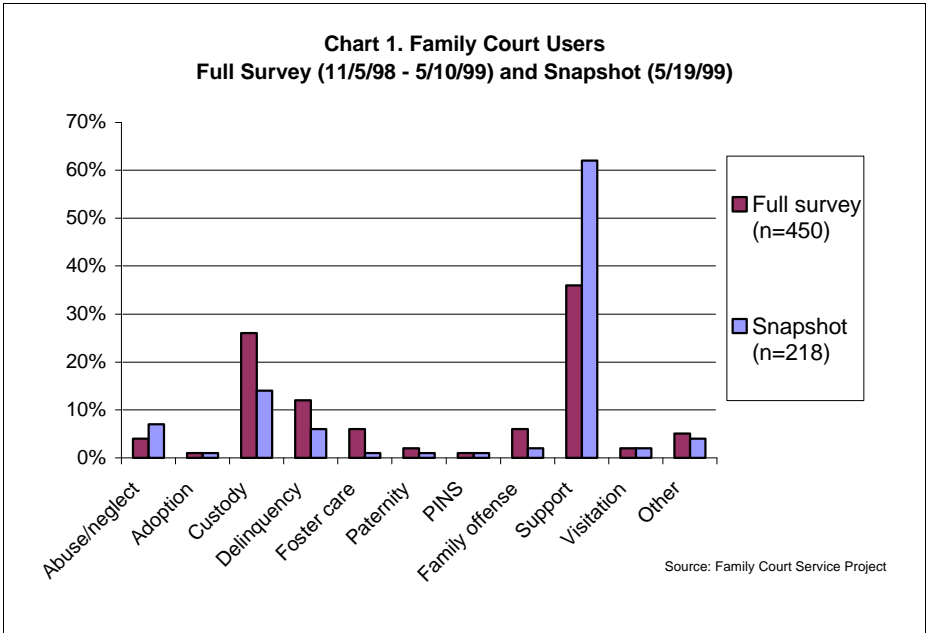
This project sought to:

- 1. Determine the pattern of problems in Family Court.* This required surveying the range of nonprofessional users (birth parents, foster parents, children, friends, neighbors, and witnesses) in New York County Family Court, who had not previously been surveyed. Much like jurors in Supreme Court, Family Court users are episodic in their contacts. Because only the most troubled families are consistent users, Family Court hears no regular, reliable user voice. To correct this, Vera conducted the first comprehensive survey of Family Court users. Who are the users? Why are they there? What are their problems? Have they been to Family Court before? Do they have legal representation? What information and help have they been given?
- 2. Consider an ongoing means of bringing problems to the administrative judge and resolving them.* The experience of the Jury Project in Supreme Court has been that many simple problems—the lack of vending machines or other food services in public waiting areas, uncomfortable seats, the absence of signage—are both disproportionately onerous to users and fixable. This also holds true for the New York Family Court. Administrative improvements can have substantive ramifications, though courts are seldom organized to address these.
- 3. Improve the experience of Family Court.* Both the Administrative Judge and the Commissioner of ACS are committed to improving the experience of city residents in the court. This report will provide an impetus for a set of potential improvements.

The Surveys

The Family Court Service Project designed and implemented a survey of both professional and nonprofessional users of New York County Family Court. Professional users include lawyers, caseworkers, expert witnesses, police and probation officers, and agency court liaisons. Nonprofessional users—called civilian users in this report—include parents, neighbors, foster parents, and friends and family of litigants.

From November 1998 to May 1999, interviewers asked over 600 people (78 percent civilian and 22 percent professional) about their experiences in Family Court (Chart 1). On May 19th, a snapshot survey of the 350 people entering the court that morning confirmed that the primary survey had not missed any significant section of the Family Court universe. In the first week of September 1999, a follow-up phone survey verified the primary findings of the full survey. The survey was unique in focusing on the opinions of the civilian user, rather than professionals. Nongovernment bureaucracies are only beginning to pay attention to consumer experience or satisfaction, way behind the private sector.



The main survey was designed to gather as much unrestricted information as possible by asking court users open-ended questions: What could be done to improve Family Court? and What advice would you give someone coming to this court for the first time? The survey also probed with more specific questions: What are the good things about the court? and How are the physical parts of the building? as well as very specific questions about the user experience, such as How many minutes did you wait in the security line downstairs? In addition to collecting the substantive opinions of court users about their experience in Family Court, the primary survey set out to answer a basic, yet previously unanswered, question: who uses Family Court?

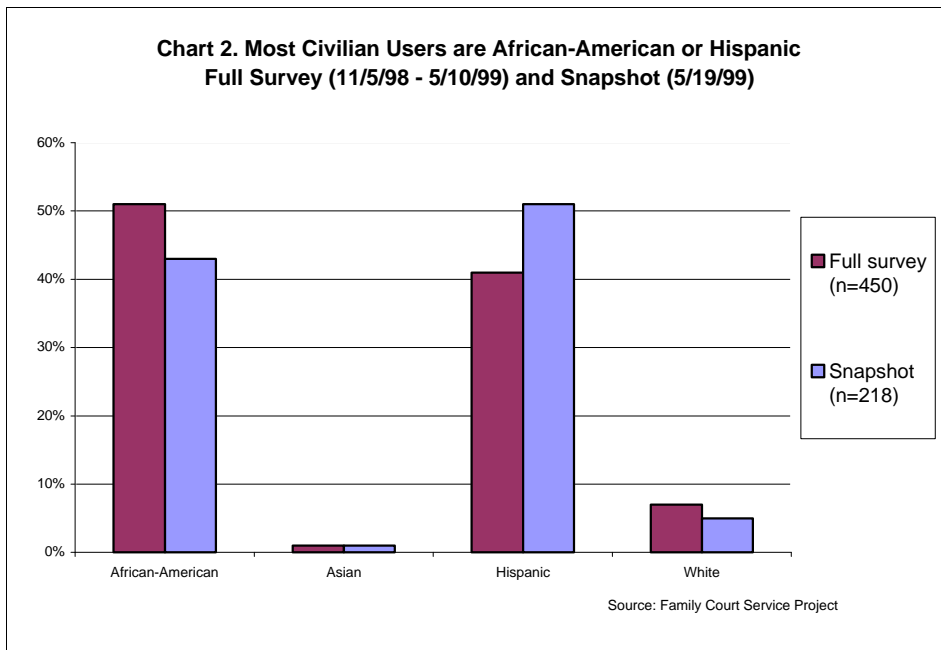
Who uses Family Court?

Both the primary survey and the snapshot survey yielded the same demographic results on race, age, gender, and case type.

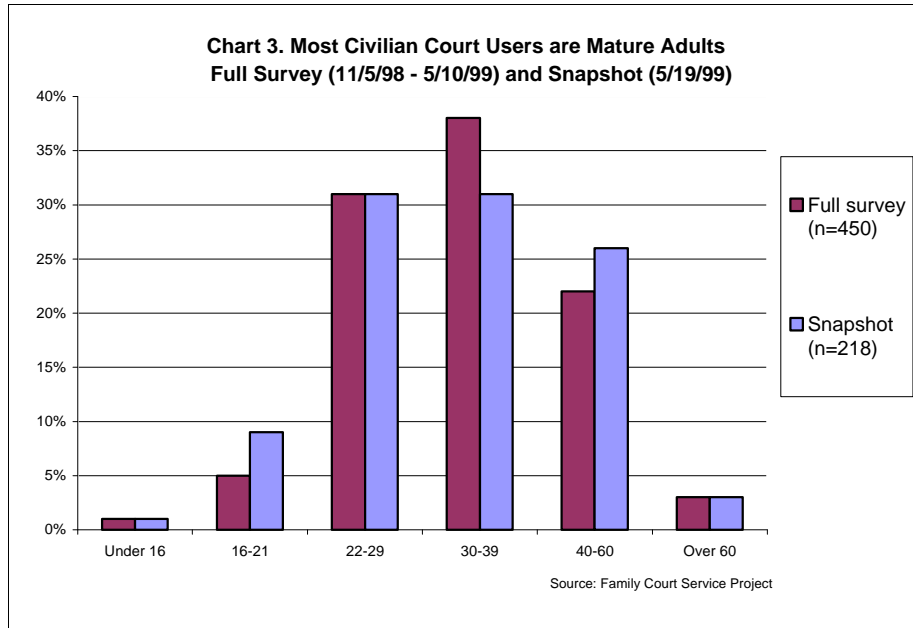
Most civilian court users are female (60 percent), although men are the majority in support cases (also 60 percent).

Most civilian users are African-American or Hispanic only seven percent of civilian users identified themselves as white, and less than one percent said they were Asian (Chart 2).

In contrast, the professional users are predominantly white (39 percent) and African-American (40 percent). Hispanics and Asians are less than 10 percent of professional users.



The age distribution is an almost perfect bell curve (Chart 3). There were few users in the under-16 and over-60 categories. The majority fell within the 30-39 age group. Most people come to Family Court about support issues. (New York County Family Court handles the public assistance support cases for the five boroughs). Custody cases are the second most common. Although abuse and neglect cases were only four percent of the sample, many cases that were identified by court users as custody or foster care cases might also fall into the abuse and neglect category.



What do Family Court users say about the court?

Civilian court users complain most strongly about the long waiting times and the lack of needed information.

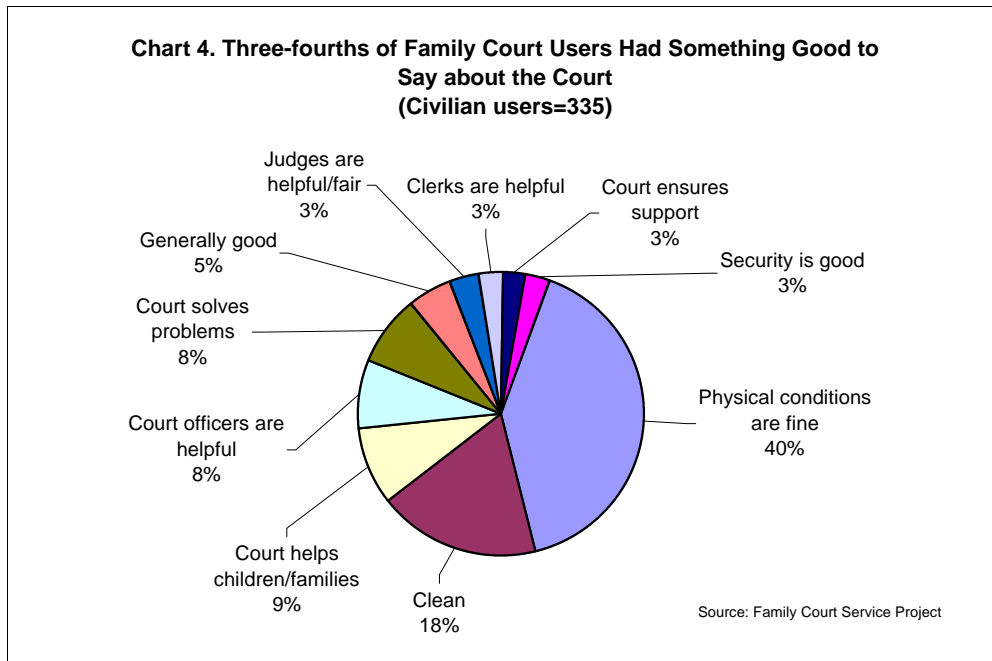
Most civilian court users had something good to say about Family Court. Nearly three-fourths of the 450 civilian court users made some positive comments about the court usually in response to open-ended questions about court conditions, as well as more specific questions designed to draw out information on the well-functioning areas in the court (Chart 4).

Court users are generally satisfied with the physical conditions of the courthouse, often commenting that they had seen improvement since earlier appearances. Many users went so far as to say the court was clean.

Overall, positive comments about the court were readily given. More than half of the 35 percent of the people who first said nothing is good about the court mentioned something good when asked to speak generally about the court.

Some of those who said good things (9 percent) expressed gratitude for the help of the court with their families and with general problems.

Court officers were often credited as being the best part of the court system. Court users said the officers were polite, and that they provided crucial information to litigants



about their proceedings and helped them find the proper part or filing office. The high opinion of civilian users was echoed by professional users. (This was a surprise since jurors regularly complain about their treatment by court officers in Supreme Court).

Background. Court officers are drawn from those who score high enough in the civil service applicant pool. Those who are selected all receive the same general training at the academy for six weeks, regardless of their final destination in Family, Criminal, or Civil Court. Officers with a year or more of law enforcement experience who pass an advanced exam can apply directly to Supreme Court, where they receive higher status and pay. After the academy, court officers are assigned to courts by lottery. Those officers who arrive in Family Court are assigned to a veteran, who guides them through the procedures and policies of the court. This mentorship is designed to communicate the culture of Family Court to the incoming officer.

The role of the officer in Family Court is more informational and less adversarial than in Supreme Court, notes Captain John Kohl of New York County Family Court.

The officers do not have to deal with criminals in a controlling and punitive atmosphere. Except for the delinquency and domestic violence cases, which can resemble criminal cases, most of the work at Family Court is not punitive. The cases involve troubled families and their most intimate problems. In the face of such hardship and

misery, says Captain Kohl, it does the court officers no good to be adversarial with the public when they can be helpful and polite.

Signage is a problem for court users. Nearly half of civilian users had difficulty finding their way around the court, a difficulty with substantive repercussions—cases are often dismissed, adjourned, or worse, held without the party when the party fails to show up on time.

Despite problems navigating the courthouse, the majority of users—both professional and civilian—said the court officers helped them find their way.

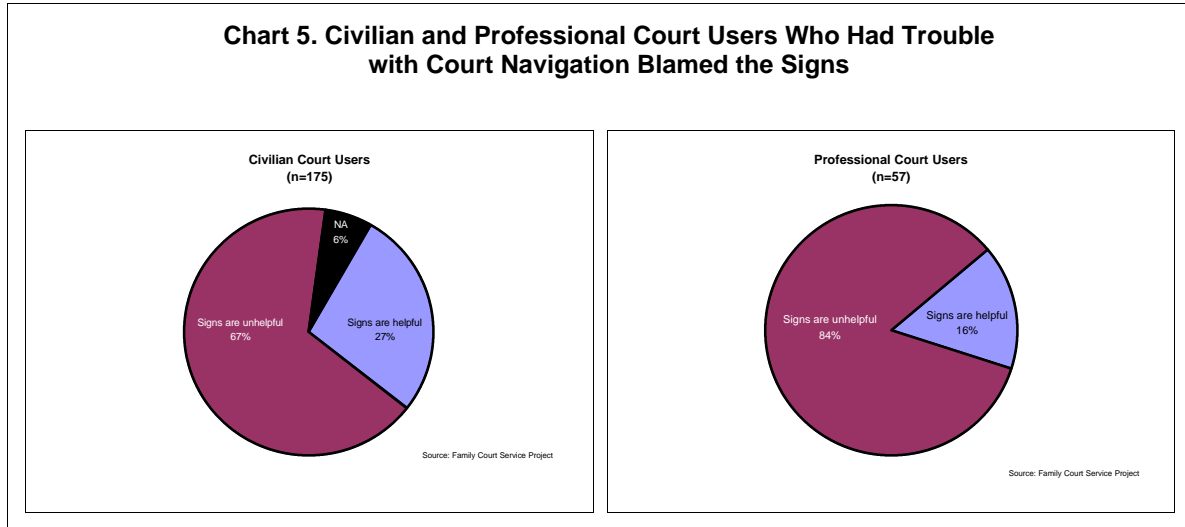
Although the court officers were helpful in navigation, the signs—or their lack—were a problem. Of the civilian users who had trouble negotiating the court, more than two-thirds said the signs were not helpful (Chart 5). As one person said, “You better know your case name, judge, and part before you get here. Otherwise, the signs make no sense.”

Poor signage in courts that are also dilapidated and crowded demonstrates a lack of respect for court users, according to Equal Justice: A Work in Progress, the report of the Franklin H. Williams Commission on Minorities.¹ Ill-maintained court facilities, notes the report, communicate a bias against people who use the court, particularly to the users of courts that mostly serve minorities—such as Family Court.

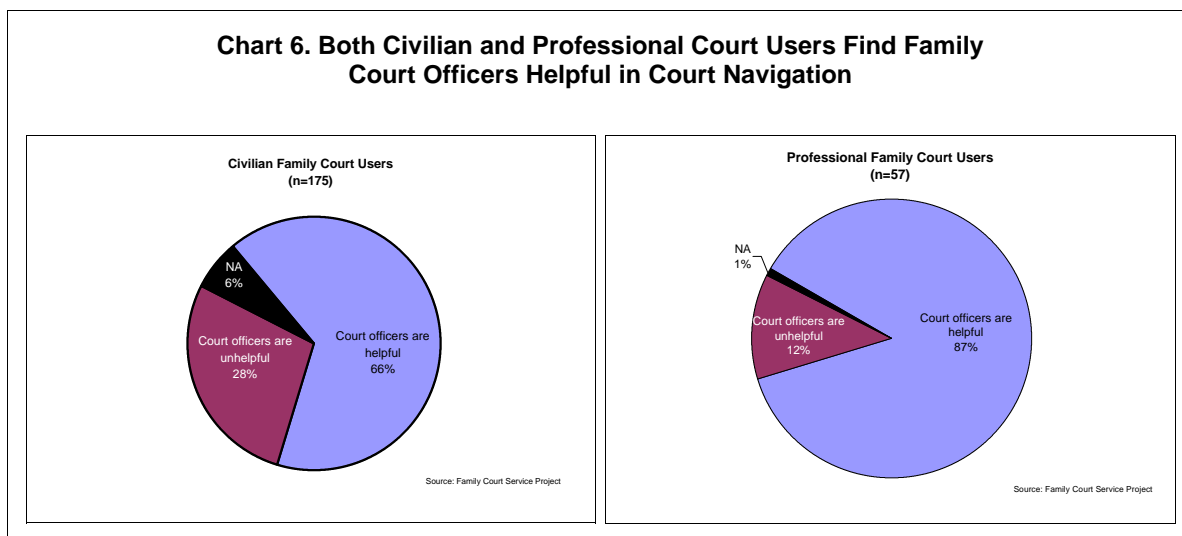
The professional users confirmed both the hardship of navigating the courthouse and the problem of the signs. Most professional users (53 percent) said that it was hard to navigate the courthouse, while 40 percent said it was not.

¹Franklin H. Williams Judicial Commission on Minorities, *Equal Justice: A Work in Progress*. New York: The Commission, 1997.

As Chart 5 shows, professional users who found court navigation hard criticized the existing signs 84 percent said the signs were not helpful.



In contrast, almost all professional users (87 percent) and the majority of civilian users (66 percent) stressed that court officers were the necessary resource that helped them get to where they needed to be, echoing the general praise for officers given by both professionals and civilians (Chart 6).



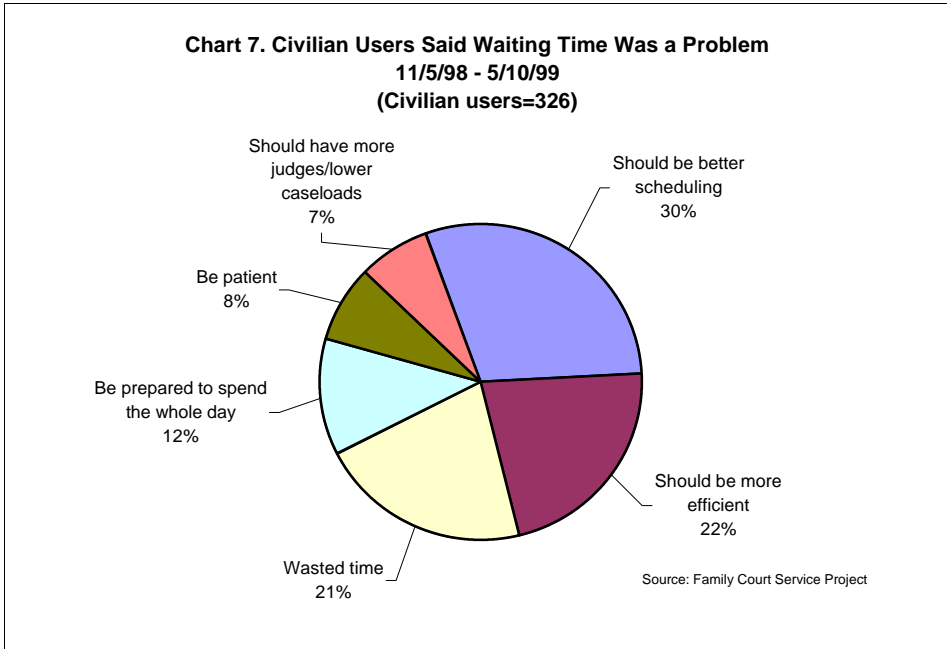
Lack of information and long waiting times are problems. All of the significant suggestions from both civilian and professional users on how to improve the court addressed the need for information in the court and the inefficiencies that lead to long and arduous waits (Table 1).

**Table 1. Top Responses to
“What could be done to improve Family Court?”**

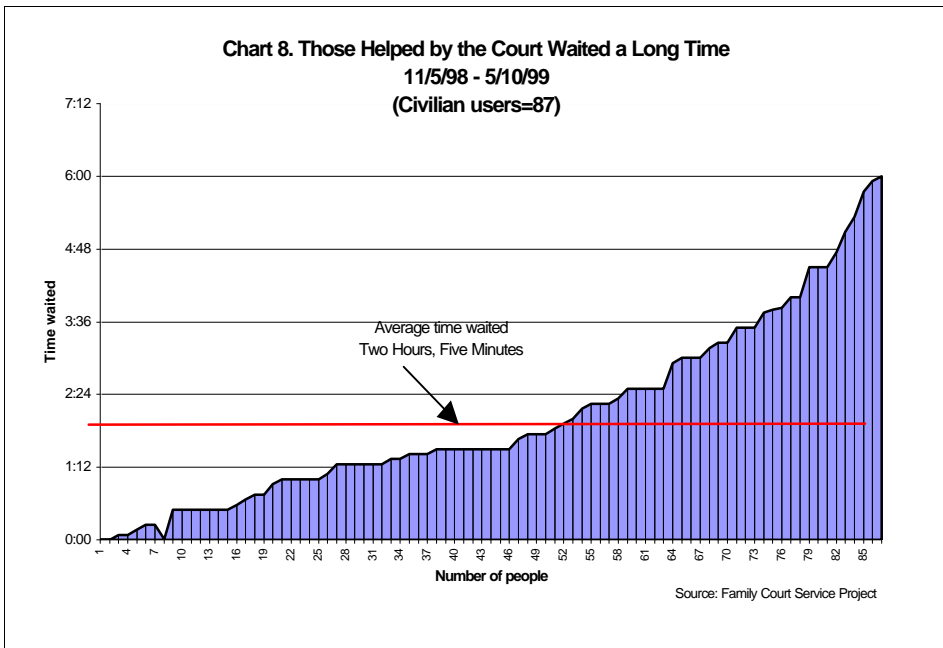
Civilian User Concerns (n=450)	Count	Percent
Should be better scheduling	159	35%
Should be more efficient	126	28%
Too much wasted time	122	27%
Lack of information	102	23%
Should have someone to give information	86	19%
Professional User Concerns (n=123)	Count	Percent
Should be better scheduling	65	53%
Should be more efficient	38	31%
Too much wasted time	38	31%
Lack of information	20	16%
Should have more judges/lower caseloads	18	15%
Should have someone to give information	14	11%

When asked what advice they would give to first-time Family Court users, the majority of court users reiterated their complaints about the long waits and lack of information by suggesting that first-time court users prepare themselves for these invariable conditions. The most common advice (27 percent of civilian users) was to be patient and be prepared to spend the whole day, followed by know where to go ahead of time (10 percent).

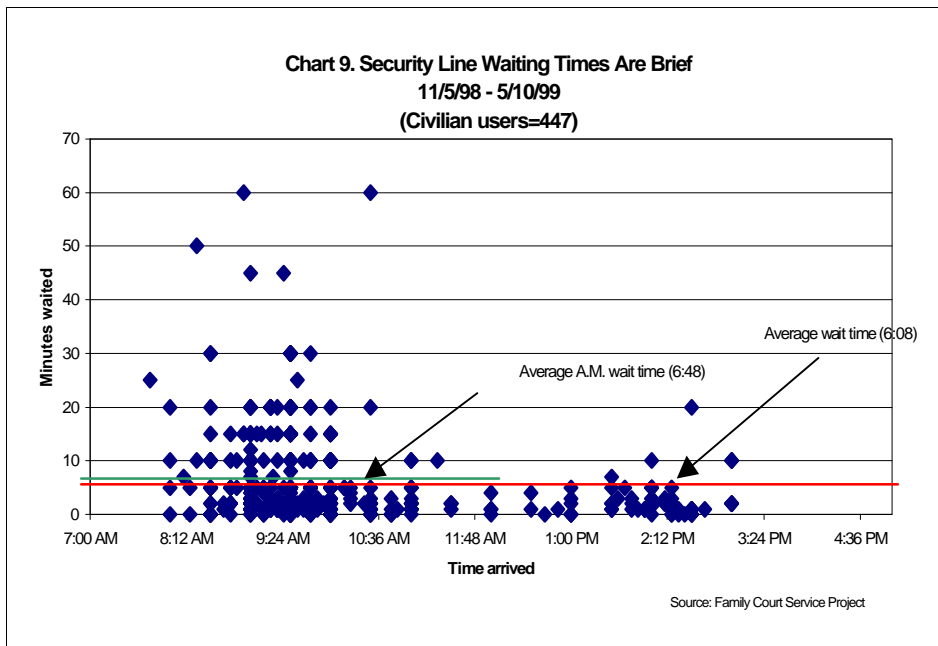
When all concerns that indicate excessive waiting time are compiled, it is clear that civilian users are very concerned about their waits. The variables included in assessing waiting time include Be prepared to spend the whole day, Be patient, Should be more efficient, Bring something to read, Wasted time, and Should be better scheduling (Chart 7).



The court users' complaints about long waiting times are supported by the data about how long they actually waited (Chart 8). The majority of people interviewed (72 percent) had not yet seen a judge or hearing examiner, but had already waited an average of three hours—some as many as seven hours. It was impossible to know how long they ultimately waited. Those who were heard by the court waited, on average, over two hours before they saw the judge or hearing examiner. Some waited six hours before they were seen.



Despite the pattern of complaints surrounding waiting times, only two people complained at all about the length of the security line. Many said that the court officers were helpful, and some mentioned that security was good. The average waiting time in the security line is six minutes and eight seconds. Even the average waiting time in the morning, when most cases are called, is only six minutes and 48 seconds (Chart 9). Only 24 percent of court users reported waiting longer than 10 minutes.

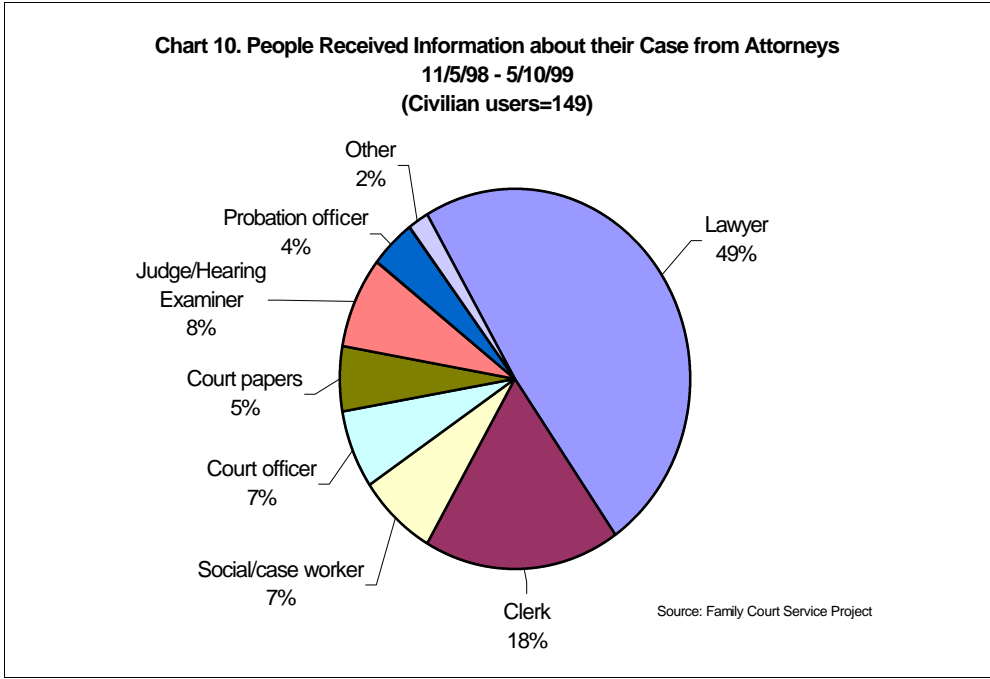


The Family Court administration has taken steps to address the historic problem of lengthy waiting times. The court has limited the daily number of cases on the calendar. It also divided cases into categories, as recommended by phase two of Chief Judge Kaye's Family Justice Program.² As judges develop greater expertise in their assigned categories, the Family Court administration notes that they will be better able to manage scheduling. In addition, attorneys will need to report to fewer trial parts, limiting conflicts among parts.

² Judith S. Kaye and Jonathan Lippman, *Family Justice Program*. New York State Unified Court System, 1997.

Instead of relying on parties to inform them about their cases in other courts, judges now have direct access to this information. The courts soon will share this information via computer network, further streamlining the process.

Court users would like to be more informed about their cases. The second most prevalent concern after waiting time is the lack of information in the courthouse. Almost half (47 percent) of the people interviewed complained without any prompting about the lack of information. When directly asked, 60 percent said they did not feel that they had been given the information they needed or wanted about their case. Only 36 percent reported that they felt informed the remaining 4 percent had not spoken to anyone yet and declined to state an opinion.

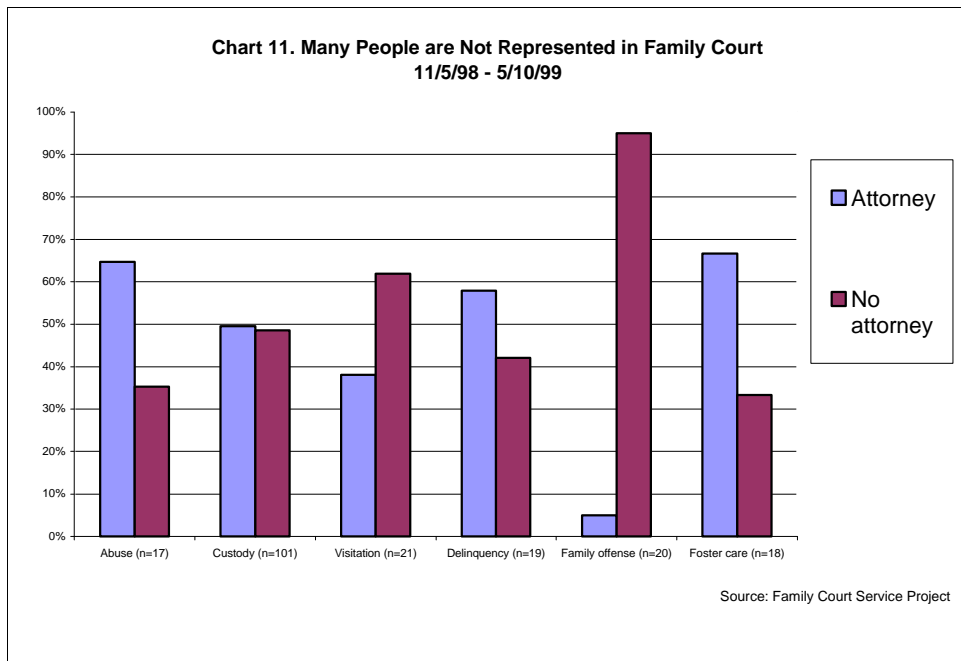


Legal representation is far from universal and often inadequate. Court users who feel informed often obtain information about their case from their attorneys. Nearly 61 percent of all Family Court users report they are unrepresented. Even after support cases which are typically ineligible for court attorney assignment are eliminated, a substantial 46 percent of court users report being without representation.

Judges assign attorneys to parties in Family Court based on the type of case, the finances of the party, whether the party is an adult or a minor, and ultimately, the discretion of the judge. Eligible parties should be advised by the judge at their first court appearance that they are entitled to free counsel, and to an adjournment to consult with the attorney.

Children have the right to an attorney a law guardian in juvenile delinquency cases, abuse and neglect proceedings, and PINS cases. Recent legislation requires judges to appoint law guardians in foster care placement and review hearings. The judge has the discretion to appoint a law guardian in custody, visitation, and adoption cases.

Indigent adults are entitled to court-appointed counsel when accused of abuse or neglect, when charged with contempt of court, or in any family offense case. Indigent parents in custody cases are usually entitled to counsel, but people other than the biological parents, such as foster parents and grandparents, receive appointed counsel only in very limited circumstances. Fathers in paternity cases are entitled to appointed counsel if they cannot afford their own attorney.



Although far from universal, representation was more frequent in abuse and neglect, delinquency, and foster care cases. About 60 percent of people involved in abuse and neglect, delinquency, and foster care cases said they had counsel (Chart 11). Reported representation in custody and visitation cases was less frequent, and very few people reported having representation in family offense cases.

Over 27 percent said their attorney was unhelpful. Nearly 11 percent of people with attorneys reported never meeting the attorney. In addition, 24 percent reported that their attorneys were not present on the day they were surveyed. More than a third of those with attorneys did not know which agency the attorney worked for.

Those who did not know which agency their attorney worked for identified their attorney as public (28 percent) or private (22 percent).

Those who did identify their attorney's agency could only do so generally. Over 38 percent said they had court-appointed attorneys; almost 23 percent said they had a legal aid attorney. Legal Aid Society attorneys only represent children in Family Court. Because children under 16 were only one percent of the survey sample, it is unlikely that all of the parties who claimed to be represented by legal aid were actually represented by the Legal Aid Society. More likely they simply called any court-appointed counsel a legal aid—a term common in New York City courts.

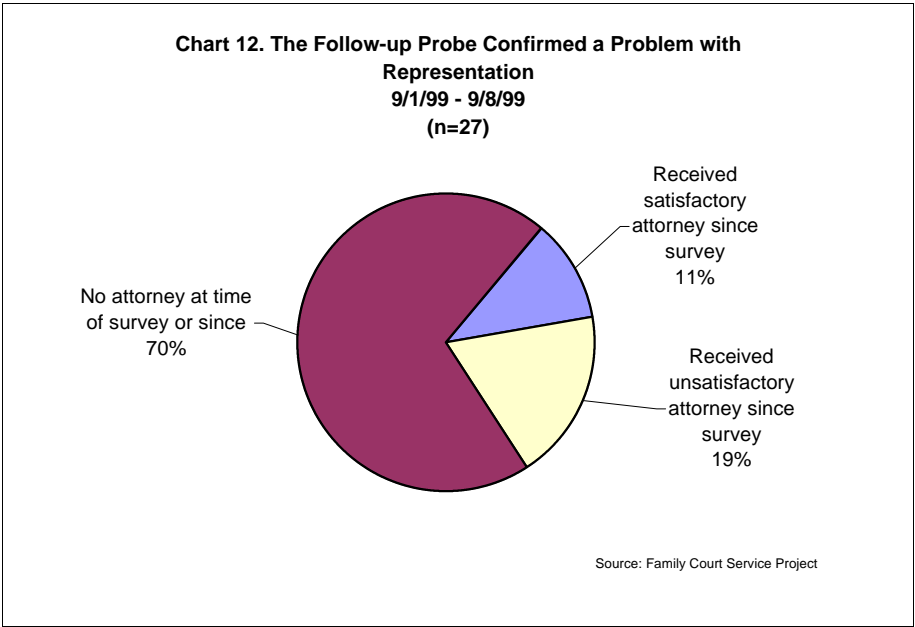
Court users confirmed the lack of representation in a follow-up probe. To verify the results of the original survey, all civilian users (except those with support cases) who said they had not had an attorney and who provided a phone number were contacted by interviewers in a follow-up probe in September 1999. Nearly 34 percent were reached successfully. Almost 20 percent of those called had moved since the original survey; another 44 percent did not respond.

The probe verified the findings of the original survey. Every respondent confirmed lacking an attorney at the time of the survey, except for one woman. Although she first asserted that she did not have counsel, she remembered that a tall, slender woman she did not know spoke for her at the hearing.

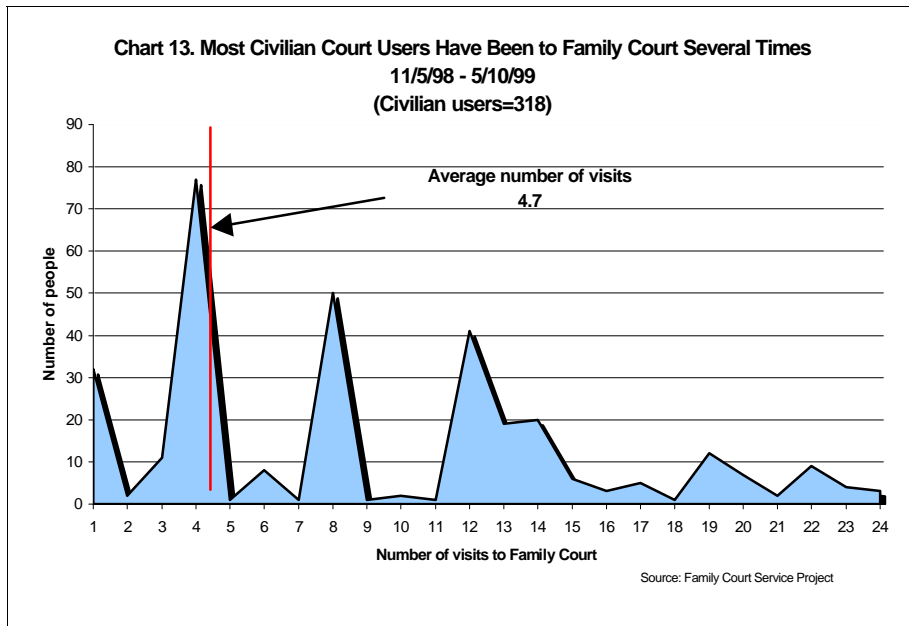
Of the respondents re-interviewed, 70 percent reported still being without counsel in August (Chart 12).

Most of those who did receive counsel since the survey were unsatisfied with the representation. One user said the attorney was impatient and did not listen. Another asked the court to have the attorney replaced because he could not reach him on the phone.

Many of those who did not have counsel said they did not know they could ask the court for an attorney. The one respondent who reported waiving her right to counsel did so only because she could not afford to miss any more work and did not want to adjourn the case again to meet with an attorney.



Most civilian court users have been to Family Court several times. Nearly 75 percent of civilian court users are repeat users of the New York County Family Court, which is significantly higher than the national average of 40 percent reported by the National Center for State Courts. Civilian users come to court an average of five times before their case is resolved, although some say they have been to court more than 20 times on a single case (Chart 13).



Physical conditions in the court are satisfactory to most court users. Most people had nothing negative to say about the physical conditions of the court (Table 2). The uncomfortable and broken seats were a problem for some, a problem exacerbated by long waits. A few people said the bathrooms could be cleaner. The overall impression, however, is that physical conditions are not a primary concern for family court users.

Nonetheless, inspection of physical conditions on Family Court's three main floors revealed frequent problems such as broken chairs, bathrooms with broken urinals and toilets, old and decrepit signs, and nonfunctional water fountains (Table 3).

The waiting rooms look grungy. Old signs have been replaced with handwritten looseleaf-paper instructions. Part numbers are magic-markered onto manila folders taped to the walls. Black plastic garbage bags cover broken water fountains, although no attempt is made to hide the missing and broken chairs.

Most waiting areas are missing at least one water fountain. Those that are operational produce a flow of water too weak to be usable or sanitary.

The old plastic waiting room seats are in very poor condition. Missing, broken, and vandalized seats are found on every floor except the ninth, which has new, clean, wooden benches.

Although the bathrooms are in disrepair, they are usually clean. The bathrooms are cleaned three times a day—once in the morning, once at lunch, and again after the court users depart. Missing or cracked mirrors, broken toilets and urinals, and sinks equipped with bar soap and no

Table 2. Top Physical Conditions Concerns

Civilian User Concerns (n=450)	Number	Percent
Conditions are fine/good/okay	198	44%
Court is clean	89	20%
Seats are uncomfortable/dirty/not enough	72	16%
Bathrooms	60	13%
General disrepair	51	11%
Elevators need repair/doors close too quickly	43	10%

Professional User Concerns (n=123)	Number	Percent
Conditions are fine/good/okay	40	33%
Seats are uncomfortable/dirty/not enough	28	23%
Bathrooms	27	22%
Elevators need repair/doors close too quickly	25	20%
Manhattan is better than others	19	15%
Court is crowded	16	13%

towels are common throughout the court.

None of the electrical outlets has any sort of child protection.

In the meantime, the administrative judge has slated a top-to-bottom renovation project. Physical conditions will soon improve. Operating in space provided by the court, engineers and architects from the New York State Dormitory Authority are preparing to begin work.

Table 3. Physical Conditions on the Primary Public Floors

Floor	Use	Physical Description
Ninth	Part 7, 2, 6 & 8 Hearing Examiner Offices Legal Aid Society - Juvenile Rights Division Family Treatment Court	Men's room has one missing mirror Women's room has one missing ceiling panel and a cracked mirror Seats are new, wooden benches One broken water fountain, two with very low flow, and one is working fine
Eighth	Parts 3, 9, & 10 Referee 3 ACS -Div of Legal Services Hearing Examiner Offices	Men's room in good condition Women's room has no paper towels Seats are plastic—many are scratched, some have graffiti, ten are missing Two water fountains have very low flow, two are working fine The temperature control is loose from wall and the wires are exposed
Fifth	Parts 1 & 5 Intake Part B Court Action Process Unit Adoptions Offices for Court Reporters/ Interpreters	Men's room has no mirrors, one broken urinal, bar soap Women's room has two broken toilet seats Seats are plastic—many are scratched, some have graffiti, and 26 are missing Two broken water fountains, one with low flow, and one working fine

Results Accomplished and Recommendations for the Future

This project set out to record and analyze what Family Court users had to say about their experiences. Three recommendations for the future emerged from the study.

Establish an ombudsman-like service to provide information and handle concerns and complaints.

This would be similar to the Citizens Jury Project's OmbudService for jurors, housed in Supreme Court, which works as both a watchdog and a facilitator. The OmbudService monitors everything that occurs regarding jurors but also sets up forums for discussion. The Citizens Jury Project pressures its official counterparts while inviting them into the conversation. Vera's presence makes citizen concerns real to those empowered to make change.

A similar but more limited service—Legal Information for Families Today (LIFT)—is now operating in the lobby of New York County Family Court (as well as Bronx and Kings County Family Courts). The location is not good—users going through the security line often fail to spot the LIFT booth—and the information provided is more limited than necessary. This is, however, an excellent service. LIFT booths should be on the primary public floors (fifth, eighth, and ninth) so that the information service can address problems that arise after users enter the building. LIFT should also be expanded to include more specific legal information to aid *pro se* litigants who find themselves without representation.

In response to this recommendation, New York County Family Court recently assigned court officers to provide information on its fifth, eighth, and ninth floors. The effectiveness of this service is not yet known.

Replace the existing signs to help court users navigate the court.

The most pressing—and solvable—problem in Family Court is its inadequate signage. Proper signage is simply not there. Its absence causes users unnecessary delays and frustrations. At a minimum, the lack of signage wastes time and irritates people. At its most serious, the lack of signage causes parties to be late for hearings, jeopardizing cases.

The future of court elements—the movement of parts, hearing examiners, and offices and the addition of new services—needs to be assessed and incorporated into the design and placement of signs. The existing signs and the remnants of those that came before them need to be stripped away and replaced with a comprehensive, logical, and aesthetically pleasing system of signs in English, Spanish, and possibly Russian and Cantonese.

Consultants are currently reviewing the signs and will replace confusing ones. New signs indicating that courtrooms are open to the public and press will be placed in public areas and on courtroom doors.

Representation needs to be more universal, and communication between attorneys and clients facilitated better.

Because Family Court uses the law to deal with intimate and important family issues, the need for representation can be pressing. Unrepresented Family Court users are at a serious disadvantage. The court recognizes that competent representation is of great importance to all participants.

It is troubling that one-third of the people involved in the more adversarial cases delinquency and abuse/neglect said they were not represented. Even fewer people were represented in custody, visitation, foster care, and protection cases. Neither of these findings was expected.

Family Court users often have difficulty finding and communicating with their attorney. Users report frustration at not being informed about their case and feeling unprepared when they get to court. Too many of those who had representation said they had never met with their attorney and/or did not know if their attorney was in court with them.

The court agrees that attorneys are overextended and overworked. The 18B panel attorneys are discouraged from handling out-of-court work by a higher pay rate for court appearances a rate that is still very low. 18B attorneys are not compensated for any work done before they are appointed, which leaves parties unrepresented during the initial petition process. 18Bs also share a single phone in the court. Legal Aid attorneys are rarely in their offices since they are busy in court. Although the expansion of information services to support *pro se* litigants will resolve some of the difficulties for court users, those who still require representation will need increased communication with their representatives throughout the entire case process.

The new administrative judge of New York Family Court notes that uniform eligibility criteria are currently being developed. In addition, judges may inform litigants that they are available to hear complaints about unsatisfactory representation.

The lack of adequate legal representation for so many court users is a separate problem that warrants its own project.