

1 Yes, we could make that deal.

2 CHAIRMAN DeFRANCISCO: Okay, thank
3 you.

4 CHAIRMAN FARRELL: Thank you.
5 Assemblyman Heastie.

6 ✓ ASSEMBLYMAN HEASTIE: How are you,
7 Judge? And let me say hello to you and a
8 special welcome to two of your people with
9 you who I adore very much. The first is
10 Fern Fisher, and then also Judge Richardson-
11 Mendelson, who's a constituent, so I want to
12 say hello to them.

13 ✱ I noted there's been a lot of
14 discussion about the necessity of the judges
15 in Family Court. Can you just give us a
16 clearer picture of the need? You know, as I
17 read in your testimony it says that we
18 haven't had any new Family Court judgeships
19 pretty much since 1990. So can you give us a
20 clear picture of what it's like, particularly
21 in New York City, and give us some framework
22 of what the caseloads may be for some of the
23 Family Court judges?

24 CHIEF ADMIN. JUDGE PRUDENTI: Well,

1 caseloads can range from 400 to a thousand.
2 But what's happened is that the cases have
3 become very complex, okay, with families that
4 are in crisis, who need a lot of time and
5 they need a lot of attention.

6 And years ago when we didn't have as
7 many filings as we have today, I think the
8 typical amount of time that a judge would be
9 able to spend with a family in crisis was
10 between one and two hours. At the present
11 time, when I look at the time that judges are
12 spending with each family, it looks like
13 approximately 19 minutes.

14 We have also heard that there are a
15 number of children that are in foster care,
16 okay, that are brought to us, you know,
17 either very, very late in the day and
18 attention is needed to be given to those
19 cases so the judge can at least make an
20 initial determination of whether the child is
21 in jeopardy and the child should either stay
22 where they are or be placed in other places
23 with nonrelatives.

24 So what's happened is with the

1 decrease in the number of Family Court
2 judges, less time has been able to be spent
3 with families in crisis. And with the number
4 of filings increasing, that it is taking
5 longer and longer for trials to take place
6 and for trials to be completed. And as I
7 know from being a former presiding justice in
8 the Appellate Division Second Department,
9 that when I would look at these records on
10 appeal, what would strike me is by the time
11 that these families -- their cases were
12 tried, and then by the time that they would
13 go through the appellate process, they had
14 suffered and they had suffered for many, many
15 years.

16 So I think it is very, very clear to
17 us that have had the ability and the time to
18 take a good hard look at what's gone on in
19 the Family Court system to tell you that not
20 only do we need more Family Court judges, but
21 we also need the staffing to go along with
22 those Family Court judges.

23 ASSEMBLYMAN HEASTIE: And I'm sure
24 it's an issue statewide, but it's

1 particularly a large issue in the City of
2 New York, is that correct?

3 CHIEF ADMIN. JUDGE PRUDENTI:
4 Statewide, I have to tell you it is an issue
5 statewide. Because the first, second, third
6 busiest Family Courts, not all of them are
7 within the City of New York. Very busy
8 Family Court in Suffolk County, very busy
9 Family Court, you know, in upstate New York.
10 So I think it is a statewide issue.

11 ASSEMBLYMAN HEASTIE: Thank you.
12 Thank you, Mr. Chairman.

13 CHIEF ADMIN. JUDGE PRUDENTI: You're
14 welcome.

15 CHAIRMAN DeFRANCISCO: Senator
16 Hassell-Thompson.

17 SENATOR HASSELL-THOMPSON: Thank you,
18 Mr. Chairman. Good morning, Judge.

19 CHIEF ADMIN. JUDGE PRUDENTI: Good
20 morning, Senator.

21 SENATOR HASSELL-THOMPSON: Again, I'd
22 like to thank you and your supporting cast
23 that are with you this morning.

24 Some of the questions have already

1 been answered, but there's one I would like
2 to continue to explore. Assemblymember
3 Heastie began to ask you the question about
4 what is a day like in the life of a
5 Family Court judge. And so I realize that
6 you have asked for an increase in the numbers
7 of judges.

8 And if we were to, for instance, raise
9 the age, which would imply that there would
10 be a greater need for Family Court judges and
11 for a realignment of the courts in order to
12 accommodate this, how would that impact this
13 budget? And has that possibility been built
14 into your budget for this year?


15 CHIEF ADMIN. JUDGE PRUDENTI: Senator,
16 there's a number of ways that that can be
17 done. The original bill that was submitted
18 on behalf of the Chief Judge really set up a
19 youth part which was in the superior criminal
20 courts, which took the best, really, of the
21 Family Court and the criminal court positions
22 and put them together.

23 But at the end of the day, the
24 resolutions would be very, very close to

1 that, if not identical to those that were
2 seen in the Family Court, so that there would
3 not be a criminal record. You know, so that
4 judges would be granted further leeway with
5 regard to sentencing, with regard to
6 alternatives to incarceration. You know, but
7 it's yet to be seen.

8 We have also heard that there is
9 discussion and we have heard those
10 discussions that possibly these cases should
11 go to the Family Court. Within this budget,
12 no, that is not considered to take those
13 cases into this budget at this time.

14 This budget would allow for the youth
15 parts to continue in the superior courts. It
16 would allow for adjustment at the
17 probationary level. It would allow for some
18 of those criminal safeguards that exist under
19 the Criminal Procedure Law to be put into
20 place. And then at the end of the day, it
21 would allow for the adjudications to take
22 place in accordance with the Family Court.

23  SENATOR HASSELL-THOMPSON: If you had
24 the ideal, how many -- you're asking for 20,

1 but what's the ideal in terms of we need?
2 CHIEF ADMIN. JUDGE PRUDENTI: Senator,
3 that is a great question. Because really
4 when we ask for 20, as I told everyone, it
5 was to jump-start discussions to see what you
6 thought. You know, many years ago there was
7 a request for 70-something Family Court
8 judges, you know. If you were to ask me what
9 I personally thought, I think we need
10 substantially more than 20 Family Court
11 judges.

12 But as I've said during my
13 discussions, we are sensitive to the times
14 we're living in. We are sensitive to the
15 pressures that the executive branch as well
16 as the legislative branch is under. And we
17 are sensitive to the costs that go along with
18 every time that a Family Court judgeship is
19 created.

20 So keeping that in mind, to be fair
21 and reasonable, we thought that to start off
22 the discussion with 20 additional
23 Family Court judges was a reasonable request
24 in a supplemental appropriation form. As I'm

1 sure everyone is aware, this is a
2 supplemental appropriation in our budget. It
3 is not included in our budget. We would need
4 additional funding for these judgeships.

5 SENATOR HASSELL-THOMPSON: Senator
6 DeFrancisco gave you what he thought was a
7 remedy for how to bring your budget in
8 alignment with the recommendations of the
9 Governor by taking civil legal services out
10 of your budget. What would that do to civil
11 legal services, in your opinion, because of
12 the reason that civil legal services was
13 added to OCA in the first place?

14 CHIEF ADMIN. JUDGE PRUDENTI: I think
15 that maybe there is a misunderstanding with
16 regard to civil legal services. And I think
17 that Senator DeFrancisco was saying don't
18 take it out of your budget, maybe fund it a
19 different way.

20 But having said that, civil legal
21 services is the provision of direct
22 representation to those who are indigent and
23 cannot have representation themselves. So
24 they come to us -- and believe me, it's not