



January 6, 2023

The Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, New York 12224

**Re: New York Child Support Reform**

Dear Governor Hochul:

We write on behalf of the undersigned law firms which, in partnership with Her Justice, represent litigants in the New York City Family Courts on a pro bono basis, including in child support cases. We believe that the child support system urgently needs reform and that developing and resourcing an expedited settlement conference process in the Family Courts for parents seeking agreement on child support is an important step toward improving the fairness of the child support process and outcomes for families, along with the efficiency and effectiveness of the system overall.

The COVID-19 pandemic hastened the need for civil justice reform in New York, exposing challenges in court operations and inequities in the delivery of justice in the Family Courts that have long existed. As private attorneys committed to providing legal representation where it is most needed, we are voicing our support for the expedited settlement conference proposal that Her Justice and allied organizations have put forth, as part of the ongoing conversation about how to improve the approach to child support in New York's Family Courts.

**I. Pro Bono Attorneys Are Committed to Closing the Civil “Justice Gap”**

Since 1993, Her Justice has served women and children living in poverty in New York City by recruiting, training, and mentoring volunteer lawyers from over 100 law firms and corporations like ours, to provide free legal representation in civil and Family Court proceedings involving family law, divorce, and immigration. Her Justice provides legal services to approximately 7,500 women and children living in poverty annually through its partnerships with New York City law firms and corporations. In 2022, approximately 1,600 pro bono attorneys provided more than 46,000 hours of service to women and children living in poverty, valued at more than \$35 million. Family Court cases are the most popular type of pro bono case among attorneys who work with Her Justice and child support cases are a significant portion of that caseload.<sup>1</sup> Her Justice seeks to address the legal needs of women living in poverty, especially those who have suffered domestic or gender-based violence and immigrants who are isolated by language and cultural barriers. The individuals served cannot pay for legal services, and without Her Justice and its pro bono partners, would have to navigate the Family Court system alone. Without representation, litigants' experience of the courts likely would be more confusing and feel less fair, and their outcomes

---

<sup>1</sup> In the last ten years, 496 volunteers from 74 law firms have represented 413 clients in Family Court and 322 volunteers from 55 law firms have represented 245 clients in child support cases through the Her Justice program.



likely would be less positive. We believe that pro bono legal services in the Family Courts are essential to closing the “justice gap” in our legal system.

The New York Family Courts have long been burdened by a high volume of cases and limited resources. At the start of the COVID-19 pandemic, the New York City Family Courts shut down, closing their doors to many New Yorkers who needed the courts for help with an array of family law matters; in 2020, there were 45% fewer filings in the New York Family Courts than pre-pandemic. The courts were slow to resume operations – creating confusion and uncertainty for litigants and even attorneys – and are now facing a huge backlog of cases with no publicized plan for addressing this crisis. In the New York City Family Courts, some cases filed before the pandemic are proceeding on an ad hoc basis, completely dependent on the type of case, the jurist, and the presence of lawyers. Some of the matters that our firms handle pro bono have been extremely difficult to move forward with little communication and information from the court. While these operational challenges impact clients most of all, they also affect our ability to manage pro bono representation, but we continue to work with Her Justice to provide clients with legal information and representation as access to the courts and needed relief evolves. We are especially troubled by the discrepancy between the hampered Family Court operations and the relatively continuous operations of other civil and commercial courts in the wake of the pandemic. As private firms, we operate in those functional courts every day; seeing the disparity up close further fortifies our commitment to ensuring that all New Yorkers obtain justice.

## **II. Pro Bono Attorneys Are Committed to Child Support Reform**

Fair and enforced child support awards are essential for the well-being of our pro bono clients and their children. In the complex child support cases we handle pro bono, legal representation for parents is critical; the commitment of the courts’ full expertise and resources to these matters is equally important. With a lawyer by their side, clients who work with Her Justice see an average of a 70% increase in their income at the conclusion of their child support cases. Yet 90% of parents with child support cases in New York do not have lawyers.<sup>2</sup> In those cases, both parents must provide satisfactory proof of income and, in some cases, prove the other parent’s income on their own.<sup>3</sup> For some parents, proof of income is straightforward, for example, where the parent earns traditional W-2 tax reportable income. For others who are paid in cash, or own a business with complicated or sparse records, or where the non-custodial parent refuses to produce accurate proof of income, proving income can be challenging. In those cases, our attorneys conduct financial discovery to uncover income and assets, and leverage partnerships with financial services firms where necessary, making a big difference in case outcomes and support for children.

Now, as the State is faced with re-imagining how to provide access to justice after the pandemic caused the courts to shut down and exposed long-standing cracks in the system, we believe that innovative solutions like the proposed expedited settlement conference would go a long way in addressing the need for overall Family Court reform. In providing a fair and expedited process for

---

<sup>2</sup> See Permanent Commission on Access to Justice, *Report to the Chief Judge of the State of New York*, at 29 (2018), [http://ww2.nycourts.gov/sites/default/files/document/files/2019-10/18\\_ATJ-Comission\\_Report.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-10/18_ATJ-Comission_Report.pdf).

<sup>3</sup> See NYC Human Resources Administration, *Child Support Handbook for Noncustodial Parents*, at 8 (July 2016), [https://www1.nyc.gov/assets/hra/downloads/pdf/services/child\\_support/noncustodial\\_parents.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/child_support/noncustodial_parents.pdf).



families who are in agreement about child support awards and do not need litigation to resolve a dispute, a conference process would reduce the volume of families seeking child support in the Family Courts resulting in much-needed efficiency. Importantly, the proposed settlement conference would preserve due process protections for parents – providing court review and confirmation of any agreement reached and, for parents who do not agree on support, the option of a full hearing in Family Court. While our firms will continue to represent pro bono clients in complicated child support cases, we support the proposed innovation because it will help improve the efficiency of the system overall and create a greater “menu of options” in the delivery of justice for New Yorkers.

\*\*\*

For all the above reasons, we support the proposal for an expedited child support settlement conference and its innovative approach to increased fairness and accessibility of child support in New York. We thank you for recognizing the importance of child support in families’ lives and championing this proposal for reform.

Respectfully submitted,

Amy Barasch, Esq., Executive Director

**Her Justice**

(646) 442-1165

abarasch@herjustice.org

Laura Israel Sinrod, Esq., Special Counsel, Pro Bono

**Fried, Frank, Harris, Shriver & Jacobson LLP**

Rene Kathawala, Esq., Pro Bono Counsel

**Orrick, Herrington & Sutcliffe LLP**

Cc:

Senator Roxanne J. Persaud

Assembly Member Karines Reyes