



Hon. Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

December 12, 2024

Dear Governor Hochul:

The **undersigned NYC Supervised Visitation Working Group** asks that the State of New York provide the financial support needed to expand nonprofit provision of supervised visitation services in New York City.

The Working Group was formed this year, under the leadership of the Children's Law Center ("CLC"), to raise awareness around the needs of family-court-involved children who have been exposed to family abuse. The CLC is a not-for-profit legal services organization that has represented over 130,000 children in legal proceedings in the New York City Family Courts and the New York State Supreme Court Integrated Domestic Violence ("IDV") Parts. The Working Group represents 15 organizations, all of which work with families engaged in family court proceedings. Some Working Group members represent parents, some represent children, and some provide supervised visitation services. We share a commitment to supporting justice for families.

The Working Group is deeply concerned about the lack of supervised visitation available for families in New York City. The lack of this critical resource is currently harming children and families and creating unnecessary costs for the courts caused by delayed proceedings. The Working Group members believe that a clear and consistent system of providing these services is essential to the well-being of children and to the fair and equitable functioning of our courts.

### **The Need for Reliably Available Access to Supervised Visitation in New York City**

Supervised visitation is an essential safety net in custody, order of protection and divorce cases in which a parent could pose a risk to a child, such as where there has been a history of domestic violence, substance abuse, or mental health challenges. Safe visits enable children to maintain relationships with their parents while the courts make final custody and visitation determinations. Some families need these services beyond the court's final decision.

In 2022, the New York State Office of Court Administration's Office for Justice Initiatives established a Working Group on the Future of Supervised Visitation in New York State to gather information on the long-standing lack of resources available for families in need of safe supervised visitation. In their July 2023 report, their first finding was that:

*There is a critical need for safe, affordable, accessible, and sustainable supervised visitation programs in every county in New York State.*<sup>1</sup>

The undersigned organizations practice in the New York City courts and have daily experience of the woeful lack of resources available to effectuate supervised visitation orders in New York City custody, visitation and divorce cases. New York City consists of five counties, represents approximately half of the population of the state, and accounts for at least half of the cases filed in the family courts state-wide. The poverty rate in NYC has been climbing steadily; in 2022, one out of four children were living in poverty.<sup>2</sup> While data regarding the number of orders for supervised visitation is difficult to collect given the court's current data system, we can fairly estimate that in NYC, every year at least **8,750 families need some form of supervised visitation, in addition to the families who might still be receiving it from cases from the prior year.**<sup>3</sup>

Currently, families can receive supervised visitation through a funded program, through a social worker on the 18-b panel, or through private engagement. Some families qualify for public funds to reimburse for supervised visitation (at a rate that is unsustainable for programs), while others do not. Through this patchwork of systems, we estimate that right now NYC is able to serve less than half of the families seeking supervised visitation at any given term; most must wait months for services, which harms parent/child relationships and delays court proceedings; and families with the means to pay receive services faster, causing disparate treatment of families living in poverty. In short, literally thousands of low-income children have no safe way to maintain contact with both parents during or after a custody or visitation case. The lack of an equitable system results in a dramatic under-availability of supervised visitation in New York City that harms families and interferes with the courts' ability to deliver just and equitable outcomes in a timely fashion.

This vital service is currently provided through a patchwork of well-intentioned but under-resourced providers. There are not enough individuals and organizations to provide these desperately needed services, which keep children safe, reunite fractured families, and provide valuable information to courts regarding interactions between children and parents. Those agencies that do provide these services, which serve both private pay clients and publicly funded families, struggle with administrative burdens and low reimbursement rates when serving families with limited means. Often solo practitioners are forced to meet with families in unsafe conditions. The result is that existing providers simply do not have the capacity and/or staff to meet the demand for their services and children living in poverty suffer the consequences.

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<sup>1</sup> Report from The Working Group on the Future of Supervised Visitation in New York State (July, 2023), p. 5.

<sup>2</sup> Poverty Tracker Research Group at Columbia University (2024). The State of Poverty and Disadvantage in New York City, Volume 6. Robin Hood, p. 2.

<sup>3</sup> We base this number on the statewide number cited in Report from The Working Group on the Future of Supervised Visitation in New York State (July, 2023), and halved it, with the understanding that typically NYC courts handle approximately half of the statewide caseload.

### This Crisis Further Harms Children Already Suffering Trauma

Children who already are feeling the impact of family disruption, instability and/or violence, are exponentially impacted by lengthy delays in their families' court cases. Providers' limited capacity leads to extremely long waitlists for implementation of court-ordered visit supervision. Working Group members have routinely observed families either experiencing waits of **six months to a year between a court's entry of a supervised visitation order and the commencement of those visits**, or no order at all given the lack of services. Such lags hinder efforts to normalize fractured parent-child relationships while keeping children safe and exacerbate the trauma of separation already being felt by children.

Most cases referred to supervised visitation services have a history of domestic violence.<sup>4</sup> Signatory agency NYC Society for Prevention of Cruelty to Children (NYCSPCC) has noted that over half of the families they served this year had histories of domestic violence. When children have been exposed to domestic violence in the home, they can experience post-traumatic stress disorder, sleep disturbances, aggression, passivity, poor education outcomes or desensitization to violence. These negative outcomes can last even after separation. These risks make access to safe and supervised visits that much more vital to protect children from ongoing abuse while enabling them to maintain contact and begin to heal. When meaningful access to a parent is not made available, children can experience this lack of access either as proof that the absent parent does not care about them; proof that their custodial parent is barring access, or proof that they – the children – have no value. Children do not understand that the situation is due to systemic lack of support.

### This Crisis Negatively Impacts the Courts, and the Delivery of Justice

Jurists in both Family and Supreme Court recognize that safety is essential in crafting visitation in custody cases, and often wish to use professionally supervised visitation as a key resource for families, and as a source of information for them in their decision-making process. When programs are not available, judges often must choose between ordering no visits at all or exploring alternative solutions that may not have the same safety or reporting measures available with programs. Overwhelmed providers also can delay proceedings as they struggle to report to the courts in a timely fashion.

Legal services signatories confirm that the lack of access to supervised visitation delays litigation. If supervised visitation is ordered in an interim fashion, the delay in the start of that visitation delays the entire proceeding. That delay then pushes out any final resolution of the matter, creating further backlog in the family court. Delays in cases clog the court system, prevent overburdened public service attorneys from taking on new cases, and leave families in a distress-filled limbo.

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<sup>4</sup> Revised Chapter Four: Families and Children, Model Code on Domestic and Family Violence, National Council of Juvenile and Family Court Judges (December 2022).

Supervised Visitation Cost Makes It Inaccessible to Many Families

Without access to free services, or if the case is concluded and free services are no longer available, families may look to obtain private services. Unfortunately, the financial burden of private supervision services is prohibitive. Among existing programs, the lowest fee known to this working group is \$75/hour on a sliding fee scale. Such a fee represents \$300 a month for a typical visitation schedule, which is beyond the budget of many court-involved families, especially over a sustained period. Consequently, low-income families frequently are left with no way for children and parents to exercise visits that the court has ordered.

It is imperative that the State budget include at least \$20 million toward the expansion of supervised visitation in New York State. We recommend that a portion of this funding be used to support existing programs and a portion be used for innovation in family access funding. We do not anticipate that this amount will fully resolve the deficit, but it will begin to build back necessary programs. Any or all members of this Working Group would be happy to speak with you to provide expertise regarding the need for affordable and available supervised visitation in New York City, for the benefit of children throughout New York City.

Respectfully,

**Arab American Family Services Center**

**The Children's Law Center**

**Comprehensive Family Services**

**Domestic Violence Project of the Urban Justice Center**

**Family Legal Care**

**Her Justice**

**JCCA**

**Lawyers For Children**

**The Legal Aid Society**

**NYLAG**

**OHEL Children's Home and Family Services**

**Safe Horizon**

**Sakhi for South Asian Survivors**

**Sanctuary for Families**

**Shalom Task Force**

**Violence Intervention Program**

cc: Secretary Karen Persichilli Keogh  
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