

Honorable Joseph A. Zayas
Chief Administrative Judge
of the New York State Unified Court System
jzayas@nycourts.gov

April 7, 2025

Dear Justice Zayas,

On or about February 21, 2025, legal service agency heads were informed that the custody/visitation/guardianship and support containers will no longer be available on EDDS and filings on existing CVO and child support cases would have to be in-person.

The undersigned applaud the initiative to streamline electronic filings from EDDS to NYSCEF, promoting a uniform filing system across the courts. We urge the Court however, to consider certain unintended consequences of this transition and take corrective action.

The decision to limit NYSCEF to new cases while denying access to EDDS for ongoing cases does not take into account that agencies will likely need to carry this burden for an extended length of time. Existing custody and visitation cases may take years to resolve, particularly when forensic evaluations or supervised visitation is ordered. Nor does it fully recognize the burden placed on unrepresented litigants, who account for a disproportionately large number of filings in Family Court.

Agencies practicing in the Family Courts fully appreciate its limited resources and financial constraints. If the Clerk's office is to accept filings in person and subsequently scan the documents, then upload them, it does not appear to place a significant burden on the office to instead accept electronic versions by email. This approach would be more efficient, it eliminates the need for scanning and simplifies the process.

Alternatively, we recommend increasing funding to accommodate the necessary changes—whether by hiring additional clerks or implementing technology that would allow for the transition of all cases to NYSCEF.

We are concerned that attempts to alleviate the burden of in-person filings by reducing attorney waiting times in line for the clerk will inadvertently disadvantage pro se litigants who also seek to file documents, and may require additional assistance.

In summary, the undersigned respectfully suggest the following:

1. Immediate allocation of resources to transition existing cases from EDDS to NYSCEF.

2. Allow attorneys to continue to file documents in existing cases through EDDS until completion or until such transition to NYSCEF can be accomplished.
3. Permit documents for existing cases to be sent via email to a designated clerk.

Impact

- Requiring in-person filing wastes city, state, and federal funding allocated to nonprofit legal services programs, which do not have the resources to support in-person filings. This is particularly burdensome for nonprofits serving all five boroughs or have staff on hybrid schedules.
- The efficiency of Family Court, already under-resourced, will be further reduced.
- The implementation of in person filings for existing cases exacerbates the perception of Family Court as dysfunctional and dehumanizing, as reported by multiple studies.
- Ignores numerous recommendations that Family Court increase the use of technological solutions.
- Unrepresented litigants will have to take time off of work and/ or obtain childcare to continue to proceed with their cases.
- Unrepresented litigants with citizenship concerns face an additional risk of coming in person to the courthouse.
- Pro bono attorneys, already hesitant to accept Family Court cases due to their lengthy duration, may be further deterred from accepting such cases.

During a meeting held on March 21, 2025, with the Hon. Ann-Marie Jolly, several providers identified that the in-person filing requirement is problematic. Judge Jolly indicated that she would be looking into the issue, and we look forward to hearing from her. In the meantime, we respectfully request that the Court consider these points and take immediate and appropriate measures to ensure the fair and efficient administration of justice.

Sincerely,

Children's Law Center, Hon. Liberty Aldrich, Executive Director

Family Legal Care, Cathy Cramer, Chief Executive Officer

Her Justice, Rachel Braunstein, Policy Director

Lawyers for Children, Betsy Kramer, Public Policy and Special Litigation Project Director

Lawyers Committee Against Domestic Violence, Luba Reif, Co-Chair

Legal Aid Society, Adriene Holder, Chief Attorney of the Civil Practice; Dawne Mitchell, Chief Attorney of the Juvenile Rights Practice

New York Legal Assistance Group (NYLAG), Lisa Rivera, CEO; Victoria Goodlof, Interim Associate Director, Domestic Violence Law Unit

Safe Horizon Domestic Violence Law Program (DVLDP), Stacy A. Schechter, Esq., Director

Sanctuary for Families, Hon. Judy Harris Kluger, Chief Executive Officer

Shalom Task Force, Keshet Starr, Chief Executive Officer

Staten Island Legal Services, Family Law Domestic Violence (FLDV), Naomi Edwards, Esq., Staff Attorney

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cc:

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