



August 8, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004
via email: rulecomments@nycourts.gov

Re: Request for Public Comment on a proposal to amend Rule 205.43 of the Uniform Rules of the Family Court relating to time deadlines for child support violation proceedings

Dear Mr. Nocenti,

Her Justice is submitting the following comments in response to the proposed changes relating to Rule 205.43 and child support violation proceedings. We are grateful for the opportunity to highlight our concerns that the proposed rule change will exacerbate the delays in an already disadvantageous process, especially for unrepresented custodial parents. The announcement about the proposed rule change indicates that the Family Court Advisory and Rules Committee (FCARC) seeks to change the rules to address challenges that the current timeframe under Rule 205.43 poses for litigants and court operations. Without the data upon which FCARC bases these points being made available, it is not clear how the proposed regulations would address such challenges. The proposed rule change then appears to worsen delays that harm Her Justice clients, rather than benefitting them and other custodial parents.

Organizational Background

Legal services. For over 30 years, Her Justice has advocated with and for women and gender minorities living in poverty in New York City by recruiting and mentoring volunteer lawyers to provide free legal help to address individual and systemic legal barriers in the areas of family, matrimonial and immigration law. Many of the women who contact us receive free full legal representation through our pro bono first model, in which Her Justice pairs thousands of well-trained and resourced pro bono attorneys from the City's premiere law firms with women who have urgent legal needs. Our staff responds to those who contact us with a broad array of legal advice, review of papers, and, for some, tools to ensure they get the best outcomes they can on their own. Among the family law areas in which we specialize, Her Justice has developed expertise in child support representation since our founding and provided representation to hundreds of clients seeking support.

Our approach to legal services has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. In 2024, Her Justice provided a range of legal help to more than 4,000 women and their children in our practice areas of family, matrimonial and immigration law. Among the clients served, 92% are women of color and 85% are survivors of domestic violence. Three-fourths of our clients were born outside the U.S., coming from



103 countries across the world. By ensuring that more women have lawyers by their side, we help make their voices heard and we begin to break down systemic barriers to access to justice.

System reform. We believe that the client-centered services we provide must also be paired with policy work – through independent efforts and in partnership with peer organizations and coalitions – to advance systemic reform while meeting individual need. Our policy work is informed by the lived experience of our clients – women living in poverty, whose livelihood and well-being are often determined by the civil justice system. That civil justice system is often invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential for our clients and all who depend on it. Through this framework, we begin to break down systemic barriers that are built into our civil justice system and that reinforce and exacerbate economic, gender and racial imbalances.

Her Justice Policy Research on Systemic Delays in Family Court

A major focus of Her Justice policy research is the complexity of Family Court coupled with the harm to families from delays in litigation. While the Family Court system was originally imagined as one without lawyers, over time the process has become so complicated that those who are unrepresented often come up short. From our years of experience representing women in the civil justice system, we know that the burden of economic instability due to stalled support or custody proceedings too often falls on women like our clients. Court delays were a concern even before the closure of the Family Courts with the COVID-19 pandemic and the resulting backlog in case processing. Women living in poverty, particularly Black and Brown women, are forced to rely on a civil justice system that has been historically and systematically under-resourced.¹ They spend hours, days and even years moving through the Family Courts to secure basic freedoms – personal autonomy, financial independence, and safety from abuse – through orders of protection, financial support from partners, or court-ordered visitation schedules. This burden is even more onerous for undocumented immigrants who may be relying on child support as a sole source of family support and are often doubly disadvantaged waiting years for review of applications for legal status and employment authorization documentation (or work permits) which are critical for families' stability.

Her Justice believes that the fairness and efficiency of the child support system should be improved to ensure that children receive the most support parents can afford. Informed by extensive experience working with clients and knowledge of systemic barriers to fair child support, in 2017, we launched a two-year court watching project in which 89 volunteers observed 797 child support case appearances in the New York City Family Courts to better understand the court experience, especially for the more than 90% of parents in these cases who are unrepresented by legal counsel. That project culminated in our March 2021 original Policy Report: [*Towards Justice for Parents in Child Support Courts*](#). Based on our findings and recommendations, we continue to advocate for a system that is both efficient

¹ See Jeh C. Johnson, Report from the Special Adviser on Equal Justice in the New York State Courts, at 2, 54-59 (2020), <https://www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf>.



and fair. In November 2024, we launched our newest policy initiative, [Report From Court](#), a groundbreaking research project that surveys pro bono attorneys representing Her Justice clients in New York City Family Court about court experiences and outcomes. There is scant publicly available data about court experiences or outcomes — and the high-level data that *is* available from Family Court is about the number of cases that are filed, the number that are concluded, and the number still in progress. This information neither informs those engaging with the system about what to expect in court nor goes far enough to support advocacy for system improvements. This vital project aims to address the Family Court data gap and illuminate the litigant experience by sharing insights from our key pro bono partners to support meaningful reform.

Protracted Child Support Enforcement Proceedings Harm Custodial Parents and their Families

Child support proceedings pose particular hurdles since more than 90% of litigants in New York Family Court child support cases are unrepresented.² A majority of custodial parents receiving child support services are mothers.³ Unrepresented custodial parents are often unequipped to navigate the complexities of Family Court. Delays caused by procedural errors on the part of the custodial parent are all but inherent in child support proceedings, given their systemic lack of access to counsel.⁴ For parents in support *enforcement* cases, and especially indigent or low-income parents, delays are even more serious as they may have gone without support for months or years. Without timely enforcement, parents are often forced to choose between paying essential bills and providing necessities for their children. Prolonged delays can lead to housing instability, food insecurity, and emotional stress. Drawn-out proceedings also carry hidden costs: parents may miss work to attend court dates, causing parents to lose wages and risk job loss. Parents attending court appearances may incur childcare costs while seeking financial relief in the first instance. Delays harm noncustodial parents as well since many have been accruing arrears for months or even years before a final order is issued and may face insurmountable child support debt. These cascading effects disrupt not only household stability but also the wellbeing of children, who may suffer consequences that extend well beyond the duration of the case. Empirical data, along with Her Justice’s preliminary analysis of court administration data on child support cases from the last several years, confirm that there are systemic delays in child support enforcement cases, especially in the New York City Family Courts.

² See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York, 24 (2015), http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/2015_Access_to_Justice-Report-V5.pdf.

³ Elaine Sorensen, Off. of Child. Support Enforcement, Characteristics of Custodial Parents and Their Children, 1, 3 (Nov. 2021), https://acf.gov/sites/default/files/documents/ocse/characteristics_cps_and_their_children.pdf.

⁴ Importantly, in the 2025 session the State Legislature passed A.8271/S.8197, which would grant a right to counsel for both parties in child support violation proceedings if signed into law.



Her Justice Clients are Harmed by Protracted Enforcement Proceedings

The following are stories from Her Justice clients about their experiences seeking child support in the New York City Family Courts.

- **Andrea's case.** Andrea*, a mother of two, filed a support petition in July 2018 after being awarded a five-year stay away order of protection from her husband. Though Andrea was awarded a temporary order of support in August 2018, her husband stopped paying the court-ordered amount in January 2019. The case was scheduled for trial in January 2020, then repeatedly adjourned throughout the year and eventually began in November 2020. The trial lasted a total of four days, with only one day scheduled at a time in November 2020, February 2021, May 2021, and November 2021. Despite both parties being represented since the beginning of the case and the parties timely submitting summation statements in January 2022, Andrea waited almost one year to receive a final order of support – almost three years after the trial was scheduled to begin.
- **Ruby's case.** Ruby*, a single mother of four, has been engaged in child support enforcement proceedings since 2019 against the noncustodial parent of their thirteen-year-old daughter with autism. Despite a clear support obligation, the noncustodial parent has paid sporadically typically only when an enforcement action is pending, and consequences become imminent. Over the course of six years, Ruby has accrued more than \$20,000 in unpaid support, while her enforcement case has languished in delays. Had her case been resolved under a mandatory 90-day timeline, she could have received much-needed support far sooner. The financial strain has been severe. Ruby reported having to choose between paying rent and feeding her children, with her daughter — who has developmental delays and autism — going without essential services and therapies for extended periods. When support finally arrives, the relief is short-lived; the funds immediately go toward catching up on what her child has been missing. Her other children have suffered as well. Her daughter and ten-year-old son have had to miss school to accompany their mother to court, sometimes sitting in the courtroom all day. Ruby described the process as draining, grueling, and emotionally exhausting.
- **Catherine's case.** Catherine* has been waiting nearly a decade for her ex-husband to pay the child support he owes. Since their divorce in 2016, he has accrued significant arrears, and despite her persistence, Catherine has yet to receive the financial relief that is rightfully hers. This year alone, she has appeared in court three times, and each appearance has ended without resolution. At the most recent hearing, the matter was called late at 12:30 p.m. and abruptly cut short at 1:00 p.m. When her attorney requested a temporary child support order, the judge replied, "We are already off the record." For Catherine, the court's inaction was more than a procedural inconvenience; it was another painful delay in a case that has dragged on for years. She is working hard, juggling bills, and trying to save for her daughter's college tuition. The



continued postponements only deepen her frustration. The next court date is three months away and the resolution of the case uncertain.

(*Names changed for privacy.)

These stories underscore the emotional and financial toll of systemic delays on custodial parents and the urgency of reforming a process that too often fails those it is meant to protect.

Conclusion

Delays in child support enforcement cases impact the financial security of custodial parents raising children. At the same time, children without support are at risk for long-term psychological and financial harm, especially if they are living in poverty. Expedited enforcement processes provide a substantial and necessary benefit to custodial parents, especially where unrepresented by counsel. By resolving child disputes expeditiously, children can receive the support ordered and the family can secure a crucial source of income. We urge the Court Administration to consider the negative impact of delays on parents and families in deciding on the proposed rule change.

Finally, we appreciate the Court Administration's concern about strained resources impacting child support violation and other "critical Family Court proceedings," as the rule change announcement notes. We urge the administration to consider whether there are other and better means of addressing challenges in court operations given resource constraints and the high volume of filings, for example, creating an expedited child support settlement process for agreeing parents, thereby freeing court resources for more complex cases.

Thank you for considering Her Justice's comments. Please contact us with questions or for further information.

Sincerely,

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