



NEW YORK  
CITY BAR

June 12, 2020

*Via email*

Honorable Janet DiFiore  
Chief Judge of the State of New York  
New York State Unified Court System  
25 Beaver Street  
New York, NY 10004

Honorable George J. Silver  
Deputy Chief Administrative Judge  
Courts within New York City  
111 Centre Street  
New York, NY 10013

Honorable Lawrence K. Marks  
Chief Administrative Judge  
New York Unified Court System  
25 Beaver Street  
New York, NY 10004

Honorable Jeannette Ruiz  
Administrative Judge  
New York City Family Court  
60 Lafayette Street  
New York, NY 10013

**Re: Request for COVID-19 Point Person for New York City Family Court**

Dear Chief Judge DiFiore, Chief Administrative Judge Marks, Deputy Chief Administrative Judge Silver, and Administrative Judge Ruiz:

We hope this letter finds you and your families safe and well. Thank you for your service to New Yorkers during these extraordinarily challenging times. We write in consideration of the tens of thousands of people who rely on New York City's family courts to access justice, whether they have not seen their children or siblings in months, require a protective order, or are part of a child protective matter that is causing significant distress.

The New York City Bar Association's (City Bar) Council on Children is comprised of representatives of all the City Bar committees dealing with children, education, family, family court, juvenile justice, and the needs of lesbian, gay, bisexual and transgender youth. During our June 5 virtual meeting, Council members raised serious concerns about the lack of information about, in particular, NYC Family Court's plans to "reopen" the courts amid rumors that judges have been asked to return to Family Court the following week.<sup>1</sup> Lawyers and litigants in the five family courts in New York City lack concrete plans for cleaning, sanitizing, allowing for social distancing, offering sufficient PPE and hand sanitizer to those without their own, and managing various "open" spaces inside these courthouses. Agencies need significant lead time to prepare for staff returning to Court. Council members who litigate in the family courts also expressed frustration about the apparent disconnect between the communications being disseminated by the

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<sup>1</sup> Since then, on June 9, 2020, the NYS Unified Court System issued a press release clarifying that courts would begin reopening on June 10; the press release included a generalized list of safety precautions applicable to all state courts in New York City. See "State Courts in New York City to Begin Gradual Return to In-Person Courthouse Operations," [https://www.nycourts.gov/LegacyPDFS/press/pdfs/PR20\\_23.pdf](https://www.nycourts.gov/LegacyPDFS/press/pdfs/PR20_23.pdf).

Court's administration, i.e., on OCA's website or via press releases, regarding access to "virtual court" (in both essential and non-essential matters) and the experience lawyers and litigants are having on the ground.

We write in the midst of national protests compelling our institutions to end systemic racism. In Family Court, we serve the communities that have been hardest hit by COVID-19, resulting in heightened anxiety and fear about meeting life's basic needs. The uncertainty related to access to the family courts, whether virtual or live, is exacerbated by the limitations on access experienced "on the ground." For example, families have lacked information as fundamental as where to go if an Article 10 case is filed against them. The lack of a coherent "reopening" plan for Family Court compounds this problem. In the Council's view, this is an opportunity for the Court to lead by example, to demonstrate to our communities of color that, as an institution, the Family Court will ease distress and meet community need when the need is greatest.

**For these reasons, we urge the NYC Family Court to immediately appoint a "COVID-19 Point Person" with decision-making authority to manage all matters related to Virtual Family Court and Reopening.** This person can collaborate with stakeholders to develop the reopening process together and to continue to enhance remote access simultaneously. By identifying one person to communicate on behalf of the Family Court, and to address concerns raised by litigants, institutional providers of legal services, other advocates, and service providers, those who rely on this critical venue will have consistent information and will be able to raise questions with urgency. Court leadership will be able to hold the individual accountable. While the Family Court is part of a larger Unified Court System, the people it serves are disproportionately dependent on access to the Court for the most personal and sensitive matters in their lives. At a time when concerns about the health, safety, and well-being of individuals and families are dramatically heightened, the Court should facilitate communication with those who rely on safe access to the Family Court for their and their family's needs in a way that ensures that the Court bends its arc toward justice.

Respectfully,

Lauren A. Shapiro, Chair  
Sarah H. Lorr, Secretary  
Council on Children<sup>2</sup>

Melissa J. Friedman, Chair  
Children & the Law Committee

Michelle Burrell, Chair  
Family Court & Family Law Committee

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<sup>2</sup> As mentioned above, the Council is comprised of a broad cross-section of lawyers with expertise in, among other things, family law, matrimonial law and juvenile justice. Multiple committees of the City Bar hold seats on the Council, including the Family Court and Family Law Committee and the Children and the Law Committee.