

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

January 11, 2021

Thank you for giving us a few minutes of your time for an update on the latest COVID developments affecting our courts and the justice system.

As you know, the COVID positivity rate in New York has been increasing since mid-November when we announced a temporary pause of in-person jury trials and most types of in-court proceedings. Since November 16th, the seven-day rolling average of persons testing positive has gone from 2.9% to 7.7% -- a rate last seen in mid-May.

But notwithstanding these metrics, we are still in a far better place today than we were back in May. There are fewer fatalities, thankfully. We are adapting well to our “new normal.” And we are now seeing a light at the end of this tunnel as we enter the beginning stages of the vaccine’s roll-out.

In that regard, we have been in close contact with the Executive Branch to ensure that our judges and professional staff, particularly our Court Officers who are first responders on the front lines, receive priority for the vaccine. We will update you as the information becomes available to us.

Why do I mention the latest COVID numbers? I mention them because they serve as a reminder to all of us that we need to remain patient and disciplined for a while longer, and laser-focused on remotely managing our dockets and delivering our virtual services as efficiently and effectively as we can until this second wave of the virus subsides and we can safely resume in-person proceedings in our courthouses.

Until then, I am absolutely certain that our judges and professional staff are up to the challenge, and my confidence is underscored by the growing productivity of our virtual court model. During the first week of the new year, our judges and staff conferenced and heard 22,673 matters, settled or disposed of 6,078 cases and issued over 1,700 written decisions on motions and other undecided

matters. In addition, 756 virtual bench trials and evidentiary and fact-finding hearings were commenced last week.

All in all, a highly productive and encouraging first week of virtual operations in 2021, reflecting the determination of our judges and staff to do their level best to move their dockets forward and promptly and fairly adjudicate cases in these extraordinary times.

And even though we are presently conducting the vast majority of our business virtually, it is important to emphasize that we have not suspended all in-person proceedings. For instance, our Administrative Judges are working closely with the District Attorneys in their jurisdictions to ensure that there is at least one active Grand Jury empaneled in each of our 62 counties across the state.

Grand juries stand as a lynchpin in our criminal justice system. They serve as the primary means by which we provide individuals charged with committing serious crimes the independent and timely pre-trial review of the charges made against them, a review to which they are entitled under our laws and constitution.

And we are able to safely empanel a limited complement of Grand Juries because we have found ways to effectively reduce courthouse density by shifting in-person proceedings to our virtual courts, and because of the extensive safety measures and protocols we successfully implemented last year which allowed for the empaneling of hundreds of Grand Juries over the Summer and Fall. Of course, we will continue to carefully monitor the COVID metrics and work closely with the District Attorneys' offices, the defense bar and our own epidemiologist to continuously assess and minimize any public health risks that could be presented by the summoning of new grand jurors. And, as has been our "M.O." throughout the entire pandemic, we are prepared to pivot quickly and make all appropriate adjustments in response to any new public health challenges or new guidance promulgated by the experts.

Your safety, and the safety of all court users, is our number one priority.

Turning now to ADR, last week the New York City Family Court launched a new virtual "Child Permanency Mediation Program," a program designed and developed to assist families involved in child welfare proceedings. We are very pleased that this program, which

was being piloted in Queens Family Court last year when the pandemic temporarily halted our progress, is now available for selected child permanency matters citywide in addition to our existing mediation program for custody, visitation and guardianship matters.

In recognition of the fact that child permanency cases are among the most difficult and heart-wrenching matters on our dockets, the neutrals working in this program are experienced mediators who know how to work with the parties to identify the issues, clarify their perceptions and arrive at mutually acceptable agreements. Mediators in this program have received advanced training on family mediation techniques, including the use of different virtual platforms, child welfare laws and regulations, domestic violence issues, the impact of trauma on children, and implicit bias and cultural sensitivity.

In addition, many Family Court jurists and stakeholders, including parent and child advocacy groups, have participated in training programs sponsored by the New York City Family Court to educate them on the benefits of permanency mediation and the procedures and best practices for identifying and referring appropriate cases.

We are very excited to launch this program because research has shown that mediated settlements in permanency cases generally produce better outcomes for families and children, including less time spent by children in out-of-home placement, fewer court hearings to resolve disputed issues, improved compliance with orders, and the feeling among parents, and even many children, that they were heard and respected during the process – especially important in these proceedings.

Our new virtual mediation program was made possible through a statewide collaboration between the New York City Family Court, our Office for Justice initiatives, and the Child Welfare Court Improvement Project, and it is modeled on successful programs established outside New York City in the Fifth, Sixth, Seventh and Eighth Judicial Districts. I want to thank Family Court Administrative Judge Jeanette Ruiz, Deputy Administrative Judge Anne-Marie Jolly, Deputy Chief Administrative Judge Edwina Mendelson, Suzanne Shafer, our Child Welfare Court Improvement Liaison, and the Directors of our Mediation Programs for their shared commitment to fostering better outcomes for children and families in child welfare cases.

So, that concludes today's "Monday Message," and once again, I thank you for your time, and ask you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.