
**AN ASSESSMENT OF THE
WESTCHESTER COUNTY FAMILY COURT
FACILITIES IN YONKERS AND NEW ROCHELLE**



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**OFFICE OF COURT FACILITIES PLANNING
NEW YORK STATE OFFICE OF COURT ADMINISTRATION**

Introduction

The Westchester County Family Court has facilities in three cities: White Plains, Yonkers and New Rochelle. Each of these courts is a high-volume court with a large workload and thousands of visitors each year. The filings for each court in 2009 were:

| | |
|------------------------|---------------|
| White Plains | 13,881 |
| Yonkers | 11,115 |
| New Rochelle | 6,871 |
| <u>Total</u> | <u>31,867</u> |

The Family Court in White Plains is housed in a state-of-the art facility, which opened in 2005, and is one of the best-designed Family Court courthouses in the State. In sharp contrast, the Yonkers and New Rochelle facilities are among the worst in the State.

The Yonkers and New Rochelle Family Courts are both located in leased space in office buildings. The Yonkers Family Court occupies approximately 14,000 square feet at 53 South Broadway, where the annual rent is approximately \$640,000. The New Rochelle Family Court occupies approximately 11,000 square feet at 420 North Avenue, at an annual rent of approximately \$364,000.¹

The deficiencies at the Yonkers and New Rochelle facilities include:

- the absence of even a minimal level of dignity appropriate to a court facility
- inadequate means of entrance and egress
- lack of separate patterns of circulation for prisoners, the public, and judges
- overcrowded waiting areas and hallways
- undersized children’s centers
- serious security problems as a result of inadequate space and poor layout
- lack of attorney/client conference rooms
- courtrooms and hearing rooms with insufficient space for the numerous parties who appear in the typical Family Court matter
- insufficient space for records and other storage
- violations of the Americans with Disabilities Act
- non-secure parking for judges, and inadequate parking for attorneys and litigants
- numerous problems with heating, air conditioning, windows and other building systems

¹ Because the Yonkers and New Rochelle Family Courts are located in leased facilities, the County is not eligible for any State financial assistance and bears the full cost for leasing these facilities. In contrast, counties and cities that provide new or improved court facilities by means of a bonded project are entitled, pursuant to the Court Facilities Act of 1987, to an interest aid subsidy to assist with the cost of the project. In fashioning a plan to address the issues at the Yonkers and New Rochelle Family Courts, the County should work closely with the Office of Court Administration to take maximum advantage of the State aid available.

Yonkers Family Court

Since 1979, the Yonkers Family Court has been located in an office building in downtown Yonkers. The Court initially occupied the third floor, but in the 1980s, as its caseload grew, the Court expanded to the fourth floor. Despite this expansion, the facility is still severely overcrowded and inadequate.

The facility is entirely inappropriate for use as a courthouse. The building itself is drab and run-down, and lacks a sense of dignity appropriate for the serious work of the Family Court. The following is an overview of the most serious problems at the Yonkers Family Court facility.

Security and Life Safety Issues

One of the fundamental safety and security problems at the Yonkers facility is the absence of three separate and secure patterns of circulation: one for the public, one for the judges, and one for prisoners. The result is the commingling of these groups in an emotionally charged Family Court environment, which poses serious challenges for the Court's security staff.

The building is served by two elevators, one dedicated to court use and the second which serves the non-court floors and the building's other tenants. Both of the elevators are accessed from the first floor lobby, which is beyond the Court's security perimeter. In the past, due to insufficient space on the third and fourth floors, the Court experimented with setting up its screening operations in the building's main lobby. This arrangement, however, created problems because (a) it meant screening of all building visitors (with some tenants objecting) or allowing the other building tenants and non-court visitors to bypass the screening process and (b) it required that the screening equipment be set up and then disassembled every day (rather than left in place in the unsecured lobby on weekends and evenings).

Ultimately, the screening equipment was placed on the third and fourth floor elevator lobbies, with the result that the first floor lobby and the elevators are beyond the Court's security screening. The concern here is that everyone coming to the court facility — litigants, family members, persons-in-custody, as well as court staff and judges — all end up in close proximity in the small lobby and on the single elevator that serves the court floors, without oversight from the Court's security team.

The elevator opens directly into the third and fourth floor elevator lobbies, where the Court's security screening operations are located. Neither of these lobbies has sufficient space for screening equipment, court officers and queuing for court visitors. Often, upon reaching the court floors, visitors encounter a sea of people lining up to pass through the magnetometers.

During peak times, congestion in the lobbies can be extreme, with large numbers of people in the unsecured first floor lobby waiting for the Court's lone elevator, and large numbers of people in the third and fourth floor lobbies queuing at the magnetometer operation. This situation was recently exacerbated when the Yonkers Fire Department established a maximum occupancy of 40 persons in the fourth floor waiting room. While this restriction assures that the space upstairs is not dangerously overcrowded, it has resulted in increased congestion in the first floor lobby. As a result, the Court now must assign additional court officers to the first floor lobby for crowd control purposes.

This new occupancy restriction also seriously impedes court operations because newly arriving court visitors are not allowed up to the court floors until the parties already upstairs have concluded their business and left the building. The departure of court visitors does not always occur immediately upon completion of courtroom proceedings because litigants often must wait for printed orders and other documents related to

their cases. The fact that, due to space limitations, the Court has only one public window where such papers can be picked-up contributes to delays in departure and the ability of other litigants to come up to the court floors.

Even before these occupancy restrictions were imposed by the Yonkers Fire Department, court officers were frequently deployed to the first floor lobby to restrict the number of people entering the court-bound elevator. Court officers are also frequently deployed to the lobby when one of the building's two elevators is out of order and the single remaining elevator must serve the entire building.

Aside from the dedicated court elevator, the only other exit from the building is a single fire stairway, which becomes narrower, rather than wider, as it descends to the lower floors, posing safety concerns in the event of an emergency evacuation.

There are also a variety of security concerns with respect to the hearing rooms, primarily as a result of their limited size and locations. For example, the hearing room used for Permanency Planning proceedings is undersized and inadequate. These proceedings typically involve many participants and the lack of sufficient space results in extreme congestion. There is also little separation between the parties and the referee, which adds to security concerns. In addition, the lack of secondary exits from hearing rooms creates security issues since the referee lacks an exit near the bench. Any security-related situation occurring in the hearing room could result in the referee being trapped, without a secure route to evacuate the hearing room.

Additional security issues include:

- direct access from the public hallway to the judges' chambers
- a non-working toilet within the detention area, which requires that prisoners be escorted to use non-secure restrooms
- due to space and layout limitations, the third-floor waiting room, which is typically crowded with litigants, is located beyond the direct view of court security
- public area benches in such poor condition that pieces falling off are capable of being used as weapons.

Space Inadequacies

Severely overcrowded conditions at the Yonkers Family Court not only pose safety hazards, but also hamper efficient court operations and preclude the assignment of additional staff to this site and the introduction of additional services and programs to serve families. The following are among the many space problems at this facility.

Clerk's Office The clerk's office does not have sufficient space for existing files and cannot properly accommodate future filings or any future initiatives that would involve any type of growth. As a result, court files in the Intake Unit are maintained on a system of filing racks located in the center of the office. This solution congests the office, making it difficult for court staff to communicate with each other or see the public waiting at the intake window. In addition, the weight of case files in these racks has placed an excessive load on the facility's floors, which are sagging, apparently due to the weight of the files. (An immediate assessment of floor load capacities should be undertaken to address this concern.) Further, the lack of adequate storage space has resulted in the placement of court files, books and equipment in the corridors, congesting the hallways and adversely affecting court efficiency.

Public Counters The Intake Unit’s public access window is inadequate given the volume of people using this Court. The staff is unable to assist more than one litigant at a time, causing delays and, often, long lines.

Court Officer Locker Rooms The Court’s security staff occupies two poorly located locker rooms immediately adjacent to the crowded elevator lobby and queuing area. Opening the doors to these locker rooms eliminates any privacy for anyone within these rooms. Finally, the sergeant’s office is too small to accommodate confidential counseling sessions.

Courtrooms As a result of the small size of the courtrooms, courtroom staff, litigants and attorneys sit on top of one another in an inappropriate and uncomfortable setting. The courtrooms also lack sufficient space for the placement of additional equipment and files. The clerical spaces in the courtrooms are inadequate and adversely affect efficiency.

Referee Hearing Room As indicated above, this room is too small to safely and comfortably conduct hearings for Permanency Planning cases. In addition to being undersized, the hearing room is poorly situated within the facility and poorly ventilated. The door is frequently left open to improve air circulation, with the result that noise from the busy hallway often disrupts proceedings. The lack of space also results in the inability to store active case files in the hearing room, which leads to the unacceptable solution of storing files in the facility’s hallways.

Law Library The facility lacks space for a law library and, as a result, legal reference materials are stacked in the hallway along with overflow court files.

Attorney Waiting Room The attorney waiting room seats only eight and is inadequate for the volume of cases handled at this site.

Children’s Center Based on the Court’s heavy caseload the area allocated for the Children’s Center is undersized. The Center can accommodate no more than five children at one time, with the result that children are turned away numerous times each week. When this happens, parents must keep their children with them, in the crowded hallways and waiting rooms, until space is available within the Center. The Center lacks space for the staff’s personal items as well as appropriate work space to perform necessary paperwork. The Center also lacks a bathroom facility for the children and as a result the children must use the public restrooms, which are poorly maintained and unsuitable for their use. The absence of appropriate storage space also results in children’s jackets and clothing being placed on the Center’s floor.

Supply Room/Lunch Area Until recently, the staff lunch room also doubled as the supply storage room for the Court. The large volume of supplies stored in the room not only made the room unsuitable for joint use as a lunch room, but also raised concerns about excessive floor loads. Recently, the room was converted into a much needed courtroom for a Support Magistrate, thereby eliminating the staff lunch room and further reducing the Court’s already limited storage capacity.

Chambers and Related Space The chambers’ suites lack adequate space for the court’s secretarial staff. One of the chambers is too small to accommodate appropriate-sized office furniture, and one of the court attorney’s offices has serious problems with water penetration and leakage from the radiators. There are also ventilation deficiencies in the chambers. Recently, a courtroom used by a Support Magistrate was converted into a courtroom for an additional Judge who was brought in to address the Court’s backlog of cases. As a consequence, one of the court attorney offices had to be divided to provide space for an additional court attorney, further congesting the overcrowded chambers spaces.

Parking

The parking at the facility is inadequate. There are only two reserved spaces for judges. These spaces are located on the street in front of the building, are not secure and are readily identifiable as spaces reserved for judges. There have been instances where judges' vehicles in these spaces have been "keyed" and otherwise vandalized and, based on these security concerns, as well as the potential for litigant contact, the judges must be escorted to and from their cars by court officers. There is a lack of suitable parking for court staff as well as the attorneys and litigants visiting the courthouse. These people are on their own to find suitable parking near the court facility. Some are able to park on the street, while others are required to use parking lots and garages in the downtown area. None of these alternate locations is secure and some are at least a ten-minute walk to the courthouse. Anyone arriving downtown after 9 a.m. often has difficulty finding parking convenient to the courthouse. Over the years, there have also been concerns voiced by the County Attorney and Department of Social Services about the safety of their attorneys and staff who must walk to their cars in the dark following court appearances.

Miscellaneous

There are recurring problems with the HVAC (heating, ventilation, and air conditioning) system. Because of the numerous interior offices and spaces where large numbers of people assemble, these HVAC problems create serious operational difficulties for the Court. Related to this issue is the poor condition of the building's windows, many of which are difficult to open and close.

Update: Emergency Relocations from the Yonkers Family Court

As a result of the conditions discussed above, in particular the congestion and delays resulting from the occupancy restrictions imposed by the Yonkers Fire Department, court administrators are developing emergency plans to temporarily relocate certain functions out of 53 South Broadway. The plans include moving Support cases to the Yonkers City Courthouse and Permanency cases to the Family Court facility in White Plains.

New Rochelle Family Court

The Westchester County Family Court facility in New Rochelle has been at its current location since 1985. This facility, like the Yonkers Family Court, is in an office building and suffers from many of the same problems seen at the Yonkers facility. The building has not undergone a major renovation or upgrade since the early 1980s, before it became a Family Court facility.

The Court's location, at 420 North Avenue, is isolated from many of the agencies that provide critical services to the Family Court and its users. The County Attorney's office and the Department of Social Services only appear if they have a case scheduled. If a matter requiring their involvement develops on a day when these agencies are not on the schedule, the matter must be adjourned, inconveniencing the litigants and adversely affecting the Court's efficiency.

The main entrance is on the side of the building, adjacent to the parking lot, making it difficult to identify the building as a Family Court facility when approaching from North Avenue. This building also houses

mental health offices and drug rehabilitation facilities, which results in congestion in the front of the building. Numerous complaints have been filed regarding smokers congregating at the facility's front entrance.

Security and Life Safety Issues

This facility lacks separate, secure entrances and circulation patterns for the public, persons-in-custody, and court staff and judges. The Court is located on the building's third floor and is accessed via a single elevator bank. The lobby has only one entrance for all building visitors and is beyond the Court's security screening (which is located in the third floor lobby). This results in a mix of all court users, including judges and persons-in-custody, commingling in the building's lobby and elevators waiting for transport to the third floor court.

The elevator lobby on the third floor serves as the security check point as well as public queuing and screening space. This area is often very congested during periods of peak volume, which creates a dangerous condition as the elevator cars open directly into crowds of people waiting to pass through court screening.

Additional security issues arise based on a lack of adequate wiring and electrical outlets in security equipment areas. These deficiencies result in the sub-standard positioning of security staff and security equipment and restrict planning future enhancements and security-related technological upgrades.

There are insufficient holding cells and as a result there is no dedicated juvenile holding area, making it difficult to comply with the federal requirement of "sight and sound" separation between juveniles and adults.

The court officers' locker rooms are also inadequate. The male locker room, which is only 80 square feet, serves four officers and also doubles as an employee swipe-out station. Currently, the female locker room, for two officers, is a mere 36 square feet.

Space Inadequacies

Clerk's Office The back-office areas lack adequate wiring and electrical outlets, which results in inefficiencies due to restrictions in space usage and the positioning of staff and equipment. This also impacts planning for future growth and placement of technologies needed to keep pace with developments in court operations. The Court's filing capacity has been reached. Files are now being stored on shelving installed in the center of the clerk's office floor space. This "solution" congests the office and adversely impacts communications among the court staff.

Waiting Rooms and Public Access Counter There are two waiting rooms, one for adults and one for juveniles. Both are inadequate for the Court's workload. As a result, overflow in the main waiting room is sent to the juvenile waiting room, thereby defeating the effort to segregate juveniles from the rest of the court-visitor population. The public access counter is poorly located inside the main waiting room. Its prominent location and open design does not allow for privacy or discrete communications between the public and court staff. Similarly, since the facility lacks any attorney/client conference rooms, sensitive discussions between counsel and litigant must take place in the building's open and congested hallways.

Attorney Waiting Room The attorney waiting room is woefully inadequate and accommodates no more than eleven attorneys in tightly-placed chairs. The result is an uncomfortable waiting area, which leads to non-use and additional hallway congestion as attorneys discuss matters with their colleagues and clients in every available nook throughout the facility.

Courtroom and Hearing Rooms The Court lacks adequate hearing rooms for Support Magistrates and Judicial Hearing Officers. The hearing rooms for both Magistrates and JHO's measure less than the 300 square foot minimum that is required by the Guidelines for Court Facilities. In addition, the JHO hearing room has only one entry point. Parties, attorneys, prisoner and witnesses must access this room through a congested internal corridor.

The clerk's work stations in the courtroom and in the Magistrate's hearing room lack sufficient space for performing routine paperwork and locating files and equipment. The clerk's desk in the courtroom measures less than seven square feet, making it uncomfortable and impossible to add any equipment to this area. In addition to the lack of space, these courtrooms and hearing rooms lack adequate data and power wiring to accommodate the technology that is needed.

Chambers and Related Space The Court's chamber is undersized and lacks adequate wiring and electrical outlets which, in turn, limit flexibility in use and positioning of the judge's staff and equipment.

Children's Center The Children's Center suffers from the same issues as Yonkers Children's Center: limited space (for only six children), no private restroom and no easy access to drinking water. As a result, children are often turned away and must wait with their parents in the crowded waiting rooms and hallways of the facility.

Supply Room/Lunch Area The Court's lunch area doubles as a storage closet where paper supplies, equipment and furniture occupy much of the space. This area does not have a sink and employees must clean their dishes and utensils in the restrooms.

Parking

The New Rochelle Court lacks both sufficient and secure parking. The facility's parking lot, which serves the court users as well as other building tenants, has four spaces reserved for Judges and court staff. The parking lot is inadequate and undersized for the number of attorneys and litigants appearing in the Court during peak hours. The combined use of the lot by court users and the other building tenants and visitors results in a full and congested lot throughout the day. Court visitors and staff are required to park off-site, using municipal parking garages and street parking located blocks away from the court facility.

Miscellaneous

Acoustics within the facility are poor. Noise travels easily from the waiting rooms and lobby into nearby courtrooms thereby making it difficult to conduct proceedings. In addition, privacy and confidentiality between attorneys and their clients is often compromised due to lack of attorney/client conference rooms.

This facility has a long history of heating and cooling system failures. Water leaks are routine and window seals are failing. There are problems with the integrity of the building's roof as rainwater has penetrated into the courtroom and public access counter areas. This condition has become so bad that a portion of the ceiling in the courtroom has collapsed. In addition, when there is a heavy rain, the public access counter is rendered unusable due to leaking water. This situation has become so serious that the computer at the public counter is covered in plastic to protect it from such leaks.

Conclusion

Both the Yonkers and New Rochelle Family Court facilities have numerous and serious deficiencies and are not suitable or sufficient for conducting Family Court business. Immediate action is required to address these deficiencies, and to provide facilities that meet the needs of the Court and its users and that provide a sense of dignity appropriate for the serious business of the Family Court.

