

Family Court Project

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FINAL REPORT

MICROFICHE

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Fund for Modern Courts, Inc.
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FAMILY COURT PROJECT

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I. Introduction

In 1975 the Fund for Modern Courts, Inc. initiated an 18-month project in the Criminal Courts of the State of New York designed to recruit and train citizen volunteers from four selected areas (Poughkeepsie, Rochester, Glen Falls and New York City) to monitor the operations of the state's criminal courts. Following a period of observation these citizen volunteers were to make recommendations concerning the courts from the viewpoint of the informed layperson. The project, financed by grants from the New York State Division of Criminal Justice Services (DCJS) and the Fund for the City of New York, issued a report in June 1976 detailing the findings of those serving as citizen monitors in the courts.

The Fund, in response to the enthusiasm, commitment and recommendations of the citizens who participated in the Criminal Court Project as well as its own investment in court reform through citizen education, extended the citizen monitoring project. Through grants from the DCJS and the New York Community Trust the Fund then launched a study of the Family Courts in New York State.

Approximately 500 citizen volunteers in twelve New York counties participated in the Family Court Monitoring Project. Their reports, issued in March 1977 and February 1978, found common deficiencies and needs throughout the Family Court system and reiterated many of the concerns of the original Criminal Court Monitoring Project. Among the needs found by the citizen monitors were for clarification of rights and charges to the parties; the posting of calendars; the identification of courtrooms and offices; minimum physical standards for courthouse facilities; and the need for general information services in the courts.

Recognizing that it was incumbent upon the Fund to help implement, where feasible, some of the recommendations made by the citizens, it was decided that during 1978 the Court Monitoring Project would expand. With grants from the DCJS and the New York Foundation, the Fund established a pilot project to establish information booths staffed by volunteers in three Family Courts, and (in conjunction with the New York State Office of Court Administration) to survey physical facilities and specifically evaluate the condition, use and overall available space in the court buildings in twelve of the state's Family Courts.

The following is a description of these latter two facets of the Fund's work in involving citizens in the improvement of their local courts. The third major component of citizen involvement, Family Court monitoring, is summarized in Section IV.

II. Information Booth Project

In July 1978 citizen volunteers began staffing information booths in the Bronx, Erie (Buffalo) and Rensselaer (Troy) Family Courts. These volunteers, ranging in age from 20 to 75 and coming from divergent backgrounds, were trained to provide basic information and assistance to citizens coming into the court such as the location of courtrooms and offices, the nature of court procedures, the availability of special agencies dealing not only with legal but with social service matters, and general information pertaining to the Family Court. Some of the volunteers were bilingual (Spanish, Italian and French) and thus were able to assist citizens not conversant with English.

In addition to answering questions and providing assistance, volunteers kept daily records of what questions were asked and what responses were given; monthly reviews of these records were conducted by local coordinators in order to insure that information was accurate and consistent and to provide a base for future recommendations of ways in which court procedures could be made less confusing to the public. One important finding based on the experience of the volunteers, for example, was the need for a printed information pamphlet explaining, in clear and simple language, the procedures, terminology and types of cases handled in the Family Courts, as well as the rights of citizens.

These projects, which ended in December 1978, demonstrated that volunteers can be utilized in a constructive manner within the courts and aid in the day to day administration and operation of the courts. In addition to providing a service to citizens seeking information, the volunteers freed court officers and deputy sheriffs from their informal information duties, alleviated, to some extent, the citizens' confusion about where to go, what will happen and who to see in the court (and therefore eliminated some unnecessary delays and adjournments of cases), and showed that some needed services in the courts can be provided without additional cost to the taxpayer.

The main drawback in the project was the element of boredom for those staffing the information booths. In all three areas there were peak activity periods (usually in the morning when court opened) while the remainder of the day was quiet. Volunteers, some of whom had participated in the physical facilities survey and/or monitoring project, often requested new activities either within the parameters of their responsibilities as information aides or in some other part of the court structure. While the volunteers did feel they were providing a valuable service, they also felt that their energy and time should not be limited to staffing the information booth. Future projects should probably rotate volunteers so that part of their time would be spent monitoring court proceedings.

All three information booths were located in the lobby of the court buildings, although in the two upstate areas the Family Court was located within the county courthouse itself and was not a separate facility as was the case in Bronx County. The service was usually (and ideally) available five days a week, from nine to five; local coordinators (Joan Photiadis in Buffalo, Robert Glaros in Troy and Ann Cohen in the Bronx) supervised and scheduled the volunteers.

In Troy and the Bronx, community organizations have expressed interest in continuing the information booth service. It is greatly hoped that the information booths will continue under the auspices of local communities -- and that other groups around the state will initiate and implement the service in their local courts.

III. Physical Facilities Survey

Citizen volunteers conducted surveys of physical facility adequacy in Family Courts in twelve New York counties (New York, Onondaga, Rensselaer, Suffolk, Tompkins, Westchester, Broome, Dutchess, Erie, Kings, Nassau and Monroe), resulting in recommendations for important improvements.

The twelve facilities surveyed varied considerably in age (from more than 150 to less than 3 years old), size, design and maintenance. The recommendations which were made by volunteers and court personnel alike in all areas were strikingly similar. The need for separate and secure detention areas for adults and juveniles; modernization of record room facilities; improved security systems; better and more visible directories and guide signs; improved information services; and the need for separate attorney/client conference rooms were mentioned in an overwhelming majority of reports.

Surveys conducted by more than twenty volunteers in Dutchess, Nassau and New York Counties in the summer and fall of 1978 formed the pilot phase of the survey. After the results of these pilot surveys were evaluated by the facilities planner at the Office of Court Administration and by the project staff, revisions and improvements in the interview and survey forms were made and citizen volunteers in the other nine areas of the state began their surveys.

The physical facilities study was conducted on two levels: interviews with court personnel, reflecting the viewpoint of the professionals working in the field, and evaluation of the facilities by trained citizen volunteers. Court professionals were asked to evaluate general conditions in the court and specifically within their own departments, whereas volunteer participants (in addition to conducting the interviews with court personnel) evaluated court facilities from the viewpoint of the citizens who are the consumers of the court system.

The volunteers reported and commented upon the size and conditions of the facilities most often used by citizens coming into Family Court. The primary areas included were waiting rooms; public restrooms and childcare facilities; detention areas; and courtrooms. Other factors evaluated included conditions as diverse as the adequacy of security precautions, provision of information services (directories, signs, etc.), lighting, ventilation and maintenance. The availability of public transportation and parking was noted, as well as the accessibility of facilities to handicapped persons.

Some of the volunteers were already familiar with these Family Courts from previous involvement in other Fund-sponsored projects and were thus able to note changes

which had taken place as a result of prior recommendations. .
Their findings in the physical facilities survey take on
a special significance in that they may be utilized by the
Office of Court Administration in the near future to develop
minimum statewide standards and goals for Family Court
facilities.

IV. Monitoring Project

This report marks the final phase of the Fund's four year court monitoring project.

This report represents the viewpoint of the layperson and how he or she perceives the system and therefore should be viewed as a citizen effort to initiate and foster better understanding of the system and its problems.

A. Focus and Goals

The major focus of the project was to educate the public about and collect data on the processing, treatment and placement of children involved in juvenile delinquency and Persons in Need of Supervision (PINS) cases.

In addition, the monitors, who were trained in the use of the data collection form as well as in Family Court structure and terminology, evaluated and commented upon the organization and staffing of the court, quality of representation, adjournment and delay factors and physical facilities.

The specific goals of the project were to:

1. educate and involve citizens in their local Family Court;
2. provide a presence of concerned citizens in the court;
3. initiate, develop and maintain a dialogue between citizens and their local judiciary;
4. gain and document the citizens' perception of the court system.

B. Summary of Recommendations

1. The Deputy Administrative Judge of the New York City Family Court and the Chief Clerk of the Kings County Family Court should re-evaluate the case scheduling procedure presently utilized for the all-purpose parts and should investigate implementing a split-calendaring procedure.

2. The judges should make additional efforts to begin sessions on time.

3. Sanctions should be applied to attorneys, petitioners and court-related agencies' representatives who consistently cause delay or adjournment of proceedings due to

tardiness, lack of preparation or non-appearance.

4. The appropriate Appellate Division in cooperation with the Office of Court Administration should design, develop and implement training seminars for all attorneys who practice in the Family Court.

5. Each judge and attorney should make additional efforts to explain the procedures, rights and results of hearings to all parties in simple, non-legal language.

6. Security procedures, staffing and needs should be re-evaluated and investigated in order to insure the safety of court personnel and citizens coming into court.

7. Information centers should be established in a central area of the court buildings in order to assist citizens seeking information about location of courtrooms, court-related and social services agencies, other types of ancillary services and to provide general information concerning procedures within the court.

8. A pamphlet detailing court procedures, structure, and terminology should be made available to citizens coming into the Family Court.

9. Court directories and directional signs should be updated or installed where appropriate.

10. Investigation should be made into the possibility of establishing residential county facilities for the treatment and care of respondents in juvenile delinquency cases.

11. The Division for Youth should investigate the possibility of establishing or expanding present diversion and alternative programs for PINS in the state.

12. Minimum physical facilities standards should be developed and implemented by the Office of Court Administration and should include adequate space allocation for attorney/client conference rooms, holding areas for juveniles in detention, waiting areas, and information centers. In addition, maintenance guidelines and procedures for court facilities should be developed and implemented.

C. Summary of Statewide Data* on Cases Observed and County Profiles

The four counties, Chemung, Kings, Rockland and Tompkins, have very different socio-economic character-

* Statistical figures are rounded off to the nearest 10th.

istics and the composition of each county is represented, to a degree, in both the court procedures and the treatment of Persons in Need of Supervision (PINS) and juvenile delinquency cases.

Chemung County, located in the lower central section of upstate New York, covers an area of 415 square miles around the city of Elmira, which includes approximately 50% of the County's 100,377 population. Chemung County may be described as a stable, almost traditional community with low rates of migration; the percentage of black and foreign born populations are well below the state average. Birth rates, death rates and the public school enrollement rates suggest that both senior citizens and youth tend to remain within the community. Chemung has a high marriage rate but an equally high divorce rate (highest in New York State in 1970 and fifth in 1975).

From an economic standpoint Chemung is the poorest of the four counties with a per capita income of \$4,003.00 in 1974. There are a greater number of public assistance recipients per 1000 population than in either Rockland or Tompkins County and a greater percentage of the County budget goes for public welfare than in either of the other two counties. Both general revenue and general expenditures per capita are below Rockland and Tompkins Counties. Crime statistics for Chemung County support the concept of a stable community; the rates of serious crimes (robbery, aggravated assault and motor vehicle theft) are well below the average for New York State.

Kings County (Brooklyn) represents an area of 70 square miles with a total population of 2,408,234, an average of 34,403 people per square mile. Its population is composed of 11.5% senior citizens in 1975, 25.4% black in 1970 (highest in New York State) and 41.4% foreign born in 1970 (only Queens has a higher percentage). Kings County also has the unique distinction of having the lowest marriage rate in the state but the highest birth rate. In spite of the low marriage rate, the divorce rates are greater than the state average while death rates are in keeping with the size of the senior citizen population.

Kings County is exceeded only by Bronx and Franklin Counties in the percentage of families under the poverty level in 1969, and only the Bronx has a higher number of people per room. Finally, Kings County has the lowest voter turn out of any county in the state (1972). Because of its inclusion within New York City, many of the descriptive statistics which are available for the other counties of New York State are not available for Kings County.

Rockland County, located to the northwest of New York City, offers many interesting contrasts to the other

three counties. It has a high population density (1,427 per square mile) as well as being over 96% urban. The percentage of black and foreign born populations is substantially lower than the other counties in the greater New York area. In terms of migration, the data demonstrate a major increase in population resulting from the suburban movement of the 1960's. The population may be described as relatively young (second lowest percentage of senior citizens in the State), upper-middle class people who place an emphasis upon education, health and home-ownership. As may be expected from a relatively young suburban community struggling with home mortgages, the per capita income is among the highest in the state. This factor, combined with the relatively low birth rate, suggests a high proportion of working wives. The death rates (affected by the small number of senior citizens), the marriage rates and the divorce rates are among the lowest in the state.

Rockland is a wealthy community, with high per capita revenues (supported in part by high property taxes) and even higher per capita expenditures. The number of public assistance recipients is low (only Nassau County a lower percentage of families below the poverty level) and very little of the general budget is spent on public welfare. As expected, education is the major element within the county budget. Of the four counties, Rockland has the lowest Crime Index Rate.

Tompkins County, located in mid-central New York State just north of Chemung County, encompasses the area surrounding Ithaca (the home of Cornell University). This is the most rural of the four counties, with over 58% of the population living in the rural areas. Ithaca is a "college town" and comprises less than 1/3 of the county population. The percentage of black and foreign born populations is quite low compared to the state average, as is the percentage of senior citizens. Marriage and birth rates are close to the state averages while death rates are much lower (due in part to the smaller percentage of senior citizens). Divorce rates, however, are in the top 10% of the state.

The public assistance rate is low. Tompkins County has a higher Crime Index Rate than either Chemung or Rockland (and is in the top 15% of the state); the rates for robbery and aggravated assault are below and the rates for burglary and motor vehicle theft are significantly above those of either county.

It is within this framework that the 545 observations of court hearings for both PINS and juvenile delinquency cases may be examined, for each county demonstrated unique characteristics. Of the total sample, 378 of the

respondents were males (83%) and 77 were females (17%). This large ratio between males and females is primarily a function of Kings County, where the ratio was about 8 males per female while the other counties had a ratio of about 3 males per female. The ages of the respondents tended to cluster in the 14 and 15 year-old range, with both Chemung and Tompkins Counties having a higher percentage of respondents under 14 and Chemung having the greatest percentage over the age of 15. Whereas females were typically involved at the age of 14 and 15, their involvement in Kings County was almost uniform throughout all age categories. (See Table 3).

The distinction between PINS and juvenile delinquency cases was readily divided into two very different groupings: Kings and Rockland Counties (23% and 24% of the cases were PINS) and Chemung and Tompkins Counties with 42% PINS. Whether this distinction is primarily due to selective sampling (and the small number of observations from these counties), or to the mostly urban vs. rural characteristics of the counties, differential treatment within each court cannot be determined from the data as currently exists.

In terms of the time required for a court hearing, the overall figures indicate that 25% of the cases were heard in less than five minutes (although many of these cases may have been postponed, delayed or assigned for investigation and report). For both PINS and juvenile delinquency cases observed, 39% were heard in five to ten minutes with 37% of the PINS cases and 30% of the juvenile delinquency cases observed taking over ten minutes. Indeed, 5% of the juvenile delinquency cases observed took over an hour to be heard. (See Table 12).

The aggregate data indicated that the police were the most common petitioner in juvenile delinquency cases and the parents in PINS cases. There were, however, some major exceptions: in both Chemung and Rockland Counties, the major petitioner in PINS cases observed was the school system while in Tompkins County, it was the police. Within Kings County, private citizens were the petitioner almost as frequently as the police (36% to 37%). The respondent was predominately represented by the law guardian (assigned counsel) in Chemung, Rockland and Tompkins Counties, and by Legal Aid in Kings County. (See Tables 5 and 7).

Non-secure detention was used in 64% of the cases observed prior to the actual court hearing, with Kings and Rockland Counties having a greater emphasis upon secure detention for juvenile delinquency cases.

Placement of respondents (both prior to and after the court hearing) was primarily in custody of the

parents, guardian, relative, etc., with a greater emphasis being placed upon supervision after the court hearing than before. Very few respondents were placed with private agencies. (Rockland County being the major user of this alternative). Tompkins County demonstrated a tendency to place a greater percentage of the respondents with DFY (both short and long-term) as opposed to DSS, while other counties favored DSS and DFY for placement. (See Tables 9 and 11)

D. Statewide Findings and Recommendations

1. Case Scheduling, Length of Hearings, Adjournments and Delays

a. Case Scheduling

In Chemung, Rockland and Tompkins Counties cases were scheduled for specific days and/or times. Participants in the various types of proceedings were often told or notified to appear on a specific day at a specific time. For example, in Chemung County, participants who were told to appear at 10:15 a.m. could be reasonably sure that their case would be heard at that time. This type of case scheduling procedure alleviated some of the problems of overcrowding in the waiting areas, lessened the amount of time citizens had to wait before their case was called and generally made for a more efficient use of court time.

Kings County, which had the highest volume of cases, scheduled all cases for the same time; every participant was told to appear in court at 9:30 a.m. Therefore, participants in a case often arrived at the court at 9:30 a.m. but did not have their case called until late in the afternoon. The system used in Kings County appeared to be rather inefficient, but more importantly it was detrimental to those citizens who were forced to wait hours in crowded waiting rooms before their cases were heard.

b. Length of Hearings, Adjournments and Delays

The majority of the 545 juvenile delinquency and Persons in Need of Supervision (PINS) cases that monitors observed were heard in 15 minutes or less. In addition 1/4 of these hearings were 5 minutes or less and only 5% of the juvenile delinquency cases were over one hour. (See Table 12) While the brevity of these cases may or may not reflect upon the administration of justice, monitors were generally surprised and sometimes dismayed at the rapidity of these proceedings.

Monitors in all the areas were concerned about the number of delays and adjournments in the court process. Adjournments were often caused by the absence of

attorneys, petitioners or representatives of the various court-related or social service agencies, or were due to the fact that reports from probation and social services agencies were not ready. Delays in the beginning of court sessions were attributed to the absence or tardiness of attorneys, court personnel and, on occasion, judges. Also, pre-hearing conferences and proceedings and meetings in judges' chambers were often mentioned as factors in session delays.

Recommendations

1. The Deputy Administrative Judge of the New York City Family Court and the Chief Clerk of the Kings County Family Court should re-evaluate the case scheduling procedure presently utilized for the all-purpose parts and should investigate implementing a split-calendaring procedure.

2. The judges should make additional efforts to begin sessions on time.

3. Sanctions should be applied to attorneys, petitioners and court-related agencies' representatives who consistently cause delay or adjournment of proceedings due to tardiness, lack of preparation or non-appearance.

2. Representation

In all of the counties the most common petitioner in the juvenile delinquency cases observed were the police; parents were the petitioners in the majority of PINS cases observed. However, in Tompkins County the petitioners in many of the PINS cases observed were the police; in Kings County the petitioner in almost 1/3 of juvenile delinquency cases observed was a private citizen. (See Table 5).

Representation for petitioners in the juvenile delinquency cases and PINS cases observed was generally provided by the County Attorney's office (Chemung, Rockland and Tompkins Counties) or the Office of Corporation Counsel (Kings County).

Respondents in both types of cases were represented by the Legal Aid Society (Kings County) or assigned counsel (Chemung, Rockland, Tompkins Counties). Respondents in all of the counties observed always appeared with counsel.

Monitors felt that the quality of representation in the four counties was generally adequate. However, monitors found that a proportion of attorneys were often unprepared or seemingly unfamiliar with their cases. While it was recognized that many of these attorneys have numerous cases to handle, efforts should be made to alleviate this

problem by providing additional staffing and training seminars for attorneys who practice in Family Court and eliminating private-practice provisions for County Attorneys. Monitors in all the areas felt that attorneys acting as either counsel for the petitioner or respondent should be carefully screened and be knowledgeable in Family Court law and procedures prior to assignment.

Recommendation

4. The appropriate Appellate Division in cooperation with the Office of Court Administration should design, develop and implement training seminars for all attorneys who practice in the Family Court.

3. Explanation of Rights

It was generally found that most judges in all four counties were meticulous in explaining the rights, procedures and law to the participants in a case. Respondents were told of their rights and many times were asked if they understood what was being said. Concern was expressed, however, about the language sometimes used and the rapidity of the explanation given. Monitors often commented about the lack of explanation to a parent concerning the placement of a child. Little or no detail was given to the parent by either the judge or counsel about the type of placement and/or treatment which was being ordered for the respondent.

Recommendation

5. Each judge and attorney should make additional efforts to explain the procedures, rights and results of hearings to all parties in simple, non-legal language.

4. Security

Among the major concerns expressed by monitors statewide was the lack of adequate security in the court.

Uniformed court officers (Kings County) and Deputy Sheriffs (Chemung, Rockland and Tompkins) are responsible for security in the courts. Monitors often commented, especially in Kings County, that security measures (such as screening persons entering the court) are not carried out. In addition, security personnel are not consistently assigned to the waiting areas (in all counties) and in the upstate areas are available only by request of the judge. Monitors felt that since the potential for outbursts and physical confrontation is high due to the emotional nature of many of the cases heard in Family Court adequate security measures should be a high priority.

Recommendation

6. Security procedures, staffing and needs should be investigated and re-evaluated in order to insure the safety of court personnel and citizens coming into the court.

5. Information Services

Monitors were acutely aware of the lack of information available to citizens coming into the Family Court. Court directories and directional signs were found to be either non-existent or inadequate; information services concerning Family Court procedures, structure, and ancillary and community services were generally unavailable. In addition, court calendars were not generally posted and courtrooms were often not properly identified. Monitors felt that citizens were often confused and perplexed about where they should be, whom they should speak to and what services were available.

The monitors felt that efforts had to be made to initiate, develop and implement information services on an on-going basis. These services should include updated and clear directories of the offices, courtrooms and services available in the court building, a pamphlet which would explain Family Court procedures, terminology and structure, and a listing of community services.

Recommendations

7. Information centers should be established in a central area of the court building in order to assist citizens seeking information about location of courtrooms, court-related and social services agencies, other types of ancillary services and to provide general information concerning procedures within the court.

8. A pamphlet detailing court procedures, structure, and terminology should be made available to citizens coming into the Family Court.

9. Court directories and directional signs should be updated or installed where appropriate.

6. Placement of Respondents in Juvenile Delinquency and PINS cases

In the four counties monitors noted that the placement of juvenile respondents was most often with the parents, relative or guardian. (See Tables 9 and 11). While, in some cases, this type of placement may be appropriate, it was observed that the lack of state facilities and treatment programs for troubled youth often left the judge with no

other alternative. In addition, it was found that some of the respondents were placed in out-of-state facilities due to the lack of facilities in the county.

Alternative community-based programs for juveniles were often utilized by the courts in Chemung, Rockland and Tompkins counties as a condition for placement with the parent, relative or guardian. These alternative programs, funded either by private or government grants, were often seen by monitors as a realistic and practicable approach to the problems of the respondents.

Recommendations

10. Investigation should be made into the possibility of establishing residential facilities in or around the counties for the treatment and care of respondents in juvenile delinquency cases.

11. The Division for Youth should investigate the possibility of establishing or expanding present diversion and alternative programs for PINS in the state.

7. Physical Facilities

The major comment made by monitors statewide concerning the physical facilities of the courts centered on the lack of space in the waiting areas, which resulted in crowding and congestion in the corridors.

Adequate space for attorney/client conferences, holding areas for juveniles in detention and child-care facilities were also lacking.

Maintenance was generally considered adequate in all the counties except Kings. Monitors in Kings County noted that the restrooms and waiting areas were often littered with papers and cigarette butts, poorly lighted and generally dingy.

Monitors expressed concern about this and felt that physical conditions, especially where inadequate and/or poorly maintained, contributed to a negative image and undermined the impact of court proceedings.

Recommendation

12. Minimum physical facilities standards should be developed and implemented by the Office of Court Administration and should include adequate space allocation for attorney/client conference rooms, holding areas for juveniles in detention, waiting areas, and information centers. In

addition, maintenance guidelines and procedures for court facilities should be developed and implemented.

E. Conclusion

The concept of citizens monitoring their local courts and developing recommendations for improvements within that system was relatively new when the Fund initiated the project four years ago. Since that time, however, citizen participation within the courts has become broadly based and accepted not only on a state but national level. In New York State citizen groups have formed and maintained court monitoring projects in their areas (e.g., Poughkeepsie, Westchester, Buffalo) and have issued reports which describe their observations and make recommendations for improvements; court monitoring groups are also active in Illinois, Kentucky, Louisiana, Michigan, Ohio and Pennsylvania.

While a citizen study cannot evaluate or address management practices, policies, legal aid and due process issues it can evaluate and comment upon the inadequacies which have direct impact upon the consumer. Adjournment and delay problems, inadequate court services, disparate physical conditions, poor judicial demeanor and uneven quality of representation (or lack of representation altogether) are just some of the conditions which most directly affect citizens and which, unless noted and changed, will promote negativity, disrespect and cynicism toward the courts and justice. As Robert McKay, former dean of New York University Law School, has said, "If war is too important to leave to generals, then justice is too important to be left to lawyers."

F. Methodology

1. Project Structure

Four counties, Kings, Rockland, Tompkins and Chemung, were chosen on the basis of demographic and sociographic composition; Chemung and Tompkins are rural upstate areas with a smaller, less metropolitan population than Kings and Rockland counties. (See Table 1).

In each of these areas, a local advisory board was established and a local coordinator was hired.

The local advisory boards assisted the local coordinators in:

- recruiting and coordinating the training of the citizen volunteers;
- evaluating the progress of the project;
- editing and analyzing the data and reports;
- developing, formulating and editing the local area report.

The local coordinator in each area was responsible for the overall operation of the project. Their primary duties included but were not limited to:

- recruiting and interviewing project volunteers;
- scheduling and supervising the volunteers in court;
- developing and writing the local report;
- meeting with members of the local judiciary, bar association and citizen groups to inform them about the project and insure their cooperation.

The local coordinators as well as the members of the local advisory boards are acknowledged in the individual reports. The Kings County project, however, was supervised by the project director and assistant director.

In addition to the local advisory boards a Statewide Advisory Board was established by the Board of Directors of the Fund for Modern Courts, Inc. This Board set all policy for the project and assisted in the preparation and design of the data collection form. The Board also reviewed all reports and training materials.

The Statewide Advisory Board was composed of these members of the Board of Directors of the Fund or Committee for Modern Courts:

Richard Coyne

Vice President and Chairman of the Task Force on Courts, Economic Development Council of New York City, Inc.

Pauline Feingold

Assistant Commissioner of Correction, New York City.

Frances Friedman
Chairwoman, Subcommittee on Juveniles, Special
Committee on Penology, Association of the Bar.

Donald Grajales
Director, Region II, Legal Services Corp.

Robert MacCrate
Former President, New York State Bar
Association, currently in private practice.

Archibald R. Murray
Executive Director, Attorney-in-Chief, Legal
Aid Society.

Flora Rothman
Chairwoman, Task Force on Juvenile Justice,
National Council of Jewish Women.

Hon. Caroline K. Simon
Former Judge, Court of Claims, currently in
private practice.

2. Volunteer Recruitment and Training

For this phase of the project, 74 citizen volunteers were recruited and trained. Requirements for participation in the project were that each individual:

- participate in a two week training session;
- monitor proceedings at least one half day a week;
- commit themselves for at least a two month period;
- respect and maintain the confidentiality of the proceedings observed.

Training was done in two parts--in class and in service.

The in-class training consisted of discussions and lectures concerning Family Court law, procedures, and jurisdiction. Members of the judiciary, attorneys, court personnel, probation officers and representatives of the various court related agencies participated in this part of the training. In addition, explanation and use of the data collection form was conducted and reviewed.

During the course of the project additional training sessions and monthly meetings with the monitors

TABLE 1. DEMOGRAPHIC, ECONOMIC AND SOCIAL STATISTICS FOR THE FOUR COUNTIES AND NEW YORK STATE

| D E S C R I P T I O N | N Y STATE | CHEMUNG | KINGS | ROCKLAND | TOMPKINS |
|---|-----------|---------|-------|----------|----------|
| Land Area (Total of 47,831 Square Miles) | 100.0 | .9 | .2 | .4 | 1.0 |
| Population of 18,075,487 (July 1, 1975) | 100.0 | .6 | 13.3 | 1.4 | .5 |
| Population Per Square Mile | 378 | 242 | 34403 | 1427 | 174 |
| Percent of Population Over 65 | 11.2 | 11.2 | 11.5 | 7.2 | 7.9 |
| Population Change, 1960 to 1970 | 8.7 | 2.9 | -1.0 | 68.1 | 16.5 |
| Population Change, 1970 to 1975 | -1.7 | -1.4 | -6.4 | 8.4 | 9.9 |
| Percent Urban Population, 1970 | 85.6 | 74.3 | 100.0 | 96.2 | 41.6 |
| Percent Black Population | 11.9 | 3.3 | 25.2 | 5.7 | 2.4 |
| Percent Foreign Stock Population, 1970 | 32.9 | 12.1 | 41.4 | 33.9 | 15.8 |
| Birth Rate: 1970 * | 17.4 | 17.5 | 20.5 | 16.4 | 17.5 |
| Death Rate: 1975 | 13.1 | 13.2 | 16.4 | 12.5 | 12.0 |
| Death Rate: 1970 | 10.3 | 10.8 | 11.2 | 6.3 | 7.0 |
| Marriage Rate: 1975 | 9.4 | 9.5 | 9.9 | 6.3 | 6.7 |
| Marriage Rate: 1970 | 8.8 | 10.2 | 6.2 | 5.9 | 9.4 |
| Marriage Rate: 1975 | 7.9 | 9.3 | 5.3 | 5.5 | 7.9 |
| Divorce Rate: 1970 | 1.4 | 3.2 | 1.5 | .5 | 2.5 |
| Divorce Rate: 1975 | 3.1 | 4.2 | 3.2 | 1.8 | 4.0 |
| Public School Enrollment Rate, 1970 | 189.6 | 233.7 | 431.7 | 243.7 | 208.4 |
| Public School Enrollment Rate, 1975 | 188.2 | 210.3 | 454.6 | 238.0 | 188.9 |
| Number of Physicians (Rate), 1975 | 256.7 | 156.4 | 223.3 | 242.1 | 159.0 |
| Number of Hospital Beds (Rate), 1975 | 807.9 | 645.6 | 633.9 | 1483.8 | 240.2 |
| Per Capita, 1974 | 4903 | 4003 | 4275 | 5265 | 4310 |
| Public Assistance Recipients: Total (Rate), 1976 | 67.8 | 40.4 | N.A. | 29.9 | 30.5 |
| Children (Rate), 1976 | 47.4 | 27.3 | N.A. | 20.8 | 20.2 |
| Mean \$ Per Family, 1976 | 344 | 321 | N.A. | 370 | 362 |
| Per Capita Dollars in Bank Deposits, 1976 | 10912 | 3367 | 5693 | 2911 | 4076 |
| Housing: Percent One Unit Structures, 1970 | 40.3 | 67.6 | 8.8 | 70.5 | 53.1 |
| Percent Owner Occupied, 1970 | 47.3 | 70.8 | 24.0 | 70.4 | 59.1 |
| Percent 1.01+ People Per Room, 1970 | 7.3 | 4.9 | 11.3 | 5.7 | 3.6 |
| General Revenue Per Capita, 1972 | 923 | 599 | N.A. | 786 | 661 |
| From Federal Govt. (Percent), 1972 | 5.1 | 1.3 | N.A. | 5.9 | 1.1 |
| Property Taxes (Per Capita), 1972 | 289 | 165 | N.A. | 429 | 200 |
| General Expenditures (Total) Per Capita, 1972 | 982 | 617 | N.A. | 879 | 623 |
| (Less Capital Exp.) Per Capita, 1972 | 840 | 561 | N.A. | 791 | 632 |
| Education (Percent), 1972 | 34.8 | 46.5 | N.A. | 58.1 | 45.4 |
| Public Welfare (Percent), 1972 | 18.5 | 15.4 | N.A. | 9.5 | 13.0 |
| Health and Hospitals (Percent), 1972 | 8.6 | 2.9 | N.A. | 4.2 | 13.8 |
| General Debt Outstanding Per Capita, 1972 | 969 | 492 | N.A. | 1093 | 469 |
| Crime Index Rate, 1975 | 5650 | 4241 | N.A. | 3824 | 4921 |
| Robbery (Per 100,100 Population), 1975 | 517 | 59.8 | N.A. | 69.3 | 46.6 |
| Aggregated Assault (Per 100,000 Population), 1975 | 302 | 89.7 | N.A. | 136.6 | 77.7 |
| Burglary-Breaking or Entering (Per 100,000), 1975 | 1671 | 962.4 | N.A. | 1037.4 | 1335.0 |
| Motor Vehicle Theft, 1975 | 643 | 123.5 | N.A. | 258.8 | 297.6 |
| Police Officers (Per 100,000 Population), 1975 | 291 | 160.4 | N.A. | 200.7 | 174.5 |

* ALL RATES ARE PER 1,000 POPULATION UNLESS OTHERWISE SPECIFIED

TABLE 2. FREQUENCY AND PERCENTAGE DISTRIBUTIONS
BY TYPE OF CASE FOR ALL COUNTIES

| Description | Frequency | Percentage |
|--------------|-----------|------------|
| P.I.N.S. | 128 | 23.5 |
| Delinquency | 360 | 66.0 |
| Non-response | 57 | 10.5 |
| Total | 545 | 100.0 |

TABLE 3. AGE BY SEX DISTRIBUTION FOR ALL COUNTIES

| Age of Respondent | Sex of Respondent | | |
|-------------------|-------------------|--------|-------|
| | Male | Female | Total |
| 12 and Under | | | |
| Frequency | 38 | 5 | 43 |
| Percentage | 10.8 | 7.4 | 10.3 |
| 13 | | | |
| Frequency | 36 | 7 | 43 |
| Percentage | 10.3 | 10.3 | 10.3 |
| 14 | | | |
| Frequency | 78 | 19 | 97 |
| Percentage | 22.2 | 27.9 | 23.1 |
| 15 | | | |
| Frequency | 160 | 24 | 184 |
| Percentage | 45.6 | 35.3 | 43.9 |
| 16 and Over | | | |
| Frequency | 39 | 13 | 52 |
| Percentage | 11.1 | 19.1 | 12.4 |
| TOTAL | | | |
| Frequency | 351 | 68 | 419 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 4. DETENTION AT START OF HEARING BY DETENTION
AT END OF HEARING FOR ALL COUNTIES

| Detention at Start of Hearing | Detention at End of Hearing | | |
|----------------------------------|-----------------------------|-------------|-------|
| | Secured | Non-Secured | Total |
| Frequency | 8 | 5 | 13 |
| Secured Detention | | | |
| Percentage | 57.1 | 11.6 | 22.8 |
| Frequency | 6 | 38 | 44 |
| Non-secured Detention | | | |
| Percentage | 42.9 | 88.4 | 77.2 |
| Frequency | 14 | 43 | 57 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 5. PETITIONER BY TYPE OF CASE FOR ALL COUNTIES

| Petitioner | TYPE OF CASE | | |
|----------------------------|--------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Frequency | 49 | 35 | 84 |
| Parent, Relative, Guardian | | | |
| Percentage | 46.6 | 11.5 | 20.6 |
| Frequency | 21 | 176 | 197 |
| Police | | | |
| Percentage | 20.0 | 58.1 | 48.3 |
| Frequency | 25 | 10 | 35 |
| School | | | |
| Percentage | 23.8 | 3.3 | 8.6 |
| Frequency | 5 | 72 | 77 |
| Citizen | | | |
| Percentage | 4.8 | 23.8 | 18.8 |
| Frequency | 5 | 10 | 15 |
| Public/Private Agency | | | |
| Percentage | 4.8 | 3.3 | 3.7 |
| Frequency | 105 | 303 | 408 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 6. LEGAL REPRESENTATION FOR PETITIONER BY TYPE OF CASE
FOR ALL COUNTIES

| | T Y P E O F C A S E | | |
|----------------------------------|-------------------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Legal Representation: Petitioner | | | |
| Frequency | 71 | 267 | 338 |
| Assistant Corporation Counsel | | | |
| Percentage | 73.2 | 85.6 | 82.7 |
| Private Counsel | | | |
| Frequency | 5 | 9 | 14 |
| Percentage | 5.1 | 2.9 | 3.4 |
| No Counsel Assigned | | | |
| Frequency | 12 | 10 | 22 |
| Percentage | 12.4 | 3.2 | 5.4 |
| Court Appointed Counsel | | | |
| Frequency | 3 | 13 | 16 |
| Percentage | 3.1 | 4.2 | 3.9 |
| Assistant District Attorney | | | |
| Frequency | 4 | 8 | 12 |
| Percentage | 4.1 | 2.5 | 2.9 |
| Counsel Absent | | | |
| Frequency | 2 | 5 | 7 |
| Percentage | 2.1 | 1.6 | 1.7 |
| TOTAL | | | |
| Frequency | 97 | 312 | 409 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 7. LEGAL REPRESENTATION FOR RESPONDENT BY TYPE OF CASE
FOR ALL COUNTIES

| Legal representation for Respondent | T Y P E O F C A S E | | |
|--|---------------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Law Guard/Legal Aid | Frequency | 107 | 269 |
| | Percentage | 89.9 | 80.3 |
| Assigned Counsel | Frequency | 6 | 30 |
| | Percentage | 5.1 | 9.0 |
| Private Counsel | Frequency | 3 | 31 |
| | Percentage | 2.5 | 9.2 |
| No Counsel Assigned | Frequency | 3 | 2 |
| | Percentage | 2.5 | 0.6 |
| Counsel Absent | Frequency | 0 | 3 |
| | Percentage | 0.0 | 0.9 |
| TOTAL | Frequency | 119 | 335 |
| | Percentage | 100.0 | 100.0 |

TABLE 8. DETENTION AT START OF HEARING BY TYPE OF CASE
FOR ALL COUNTIES

| Detention at Start of Hearing | T Y P E O F C A S E | | |
|----------------------------------|---------------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Secured Detention | Frequency | 6 | 22 |
| | Percentage | 22.2 | 44.0 |
| Non-secured Detention | Frequency | 21 | 28 |
| | Percentage | 77.8 | 56.0 |
| TOTAL | Frequency | 27 | 50 |
| | Percentage | 100.0 | 100.0 |

TABLE 9. PLACEMENT AT START OF HEARING BY TYPE OF CASE FOR
ALL COUNTIES

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: Start of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 7 | 7 | 14 |
| | Percentage | 7.0 | 2.5 | 3.7 |
| Long-term DFY | Frequency | 4 | 7 | 11 |
| | Percentage | 4.0 | 2.5 | 2.9 |
| Short-term DSS | Frequency | 11 | 14 | 25 |
| | Percentage | 11.0 | 4.9 | 6.5 |
| Long-term DSS | Frequency | 3 | 6 | 9 |
| | Percentage | 3.0 | 2.1 | 2.3 |
| Short-term Private Agency | Frequency | 3 | 3 | 6 |
| | Percentage | 3.0 | 1.1 | 1.6 |
| Long-term Private Agency | Frequency | 3 | 6 | 9 |
| | Percentage | 3.0 | 2.1 | 2.3 |
| With Supervision - Custody | Frequency | 37 | 87 | 124 |
| | Percentage | 37.0 | 30.7 | 32.4 |
| Without Supervision - Custody | Frequency | 32 | 153 | 185 |
| | Percentage | 32.0 | 54.1 | 48.3 |
| TOTAL | Frequency | 100 | 283 | 383 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 10. DETENTION AT END OF HEARING BY TYPE OF CASE
FOR ALL COUNTIES

| Detention at End of Hearing | T Y P E O F C A S E | | |
|--------------------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Secured Detention | Frequency | 2 | 18 |
| | Percentage | 6.7 | 35.3 |
| Non-secured Detention | Frequency | 28 | 33 |
| | Percentage | 93.3 | 64.7 |
| TOTAL | Frequency | 30 | 51 |
| | Percentage | 100.0 | 100.0 |

TABLE 11. PLACEMENT AT END OF HEARING BY TYPE OF CASE FOR
ALL COUNTIES

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: End of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 5 | 11 | 16 |
| | Percentage | 5.3 | 4.3 | 4.5 |
| Long-term DFY | Frequency | 6 | 6 | 12 |
| | Percentage | 6.3 | 2.3 | 3.4 |
| Short-term DSS | Frequency | 13 | 11 | 24 |
| | Percentage | 13.7 | 4.3 | 6.8 |
| Long-term DSS | Frequency | 6 | 14 | 20 |
| | Percentage | 6.3 | 5.4 | 5.7 |
| Short-term Private Agency | Frequency | 1 | 0 | 1 |
| | Percentage | 1.0 | 0.0 | 0.3 |
| Long-term Private Agency | Frequency | 5 | 8 | 13 |
| | Percentage | 5.3 | 3.1 | 3.7 |
| With Supervision - Custody | Frequency | 44 | 132 | 176 |
| | Percentage | 46.3 | 51.2 | 49.8 |
| Without Supervision - Custody | Frequency | 15 | 76 | 91 |
| | Percentage | 15.8 | 29.4 | 25.8 |
| TOTAL | Frequency | 95 | 258 | 353 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 12. DURATION OF CASE BY TYPE OF CASE FOR ALL COUNTIES

| Duration of Case | T Y P E O F C A S E | | |
|---------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Less Than 5 Minutes | Frequency | 27 | 87 |
| | Percentage | 23.5 | 26.0 |
| 5 to 10 Minutes | Frequency | 45 | 131 |
| | Percentage | 39.1 | 39.1 |
| 11 to 15 Minutes | Frequency | 29 | 52 |
| | Percentage | 25.2 | 15.5 |
| 16 to 30 Minutes | Frequency | 13 | 35 |
| | Percentage | 11.3 | 10.4 |
| 31 to 60 Minutes | Frequency | 0 | 14 |
| | Percentage | 0.0 | 4.2 |
| Over 60 Minutes | Frequency | 1 | 16 |
| | Percentage | 0.9 | 4.8 |
| TOTAL | Frequency | 115 | 335 |
| | Percentage | 100.0 | 100.0 |

LOCAL REPORTS

I. CHEMUNG COUNTY REPORT

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I. Introduction

Observation of Family Court proceedings in Chemung County began in late November 1978 and continued through the second week of January 1979 under the auspices of the Fund for Modern Courts, Inc. The two month monitoring project was sponsored by the State Office of Court Administration and was funded by a grant from the Division of Criminal Justice Services.

The goals of the Chemung County project were to educate the community about the Family Court, provide a presence of concerned citizens in the courtroom, initiate a dialogue between citizens and various agencies and personnel concerned with the operation of the court, and formulate recommendations for improvements in the Family Court system.

Citizen volunteers observed proceedings in all areas of Family Court jurisdiction; however, as the primary focus of the project was juvenile delinquency and Persons in Need of Supervision (PINS) cases, quantitative and qualitative data refers only to these types of cases. Monitors also noted the overall functioning of the court and reported on case processing, court procedures, treatment and placement of children, condition of the court facilities and conduct of the judge and court personnel.

II. Summary of Recommendations

1. The Office of Court Administration should negotiate a new contract as soon as possible with the Family Court staff to clarify and reclassify job descriptions where necessary.

2. Persons acting as court reporters should be classified as such and should be relieved of extraneous duties which prevent them from transcribing court proceedings within a reasonable length of time.

3. The Office of Court Administration should provide a part-time judge in order to alleviate the heavy case-load in Family Court.

4. A security guard should be present at all times when court is in session.

5. An information center staffed by volunteers to provide general assistance to those persons seeking services in the building should be established. Chairs should be provided in the hallways and a toll-free telephone for calling taxis should be installed. A room adequately equipped for the care of small children should be established.

6. A non-secure juvenile detention facility should be established in the county.

7. Family Court should be moved to more adequate facilities. The relocation of the Family Court to the Steele Memorial Library, which is in close proximity to the present Family Court and other local and county buildings, is suggested.

III. Summary of Statistical Data* on Cases Observed

Monitors observed a total of 42 juvenile delinquency and PINS cases during the two month period from late November 1978 through the second week of January 1979. Of these cases, determination of the actual type of case could only be made for 26 cases. For these 26 cases, 42% (11) were PINS and 58% (15) were juvenile delinquency cases.

In the 42 cases observed, the majority of the respondents were male. In terms of age 26% were under 14 years old, 55% were 14 or 15 years old and 19% were 16 or over. As may be observed from Table 3 in the appendix, males appear to become involved in the court system at an earlier age than females, but also have a lower involvement in the later years.

Almost two-thirds of the cases observed were processed in under 10 minutes. There were, however, substantial differences between the length of hearings for juvenile delinquency and PINS cases. It is clear from Table 12 that less time was spent on juvenile delinquency cases (87% were heard in less than 10 minutes) than the PINS cases (36% were heard in less than 10 minutes).

The police were the petitioner in all of the juvenile delinquency cases observed; in the PINS cases observed the school was the petitioner in half of the cases, followed by parents and the police (See Table 5).

The Assistant County Attorney represented the petitioner (police) in all of the juvenile delinquency cases observed, but represented the petitioner in only 57% of the PINS cases observed (See Table 6). Respondents were represented by law guardians (assigned counsel) in all of the PINS and juvenile delinquency cases observed.

In the cases observed, few respondents were placed with a private agency or short-term Division for Youth (DFY) facility. Some respondents were placed in long-term DFY or Department of Social Services (DSS) facilities. The most common placement was with the parents, relative or guardian. This type of placement was utilized to a much greater extent for juvenile delinquency cases than for PINS cases (See Tables 9 and 11).

* Statistical figures are rounded off to the nearest 10th.

IV. Findings and Recommendations

A. Organization and Staffing

1. Judicial Staffing

Chemung County has one full-time Family Court judge and had, until recently, one part-time Family Court judge to help relieve the heavy caseload. This part-time judge was transferred from Chemung County to another county. Additional help has been requested from the Office of Court Administration in order to alleviate the heavy caseload.

The support staff consists of six persons--four secretaries, one petition clerk and one receptionist. The judge does not have a personal secretary but uses one of the four court secretaries when necessary. The four secretaries, on a rotating basis, act as the court reporter, recording all testimony and then transcribing the testimony into reports. The judge requires that all testimony be transcribed. All but one of the secretaries, who uses the stenograph machine, take short-hand notes of the testimony. In addition to their duties as court reporters, each secretary has one other major responsibility. Since the personnel were incorporated into the state system in 1977 the secretaries have been working without a contract. Their county contract was not renewed and a new one with the state has not yet been negotiated. The secretaries feel this has left them in an unfair position in regard to their job classifications.

The petition clerk also acts as a court assistant, processing papers for service and handling all statistical reports for the court.

The monitors questioned the efficiency of the court reporters taking testimony by shorthand rather than with a stenograph machine; the monitors noted that some dialogue seemed to be missed during a court proceeding. Monitors also indicated that secretaries, because of their other duties, were unable to transcribe notes into typed reports within a reasonable length of time.

2. Legal Services

The Assistant County Attorney represented the petitioner (police) in all juvenile delinquency cases observed and represented the petitioner (school, parents and police) in PINS cases.

Monitors noted that respondents were always represented by a law guardian. These law guardians are attorneys in private practice who are assigned by the court. Although the judge showed one monitor a list of more than twenty lawyers available to serve as law guardians, monitors only saw

the same three attorneys appear in court. Monitors did feel that the quality of representation provided by these law guardians as well as by the assistant county attorneys appeared to be good; also monitors felt that both were well prepared for their cases.

3. Security

Monitors observed that there is little or no security at the court. A buzzer on the waiting room door alerts the staff when someone is entering, but there is nothing to prevent someone from entering the courtroom from the waiting room. There seems to be no officer responsible for maintaining security in the courtroom. Monitors were told that the judge requests someone from the Deputy Sheriff's Office next door if he feels a case may be potentially threatening. The monitors felt that because of the emotional excitement and intensity of many of the cases witnessed any case could become a potentially dangerous one. The monitors felt that a uniformed security officer should be stationed either in the courtroom or the waiting area.

Recommendations

1. The Office of Court Administration should negotiate a new contract as soon as possible with the Family Court staff to clarify and reclassify job descriptions where necessary.
2. Persons acting as court reporters should be classified as such and should be relieved of extraneous duties which prevent them from transcribing court proceedings within a reasonable length of time.
3. The Office of Court Administration should provide a part-time judge in order to alleviate the heavy case-load in Family Court.
4. A security guard should be present at all times when court is in session.

B. Ancillary Services

Interpreters

Monitors observed no cases in which the participants did not speak or understand English. The monitors were told, however, that interpreters were available if needed.

C. Court Procedures and Case Processing

1. General

a. Calendars and Procedures

Monitors observed that the court calendaring procedures seemed quite efficient. Cases were scheduled every fifteen minutes. On the days juvenile delinquency and PINS cases were heard, the secretary alternated fact-finding and dispositional hearings when possible for increased efficiency. Also, while the judge was hearing one case, the law guardian met with his client for the next case, eliminating unnecessary delays between cases. This manner of scheduling eliminated congestion in the small waiting room and no one waited any extensive length of time. The law guardian or probation officer indicated when the parties were to enter the courtroom and announced the probable length and reason for delays when they occurred.

b. Sessions

Family Court sessions begin at 9:00 a.m. and 1:30 p.m. and usually break about noon and 5:00 p.m. respectively. The judge has a heavy caseload but monitors observed that he did not attempt to rush through cases in order to clear the docket.

c. Adjournments and Delays

Monitors observed very few adjournments and delays.

2. Status of Respondents--Beginning and End of Hearing

In the cases observed no respondent was placed with a private agency or short term Division for Youth (DFY) facility. Some respondents were placed in long term DFY or Department of Social Services (DSS) facilities. The most common placement was with the parent, relative, etc. This type of placement was utilized to a much greater extent for juvenile delinquency cases than for PINS cases.

3. Hearings--Juvenile Delinquency and PINS Cases

Monitors observed a total of 42 cases during the two and a half month period from November 1978 through January 1979. Of the 42 cases observed, determination of the actual type of case could only be made for 26 cases. For these 26 cases, 42% (11) were PINS and 58% (15) were juvenile delinquency.

In the 42 cases observed, 76% (32) of the respondents were male; 24% (10) were female. In terms of age, 26% were under 14 years old, 55% were 14 or 15 years old and 19% were 16 or over. As may be observed from Table 3 in the appendix, males appear to become involved in the court system at an earlier age than females, but also have a lower involvement in the later years.

Also two-thirds of the cases observed (65.3%) were processed in under 10 minutes. There were substantial differences between the length of hearings for PINS and juvenile delinquency cases. It is clear from Table 12 that less time is spent on juvenile delinquency cases (87% were heard in less than 10 minutes) than PINS cases (36% were heard in less than 10 minutes).

4. Explanation of Rights

Monitors observed that the judge always read the respondent's rights at the start of a fact-finding hearing. However, in many cases monitors questioned whether the respondent understood the serious nature of the allegations and whether the respondent and relatives understood the nature of the court proceedings. One case was observed in which the mother of the respondent became quite upset after her daughter's fact-finding hearing. She did not understand that her daughter would be coming back for another hearing at which the judge would decide the outcome of the case. The monitors observed the law guardian trying to explain to the mother the difference between fact-finding and dispositional hearings.

The monitors were impressed with the concern the judge conveyed to each respondent. While not diminishing the seriousness of the act, he let each child know that he cared about what happened to him or her and would do what he felt was best for the child's welfare. The monitors noted that the judge often spoke to the parents, showing an interest in their situation as well. His language and explanations were generally understandable.

D. Local Issues

Monitors felt it would be helpful to have a central information booth staffed by volunteers to provide general assistance for everyone seeking services in the building. It was felt that the information booth should have someone available for "one-to-one" contact with citizens. As monitors also felt that many citizens seemed to be confused by court proceedings, they suggested that a simple booklet be made available for distribution.

Monitors felt that chairs should be provided for

people waiting in the building and that establishing a room for the care of young children be considered.

The need for a non-secure detention facility in the county was repeatedly expressed. Monitors observed one case where two boys awaiting appearance in Family Court were involved in another incident which could have been avoided had the youths been placed in a non-secure detention facility. The monitors recognize that such a facility is needed in Chemung County and urged that the present efforts to obtain funding for a non-secure detention facility be continued.

Recommendations

5. An information booth staffed by volunteers to provide general assistance to those persons seeking services in the building should be established. Chairs should be provided in the hallways and a toll-free telephone for calling taxis should be installed. A room adequately equipped for the care of small children should be established.

6. A non-secure juvenile detention facility should be established in the county.

E. Physical Facilities

The building which houses the Family Court also houses the Department of Social Services and the juvenile services of the Probation Department.

Monitors felt that the Family Court suffered from a lack of space. The waiting room is very small and can only seat about six persons. The entrance and hallways of the building are always filled with people who cannot be accommodated in other offices. There is one small room off of the waiting room for conferences between a law guardian and his/her client. One monitor reported having to leave the courtroom so that a law guardian could meet with a client when the other room was occupied. Monitors felt that the court offices are crowded and too small. They also indicated that storage space in the offices is inadequate.

Parking facilities in the immediate area of the building present a major problem.

Recommendation

7. Family Court should be moved to adequate facilities. The relocation of Family Court in the Steele Memorial Library, which is in close proximity to the present Family Court and other local and county buildings, is suggested.

V. Methodology

1. Recruitment and Training of Volunteers

Volunteers were recruited and trained during October and November 1978. Volunteers came from different backgrounds, were a variety of ages, and were of both sexes. The League of Women Voters and Retired Senior Volunteer Program helped tremendously in the effort to recruit volunteers. Local newspaper and television stations were utilized for recruitment of volunteers as well. The local Volunteer Recruitment Center also assisted in the effort.

Volunteers were asked for a commitment of one-half day per week, and many gave much more of their time.

2. Training

The first training session between the local coordinator and the volunteers consisted of a review of the goals of the project and provided information about the Fund for Modern Courts, Inc. The project director also met with the local coordinator and advisory board, some of whom were also monitors.

A second training session included talks by the Family Court judge, a representative from the Probation Department, the Assistant County Attorney, and representatives from a local group home.

A third session was held to explain the terminology and to discuss the collection of data and the method of recording it on the monitoring forms.

In addition, monitors and advisory board members met throughout the course of the project to discuss findings and problems.

Members of the local advisory board were:

| | |
|------------------|--|
| Gordon Hills | Youth Director, Elmira Neighborhood House |
| Janna Keser | Former co-president, League of Women Voters |
| Ed Marosek | Executive Director, Elmira Glove House |
| Shirley Rand | Criminal justice instructor, Elmira College |
| Tom Santulli | Probation Officer |
| Lauren Schweizer | Task Force on Domestic Violence; League of Women Voters |

VI. Acknowledgements

The local coordinator would like to express her appreciation to the monitors and members of the local advisory board for their time and support throughout the course of the project. The coordinator, monitors and advisory board would like to acknowledge the cooperation of Family Court Judge Daniel Donahoe.

Although monitors were few in number, they were extremely dedicated and interested in the project. Monitors found the experience and knowledge they gained throughout the project to be well worth their time and efforts. Because of their limited knowledge of court procedures and terminology, the monitors are especially grateful to those members of the advisory board, and to court personnel, who took the time to further explain cases and procedures.

The monitors commented frequently on the fairness and compassion of the judge, and appreciated the time he often took to talk with them and answer their questions after a hearing.

The following is a list of the citizen monitors who made the project possible:

Marion Gibson

Janna Keser

Rosemary McGuier

Marty Naunas

Ralph Paltrowitz

The Chemung coordinator, Marion Gibson, may be reached at 1147 West Water Street, Elmira, New York 14905, (607) 733- 1635.

VII. TABLES

TABLE 1. DEMOGRAPHIC, ECONOMIC AND SOCIAL STATISTICS FOR CHEMUNG COUNTY

| DESCRIPTION | STATISTIC |
|---|-----------|
| Land Area (Total of 47,831 Square Miles) | .9 |
| Population of 18,075,487 (July 1, 1975) | .6 |
| Population Per Square Mile | 242 |
| Percent of Population Over 65 | 11.2 |
| Population Change, 1960 to 1970 | 2.9 |
| Population Change, 1970 to 1975 | -1.4 |
| Percent Urban Population, 1970 | 74.3 |
| Percent Black Population | 3.3 |
| Percent Foreign Stock Population, 1970 | 12.1 |
| Birth Rate: 1970 * | 17.5 |
| 1975 | 13.2 |
| Death Rate: 1970 | 10.8 |
| 1975 | 9.5 |
| Marriage Rate: 1970 | 10.2 |
| 1975 | 9.3 |
| Divorce Rate: 1970 | 3.2 |
| 1975 | 4.2 |
| Public School Enrollment Rate, 1970 | 233.7 |
| 1975 | 210.3 |
| Number of Physicians (Rate), 1975 | 156.4 |
| Number of Hospital Beds (Rate), 1975 | 645.6 |
| Per Capita, 1974 | 4003 |
| Public Assistance Recipients: Total (Rate), 1976 | 40.4 |
| Children (Rate), 1976 | 27.3 |
| Mean \$ Per Family, 1976 | 321 |
| Per Capita Dollars in Bank Deposits, 1976 | 3367 |
| Housing: Percent One Unit Structures, 1970 | 67.6 |
| Percent Owner Occupied, 1970 | 70.8 |
| Percent 1.01+ People Per Room, 1970 | 4.9 |
| General Revenue Per Capita, 1972 | 599 |
| From Federal Govt. (Percent), 1972 | 1.3 |
| Property Taxes (Per Capita), 1972 | 165 |
| General Expenditures (Total) Per Capita, 1972 | 617 |
| (Less Capital Exp.) Per Capita, 1972 | 561 |
| Education (Percent), 1972 | 46.5 |
| Public Welfare (Percent), 1972 | 15.4 |
| Health and Hospitals (Percent), 1972 | 2.9 |
| General Debt Outstanding Per Capita, 1972 | 492 |
| Crime Index Rate, 1975 | 4241 |
| Robbery (Per 100,100 Population), 1975 | 59.8 |
| Aggregated Assault (Per 100,000 Population), 1975 | 89.7 |
| Burglary-Breaking or Entering (Per 100,000), 1975 | 962.4 |
| Motor Vehicle Theft, 1975 | 123.5 |
| Police Officers (Per 100,000 Population), 1975 | 160.4 |

*ALL RATES ARE PER 1,000 POPULATION UNLESS OTHERWISE SPECIFIED

TABLE 2. FREQUENCY AND PERCENTAGE DISTRIBUTIONS
BY TYPE OF CASE FOR CHEMUNG COUNTY

| Description | Frequency | Percentage |
|--------------|-----------|------------|
| P.I.N.S. | 11 | 26.2 |
| Delinquency | 15 | 35.7 |
| Non-response | 16 | 38.1 |
| Total | 42 | 100.0 |

TABLE 3. AGE BY SEX DISTRIBUTION FOR CHEMUNG COUNTY

| Age of Respondent | Sex of Respondent | | Total |
|-------------------|-------------------|--------|-------|
| | Male | Female | |
| 12 and Under | | | |
| Frequency | 6 | 1 | 7 |
| Percentage | 18.8 | 10.0 | 16.7 |
| 13 | | | |
| Frequency | 4 | 0 | 4 |
| Percentage | 12.5 | 0.0 | 9.5 |
| 14 | | | |
| Frequency | 12 | 4 | 16 |
| Percentage | 37.5 | 40.0 | 38.1 |
| 15 | | | |
| Frequency | 5 | 2 | 7 |
| Percentage | 15.6 | 20.0 | 16.7 |
| 16 and Over | | | |
| Frequency | 5 | 3 | 8 |
| Percentage | 15.6 | 30.0 | 19.0 |
| TOTAL | | | |
| Frequency | 32 | 10 | 42 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 4. DETENTION AT START OF HEARING BY DETENTION
AT END OF HEARING FOR CHEMUNG COUNTY

| Detention at Start of Hearing | Detention at End of Hearing | | |
|----------------------------------|-----------------------------|-------------|-------|
| | Secured | Non-Secured | Total |
| Secured Detention | | | |
| Frequency | 0 | 1 | 1 |
| Percentage | 0.0 | 33.3 | 33.3 |
| Non-secured Detention | | | |
| Frequency | 0 | 2 | 2 |
| Percentage | 0.0 | 66.7 | 66.7 |
| TOTAL | | | |
| Frequency | 0 | 3 | 3 |
| Percentage | 0.0 | 100.0 | 100.0 |

TABLE 5. PETITIONER BY TYPE OF CASE FOR CHEMUNG COUNTY

| Petitioner | TYPE OF CASE | | |
|----------------------------|--------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Parent, Relative, Guardian | | | |
| Frequency | 2 | 0 | 2 |
| Percentage | 20.0 | 0.0 | 8.0 |
| Police | | | |
| Frequency | 2 | 15 | 17 |
| Percentage | 20.0 | 100.0 | 68.0 |
| School | | | |
| Frequency | 5 | 0 | 5 |
| Percentage | 50.0 | 0.0 | 20.0 |
| Citizen | | | |
| Frequency | 1 | 0 | 1 |
| Percentage | 10.0 | 0.0 | 4.0 |
| Public/Private Agency | | | |
| Frequency | 0 | 0 | 0 |
| Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | | | |
| Frequency | 10 | 15 | 25 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 6. LEGAL REPRESENTATION FOR PETITIONER BY TYPE OF CASE
FOR CHEMUNG COUNTY

| | | T Y P E O F C A S E | | |
|----------------------------------|------------|---------------------|-------------|-------|
| Legal Representation: Petitioner | | P.I.N.S. | Delinquency | Total |
| Assistant County Attorney | Frequency | 4 | 13 | 17 |
| | Percentage | 57.1 | 100.0 | 85.0 |
| Private Counsel | Frequency | 2 | 0 | 2 |
| | Percentage | 28.6 | 0.0 | 10.0 |
| No Counsel Assigned | Frequency | 1 | 0 | 1 |
| | Percentage | 14.3 | 0.0 | 5.0 |
| Court Appointed Counsel | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Assistant District Attorney | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Counsel Absent | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 7 | 13 | 20 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 7. LEGAL REPRESENTATION FOR RESPONDENT BY TYPE OF CASE
FOR CHEMUNG COUNTY

| Legal representation for Respondent | T Y P E O F C A S E | | |
|--|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Law Guardian | Frequency | 11 | 15 |
| | Percentage | 100.0 | 100.0 |
| Assigned Counsel | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Private Counsel | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| No Counsel Assigned | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Counsel Absent | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| TOTAL | Frequency | 11 | 15 |
| | Percentage | 100.0 | 100.0 |

TABLE 8. DETENTION AT START OF HEARING BY TYPE OF CASE
FOR CHEMUNG COUNTY

| Detention at Start of Hearing | T Y P E O F C A S E | | |
|----------------------------------|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Secured Detention | Frequency | 0 | 2 |
| | Percentage | 0.0 | 50.0 |
| Non-secured Detention | Frequency | 0 | 2 |
| | Percentage | 0.0 | 50.0 |
| TOTAL | Frequency | 0 | 4 |
| | Percentage | 0.0 | 100.0 |

TABLE 9. PLACEMENT AT START OF HEARING BY TYPE OF CASE FOR
CHEMUNG COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: Start of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term DFY | Frequency | 1 | 1 | 2 |
| | Percentage | 9.1 | 7.1 | 8.0 |
| Short-term DSS | Frequency | 1 | 0 | 1 |
| | Percentage | 9.1 | 0.0 | 4.0 |
| Long-term DSS | Frequency | 1 | 2 | 3 |
| | Percentage | 9.1 | 14.3 | 12.0 |
| Short-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| With Supervision - Custody | Frequency | 8 | 11 | 19 |
| | Percentage | 72.7 | 78.6 | 76.0 |
| Without Supervision - Custody | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 11 | 14 | 25 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 10. DETENTION AT END OF HEARING BY TYPE OF CASE
FOR CHEMUNG COUNTY

| Detention at End of Hearing | T Y P E O F C A S E | | |
|--------------------------------|-------------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Secured Detention | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Non-secured Detention | Frequency | 1 | 3 |
| | Percentage | 100.0 | 100.0 |
| TOTAL | Frequency | 1 | 3 |
| | Percentage | 100.0 | 100.0 |

TABLE 11. PLACEMENT AT END OF HEARING BY TYPE OF CASE FOR
CHEMUNG COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|-------------------------|-------|-------|
| Placement: End of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term DFY | Frequency | 2 | 1 | 3 |
| | Percentage | 20.0 | 8.3 | 13.6 |
| Short-term DSS | Frequency | 3 | 2 | 5 |
| | Percentage | 30.0 | 16.7 | 22.7 |
| Long-term DSS | Frequency | 1 | 1 | 2 |
| | Percentage | 10.0 | 8.3 | 9.1 |
| Short-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| With Supervision - Custody | Frequency | 4 | 8 | 12 |
| | Percentage | 40.0 | 66.7 | 54.6 |
| Without Supervision - Custody | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 10 | 12 | 22 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 12. DURATION OF CASE BY TYPE OF CASE FOR CHEMUNG COUNTY

| Duration of Case | T Y P E O F C A S E | | |
|---------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Less Than 5 Minutes | Frequency | 2 | 1 |
| | Percentage | 18.2 | 6.7 |
| 5 to 10 Minutes | Frequency | 2 | 12 |
| | Percentage | 18.2 | 80.0 |
| 11 to 15 Minutes | Frequency | 4 | 2 |
| | Percentage | 36.3 | 13.3 |
| 16 to 30 Minutes | Frequency | 2 | 0 |
| | Percentage | 18.2 | 0.0 |
| 31 to 60 Minutes | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Over 60 Minutes | Frequency | 1 | 0 |
| | Percentage | 9.1 | 0.0 |
| TOTAL | Frequency | 11 | 15 |
| | Percentage | 100.0 | 100.0 |

II. KINGS COUNTY REPORT

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I. Introduction

In November 1978 citizen volunteers, under the auspices and guidance of the Fund for Modern Courts, Inc., began a two month monitoring effort in Kings County Family Court. The project was sponsored by the State Office of Court Administration and funded by a grant from the Division of Criminal Justice Services.

The goals of the project were to educate citizens about the Family Court, provide a presence of concerned citizens in the courtroom, initiate a dialogue between citizens and the judiciary and court personnel, and formulate recommendations to improve the Family Court system.

Citizens observed juvenile delinquency and Persons in Need of Supervision (PINS) proceedings and collected quantitative and qualitative data pertaining to the processing and disposition of these cases. In addition, monitors observed and commented on the overall operation of the court, including case processing, court procedures, treatment and placement of children, condition of the court facilities, and the conduct of judges and court personnel.

II. Summary of Recommendations

1. The Deputy Administrative Judge of the Family Court should make additional efforts to assign sufficient judges for each court part so that one judge is not required to cover two court parts.

2. All judges should be aware of decorum and organization in their courtrooms and should make every effort to maintain a dignified and orderly atmosphere.

3. Judges should impose sanctions upon attorneys who are consistently late or unprepared for hearings.

4. Efforts should be made by all attorneys to meet with their clients prior to all hearings in order to adequately prepare their cases.

5. The Office of Court Administration should investigate the security problems in the Brooklyn Family Court and provide additional personnel in all areas of the building.

6. Security measures, such as carefully screening all persons entering the building, should be implemented and strictly adhered to by court officers.

7. A study should be made investigating possible methods by which police appearances in Family Court could be made more efficient in terms of time and cost.

8. In order to assure better security in the Brooklyn Family Court, a security desk should be located near the elevators on the first floor.

9. In order to insure high quality and performance, interpreters should be carefully screened for ability, language arts and knowledge of legal terminology and should be closely supervised.

10. The present method of case scheduling for the all-purpose parts should be re-evaluated and consideration should be given to implementing a split-calendaring procedure.

11. Judges should impose sanctions upon all participants including court personnel, who, through tardiness, cause delays.

12. The Assistant Administrative Judge of the Brooklyn Family Court should make efforts to insure that sessions convene on time.

13. When it is known in advance that a case will be adjourned, all participants should be notified prior to

the next hearing date. The use of a telephone alert system should be explored for this purpose so as to alleviate some of the delays and adjournments.

14. Investigation should be made into the possibility of establishing a facility in the metropolitan area for respondents in both juvenile delinquency and PINS cases, who need close supervision and counseling.

15. Judges should make every effort to read and explain charges to respondents at the beginning of each hearing and consistently explain the rights of all participants throughout each hearing. Also, judges should make additional efforts to explain the ramifications of their decisions and to insure that the people involved fully understand the type and purpose of placement ordered for the juvenile respondent.

16. Existing facilities in the Brooklyn Family Court should be remodeled to provide separate detention areas for violent and non-violent, male and female adults and juveniles and separate waiting areas for petitioners and respondents.

17. The court building should be painted, and ceilings and walls should be re-plastered. In addition, exterminator services should be used on a regular basis.

18. Restroom facilities should be repaired and more adequately maintained. Adequate lighting should also be installed in these areas.

19. Bilingual court directories and directional signs should be posted throughout the court building.

III. Summary of Statistical Data*on Cases Observed

In Kings County a total of 260 cases were observed during the months of November and December 1978. Of these cases, the majority of the respondents were males (89%). However, only 18% of these respondents were under the age of 14, while 72% were either 14 or 15 years old as may be seen in Table 3. Females appear to be uniformly involved throughout the various age categories (between 13 and 16 years old) while males involved were clustered in the age category between 14 and 15 (See Table 3).

Of the 260 cases observed, a clear-cut delineation between PINS and juvenile delinquency cases could only be made for 230 cases (with 30 cases having to be excluded from the sample). Of these 230 cases, 23% were PINS and the remaining 77% juvenile delinquency (See Table 2). In 74% of the PINS cases observed the parents were the petitioners, with the remainder of these cases being brought by the police, the school system, individual citizens and public and/or private agencies. (See Table 5). For juvenile delinquency cases, the petitioner was generally either the police or private citizens. Parents were the petitioners in about 20% of the juvenile delinquency cases observed (See Table 5).

Petitioners were represented by Assistant Corporation Counsel in 74% of the juvenile delinquency and in almost half of the PINS cases observed. However, in over 1/3 of the PINS cases observed, the petitioner was not represented by counsel (See Table 6).

Respondents were primarily represented by Legal Aid (83% for PINS and 74% for juvenile delinquency cases observed).

Only 7% of the PINS and 6% of the juvenile delinquency hearings observed were 15 minutes or more; all of the PINS cases were heard in less than 30 minutes and only 3% of the juvenile delinquency cases were more than 30 minutes.

In the majority of both PINS and juvenile delinquency cases, placement of the respondent in the custody of the parent, relative, guardian, etc. was the most frequent placement, both at the beginning and end of hearings.

At the beginning of hearings, respondents in the PINS cases observed were almost equally placed either in short-term Department of Social Services (DSS) facilities or in the custody of the parent, relative, guardian, etc. without supervision. Respondents in the juvenile delinquency cases observed were primarily placed with the parent, relative, guardian, etc. (89%) with an insignificant number (6%) being

* Statistical figures are rounded off to the nearest 10th.

placed in short-term Department of Social Services (DSS), short-term Division for Youth (DFY) (3%) or other facilities (See Table 9). Few respondents were placed with private agencies and only about 3% of the respondents in both PINS and juvenile delinquency cases were placed in long-term facilities.

In the majority of both types of cases, placement of the respondent at the end of hearings in the custody of the parent, relative, etc. with supervision was the most prevalent, accounting for 62% of the PINS and 85% of the juvenile delinquency cases observed. In juvenile delinquency cases, other placements were primarily in a short-term DFY facility--a placement which was never used for PINS cases. Respondents in the PINS cases observed were often placed in short-term DSS facilities (21% of the observations) or sent to long-term DSS facilities (10%). No utilization was made of short-term private agencies in these cases. For several PINS cases, respondents were placed in long-term DFY and long-term private agencies (although this involved less than 7% of all PINS cases).

IV. Findings and Recommendations

A. Organization and Staffing

1. Judicial

There are seven hearing parts and two intake parts in the Brooklyn Family Court. Nine judges were assigned to the court for the month of November. However, during the month of December there were only seven judges sitting. This necessitated having two court parts covered by one judge. Monitors felt that this was an additional burden upon the judges as well as the citizens who were forced to spend time waiting for a court part to open. Monitors suggested that when there is a shortage of judicial personnel, judges from the other counties should be assigned to the Family Court.

Judges in the Brooklyn Family Court generally hear all parts of cases assigned to them. Monitors commended this practice as it provides continuity for both the court and the case participants.

In addition, monitors felt that the judges in the Brooklyn Family Court seemed to be familiar with the cases before them, well-versed in Family Law and procedures and genuinely concerned with the problems of the respondents and petitioners.

Several judges were praised by monitors for their ability to minimize delays and distractions during hearings. These judges actively insisted that case participants appear promptly and be prepared for the hearing, and that decorum be maintained at all times. However, monitors commented that some judges appeared to be unconcerned and lax about the decorum and organization in their courtrooms.

Recommendations

1. The Deputy Administrative Judge of the Family Court should make additional efforts to assign sufficient judges for each court part so that one judge is not required to cover two court parts.

2. All judges should be aware of decorum and organization in their courtrooms and should make every effort to maintain a dignified and orderly atmosphere.

2. Legal Services

The Legal Aid Society represents most children in juvenile delinquency, PINS (83% for PINS cases and 74% for juvenile delinquency cases observed) and abuse and neglect cases in the Brooklyn Family Court; the office of Corporation

Counsel, City of New York, represents petitioners in the majority of juvenile delinquency cases (except the more serious Designated Felony cases) and occasionally in PINS cases (74% for juvenile delinquency and 48% for PINS cases observed) when assigned by the court. In addition to these cases, Corporation Counsel handles Uniform Support of Dependents Law (USDL), paternity cases, foster care reviews and voluntary placement petitions. The 18-B attorneys (private practitioners assigned by the court) represent respondents in juvenile delinquency and PINS cases when Legal Aid cannot do so. These 18-B attorneys are also assigned to represent indigent petitioners or respondents in support, paternity, and abuse and neglect cases.

Monitors were distressed by frequent delays caused by Legal Aid, Corporation Counsel, and 18-B attorneys who appeared late for hearings. Many times attorneys were delayed because of scheduling conflicts. Several monitors observed a judge who was so exasperated by one 18-B attorney's failure to appear on time that he had the attorney dismissed and assigned another lawyer to the case on the spot. When the original 18-B attorney appeared one hour after the hearing had begun, the judge reprimanded him on the record. Monitors felt that judges should take such strong action more frequently.

Monitors were also dismayed by the frequent instances where counsel, particularly 18-B attorneys, had apparently either not had previous contact with clients or had only brief contact. Monitors felt that this seeming lack of preparation was unfair to clients and in addition was the cause of unnecessary delays and adjournments. It appeared that many 18-B attorneys were unconcerned about the cases in which they were involved and that insufficient time and effort were put into preparation of these cases. It was felt that many of the discussions which take place during hearings and are quite disruptive could be eliminated if attorneys had more previous communication with clients.

Monitors felt that the representation provided by Corporation Counsel was generally adequate. Corporation Counsel attorneys seemed to be well-organized and efficient, contrary to findings of the court monitoring report issued in February 1978. This improvement may be in part due to an increase in the number of Corporation Counsel attorneys assigned to the Brooklyn Family Court.

Monitors were often distressed by the apparent lack of preparation and familiarity with cases handled by some of the Legal Aid attorneys and observed that the Legal Aid attorneys often appeared to be meeting with clients for the first time on the day of the hearing.

Recommendations

3. Judges should impose sanctions upon attorneys who are consistently late or unprepared for hearings.

4. Efforts should be made by all attorneys to meet with their clients prior to all hearings in order to adequately prepare their cases.

3. Security

Great concern was often expressed by monitors concerning the lack of adequate security in the Brooklyn Family Court.

Court officers stationed at the main entrance of the court were rarely seen inspecting parcels or handbags and generally did not stop or question anyone entering the building.

Several monitors observed a case during which the judge asked a woman if she was carrying any weapons. She opened her bag and showed a knife and a sharp can opener to the judge. Other monitors saw a young woman on whose behalf a petition was filed attacked by the young woman who was the respondent--five feet beyond the courtroom door, and in full view of court officers. This occurred just minutes after the case was completed.

Other violent incidents were observed by monitors both in the courtrooms and in the waiting areas, which were described by monitors as being "tension-filled" most of the time. There is no attempt made to keep petitioners and respondents separated from one another in the waiting areas and security coverage depends on the availability of court officers assigned to adjoining courtrooms. Monitors felt that this haphazard coverage was inadequate.

Some monitors commented that the lack of sufficient security personnel was sometimes offset by the presence of police officers who frequently wait in the Family Court. However, while there is a positive aspect to having police officers in visible attendance, several monitors were disturbed by the waste of time and money involved in these police officers waiting for lengthy periods of time. It was suggested that a study be conducted of possible methods by which police appearances in court could be made more efficient.

Another recommendation made by the monitoring group was that the security desk, now located at the main entrance to the building, be moved to the back of the first floor and positioned in front of the elevators. Monitors felt that security would be tighter if people had to pass the officers at closer range than is now necessary.

Recommendations

5. The Office of Court Administration should investigate the security problems in the Brooklyn Family Court and provide additional personnel in all areas of the building.

6. Security measures, such as carefully screening all persons entering the building, should be implemented and strictly adhered to by court officers.

7. A study should be made investigating possible methods by which police appearances in Family Court could be made more efficient in terms of time and cost.

8. In order to assure better security in the Brooklyn Family Court, a security desk should be located near the elevators on the first floor.

B. Ancillary Services

The bilingual monitors were particularly concerned about the quality of the interpreter services in the court. Interpreters were often observed giving inadequate translations or neglecting entirely to translate what was being discussed during the hearing.

In one instance, monitors observed a case in which the interpreter was so involved in the proceedings that all translation stopped entirely. After several minutes, the judge stopped the hearing and had everyone repeat what had already been stated so that everything could be properly translated to the non-English speaking participant. In another instance, it was apparent that one interpreter cared more about leaving at exactly five o'clock than about providing accurate and complete translations.

The monitors felt that this court service needs to be upgraded, and they urged more careful selection and supervision of interpreters.

Recommendations

9. In order to insure high quality and performance, interpreters should be carefully screened for ability, language arts and knowledge of legal terminology and should be closely supervised.

C. Court Procedures and Case Processing

1. General

a. Sessions, Adjournments and Delays

In the Brooklyn Family Court all cases are scheduled for 9:30 a.m., that is, participants in the various types of proceedings are told to be in court at 9:30 a.m. This means that participants may wait all day for their case to be called. This method seemed to be inefficient in light of the number of cases scheduled for each part per day and monitors felt that an alternative scheduling procedure should be investigated and implemented, such as split-calendaring.

Session delays were sometimes caused by the late appearance of judges, who at times were delayed by adoption hearings (held privately in judge's chambers) or "paperwork". Several judges, however, were always prompt and prepared to begin at the scheduled time.

Monitors noted that cases were often adjourned because reports from the probation department or social services agencies were not ready. It was felt that when it was known in advance that an adjournment would be requested and granted, hearings should be rescheduled and participants notified.

Other reasons for adjournments and delays were the non-appearance or tardiness of participants in a case. The non-appearance or unavailability of witnesses was also a causal factor in adjournments. Monitors stressed that some type of system should be established which would provide for better coordination between the court and the appearance of participants, witnesses, and attorneys.

Also, monitors felt that delays should be announced and reasons and approximate length should be given.

While monitors were impressed by the efforts of several judges who were quite strict about personnel appearing on time, they felt strongly that all judges should impose sanctions for consistent non-appearance and tardiness.

Recommendations

10. The present method of case scheduling for the all-purpose parts should be re-evaluated and consideration should be given to implementing a split-calendaring procedure.

11. Judges should impose sanctions upon all participants including court personnel, who, through tardiness, cause delays.

12. The Assistant Administrative Judge of the Brooklyn Family Court should make efforts to insure that sessions convene on time.

13. When it is known in advance that a case will be adjourned, all participants should be notified prior to the next hearing date. The use of a telephone alert system should be explored for this purpose so as to alleviate some of the delays and adjournments.

2. Status of Respondents--Beginning and End of Hearing

At the beginning of the juvenile delinquency and PINS hearings observed, respondents were usually in the custody of the parent, relative, guardian, etc. In the PINS cases observed, respondents at the beginning of hearings were almost equally placed either in short-term Department of Social Services (DSS) facilities (20%) or in the custody of the parent, relative, guardian, etc. without supervision; placement in the juvenile delinquency cases at the beginning of hearings was primarily with the parent, relative, guardian, etc. (involving 89% of the cases), with an insignificant number being placed with short-term DSS (6%), short-term Division for Youth (DFY) (3%) and other facilities (less than 1%). (See Table 9). Few respondents were placed with private agencies and only about 3% of the respondents in both PINS and juvenile delinquency cases observed were placed in long-term facilities.

In the majority of both types of cases, placement of the respondent at the end of hearing in the custody of the parent, relative, etc. with supervision was the most prevalent, accounting for 62% of the PINS and 85% of the juvenile delinquency cases observed. In juvenile delinquency cases, other placements were primarily in a short-term DFY facility--a placement which was never used for PINS cases. Respondents in the PINS cases observed were often placed in short-term DSS facilities (21% of the observations) or sent to long-term DSS facilities (10%). No utilization was made of short-term private agencies in these cases. For several PINS cases, respondents were placed in long-term DFY and long-term private agencies (although this involved less than 7% of all PINS cases).

Monitors expressed serious concern about the apparent lack of adequate facilities for placement and treatment of juveniles and PINS children in New York State. In particular, volunteers noted that there seemed to be great need for a long-term psychiatric care facility in the metropolitan area. Cases were observed where juveniles were either sent home or were placed in an apparently inappropriate institution because proper facilities were not available.

Recommendation

14. Investigation should be made into the possibility of establishing a facility in the metropolitan area for respondents, in both juvenile delinquency and PINS cases, who need close supervision and counseling.

3. Hearings--Juvenile Delinquency and PINS Cases

Monitors observed a total of 260 cases during the months of November and December 1978. Of these cases, 89% of the respondents were males and 11% were females. Only 18% of these respondents were under the age of 14, while 72% were either 14 or 15 years old. As may be seen in Table 3 of the appendix, about 10% of the observations involved juveniles over the age of 15. Females appear to be relatively uniformly involved throughout these age categories while the males involved were clustered in the age categories of 14 or 15.

Of the total number of cases observed only 7% of the PINS and 6% of the juvenile delinquency hearings took more than 15 minutes. The majority of juvenile delinquency hearings were under 15 minutes, while all of the PINS cases were heard in less than 30 minutes.

4. Explanation of Rights

Monitors observed numerous cases where it was apparent that the respondents were uncertain about specific charges against them. While several judges consistently read and explained charges at the beginning of each hearing, the majority did not.

Monitors were, however, generally satisfied with the extent to which the rights of petitioners and respondents in Family Court cases were explained at the beginning of hearings. It was felt that explanations were clear and in easy to understand language. Monitors were impressed by several judges who repeatedly asked case participants if they clearly understood what had just been said and would rephrase explanations if necessary.

Monitors, however, feel that not enough effort was made to insure that participants in the case understood the ramifications of decisions at the close of a case. While some judges questioned parties about whether or not they understood what was meant by certain types of treatment, placement, etc., others did not take the time to insure that the participants fully understood what had been decided.

Monitors felt that many hearings ended abruptly, with participants told to go outside of the courtroom to get details about what was to occur next. Monitors felt that this was discourteous and unfair to the participants. They suggested that judges should make every effort to explain the ramifications of each decision.

Recommendation

15. Judges should make every effort to read and explain charges to respondents at the beginning of each hearing and consistently explain the rights of all participants throughout each hearing. Also, judges should make additional efforts to explain the ramifications of their decisions and to insure that the people involved fully understand the type and purpose of placement ordered for the juvenile respondent.

D. Physical Facilities

The Brooklyn Family Court is located at 283 Adams Street in downtown Brooklyn. The six story structure, completed in the early 1950's, was designed as two separate sections. One section housed the Juvenile Division; the other the Family Division. When the Family Court Act of 1962 unified jurisdiction over these two divisions, an attempt was made in the Brooklyn Family Court to combine the facilities.

The original layout provided for only six courtrooms. There are now ten courtrooms of varying size and one additional hearing room.

Monitors felt that the Family Court facilities were rundown and generally inadequate. The monitors observed signs of fallen plaster, peeling paint and roaches throughout the building. It was felt that immediate consideration should be given to restructuring and refurbishing the present facilities.

There are no rooms set aside for attorney/client conferences. As a result, monitors were aware of confidential discussions between attorneys and their clients taking place in the hallways and waiting rooms. Monitors were concerned that respondents and petitioners must wait together in the same waiting area. Several monitors observed violent incidents taking place in the waiting rooms while waiting for court to convene. They felt that the lack of separate waiting areas presented serious security problems.

Monitors also felt that detention facilities were inadequate in the Brooklyn Family Court as non-violent and violent, male and female adults and juveniles were detained

in the same area. The monitors indicated that the lack of separate detention facilities might also present potential security problems.

Several monitors noted that restrooms were in need of general repair, i.e. broken toilets, lack of soap and running water and inadequate lighting. The lighting and acoustics in most of the courtrooms were considered adequate, although some of the monitors had difficulty hearing names being called by the court officers in the waiting rooms at peak periods in the day.

Also, monitors stressed the need for bilingual signs and directories in the building as they were aware that many people experienced difficulty locating specific rooms in the building.

Recommendations

16. Existing facilities in the Brooklyn Family Court should be remodeled to provide separate detention areas for violent and non-violent, male and female adults and juveniles and separate waiting areas for petitioners and respondents.

17. The court building should be painted, and ceilings and walls should be re-plastered. In addition, exterminator services should be used on a regular basis.

18. Restroom facilities should be repaired and more adequately maintained. Adequate lighting should also be installed in these areas.

19. Bilingual court directories and directional signs should be posted throughout the court building.

V. Methodology

Twenty volunteer monitors were recruited and trained for the Brooklyn project. Some of these volunteers were students from the John Jay College of Criminal Justice Thematic Studies Department. Ms. Billie Kotlowitz and Mr. Pat O'Brien from John Jay College attended training sessions and helped coordinate student participation. Other volunteers were recruited through contact with the Brooklyn Mayor's Voluntary Action Office and the Department for the Aging in Brooklyn. Bilingual volunteers were among this group.

Volunteers were interviewed and screened by members of the Project staff. The Brooklyn monitoring effort was coordinated by the Assistant Director. A training session was held in October for approximately twenty volunteers.

Copies of the Fund for Modern Courts, Inc. Family Court Monitoring Handbook, as well as other materials, were distributed and reviewed at this session. Family Court terms and procedures as well as monitoring survey sheets were explained and discussed.

A tour of the Brooklyn Family Court building was conducted later in October by Mr. Robert Berliner, a Family Court Law Assistant who answered volunteers' questions about court operations. An orientation period for monitors began at the end of October. Volunteers spent one week observing cases and becoming familiar with the data sheet. Comprehensive monitoring of Brooklyn Family Court juvenile delinquency and PINS cases was underway by the beginning of November. A second training session was held in early November to review and discuss the various aspects of the Brooklyn project.

Monitors were required to attend at least one morning or afternoon court session each week for the two-month duration of the project. Many volunteers attended more than one session each week.

VI. Acknowledgements

Court personnel were very helpful to the volunteer participants in the Kings County Family Court monitoring project. In particular, monitors and the project staff wish to express their thanks to Administrative Judge Philip Roache, Judge Caesar Quinones, Clerk of the Court Benjamin Caballero, and Mr. Robert Berliner, Law Assistant.

Special thanks are extended to those citizens who participated in the project and without whom it would not have been possible:

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Stephen Paeglow

Sylvia Goldman

Randall Roca

Eva Heisler

Ronald Roca

Leslie Holmes

Xavier Saunders

Marilyn Howard

Christine Stavroulakis

VII. TABLES

TABLE 1. DEMOGRAPHIC, ECONOMIC AND SOCIAL STATISTICS FOR KINGS COUNTY

| DESCRIPTION | STATISTIC |
|---|-----------|
| Land Area (Total of 47,831 Square Miles) | .2 |
| Population of 18,075,487 (July 1, 1975) | 13.3 |
| Population Per Square Mile | 34403 |
| Percent of Population Over 65 | 11.5 |
| Population Change, 1960 to 1970 | -1.0 |
| Population Change, 1970 to 1975 | -6.4 |
| Percent Urban Population, 1970 | 100.0 |
| Percent Black Population | 25.2 |
| Percent Foreign Stock Population, 1970 | 41.4 |
| Birth Rate: 1970 * | 20.5 |
| 1975 | 16.4 |
| Death Rate: 1970 | 11.2 |
| 1975 | 9.9 |
| Marriage Rate: 1970 | 6.2 |
| 1975 | 5.3 |
| Divorce Rate: 1970 | 1.5 |
| 1975 | 3.2 |
| Public School Enrollment Rate, 1970 | 431.7 |
| 1975 | 454.6 |
| Number of Physicians (Rate), 1975 | 223.3 |
| Number of Hospital Beds (Rate), 1975 | 633.9 |
| Per Capita, 1974 | 4275 |
| Public Assistance Recipients: Total (Rate), 1976 | N.A. |
| Children (Rate), 1976 | N.A. |
| Mean \$ Per Family, 1976 | N.A. |
| Per Capita Dollars in Bank Deposits, 1976 | 5693 |
| Housing: Percent One Unit Structures, 1970 | 8.8 |
| Percent Owner Occupied, 1970 | 24.0 |
| Percent 1.01+ People Per Room, 1970 | 11.3 |
| General Revenue Per Capita, 1972 | N.A. |
| From Federal Govt. (Percent), 1972 | N.A. |
| Property Taxes (Per Capita), 1972 | N.A. |
| General Expenditures (Total) Per Capita, 1972 | N.A. |
| (Less Capital Exp.) Per Capita, 1972 | N.A. |
| Education (Percent), 1972 | N.A. |
| Public Welfare (Percent), 1972 | N.A. |
| Health and Hospitals (Percent), 1972 | N.A. |
| General Debt Outstanding Per Capita, 1972 | N.A. |
| Crime Index Rate, 1975 | N.A. |
| Robbery (Per 100,100 Population), 1975 | N.A. |
| Aggregated Assault (Per 100,000 Population), 1975 | N.A. |
| Burglary-Breaking or Entering (Per 100,000), 1975 | N.A. |
| Motor Vehicle Theft, 1975 | N.A. |
| Police Officers (Per 100,000 Population), 1975 | N.A. |

*ALL RATES ARE PER 1,000 POPULATION UNLESS OTHERWISE SPECIFIED

TABLE 2. FREQUENCY AND PERCENTAGE DISTRIBUTIONS
BY TYPE OF CASE FOR KINGS COUNTY

| Description | Frequency | Percentage |
|--------------|-----------|------------|
| P.I.N.S. | 54 | 20.8 |
| Delinquency | 176 | 67.7 |
| Non-response | 30 | 11.5 |
| Total | 260 | 100.0 |

TABLE 3. AGE BY SEX DISTRIBUTION FOR KINGS COUNTY

| Age of Respondent | Sex of Respondent | | |
|-------------------|-------------------|--------|-------|
| | Male | Female | Total |
| 12 and Under | | | |
| Frequency | 13 | 4 | 17 |
| Percentage | 6.4 | 16.0 | 7.4 |
| 13 | | | |
| Frequency | 20 | 5 | 25 |
| Percentage | 9.8 | 20.0 | 10.9 |
| 14 | | | |
| Frequency | 47 | 5 | 52 |
| Percentage | 23.0 | 20.0 | 22.7 |
| 15 | | | |
| Frequency | 107 | 6 | 113 |
| Percentage | 52.5 | 24.0 | 49.4 |
| 16 and Over | | | |
| Frequency | 17 | 5 | 22 |
| Percentage | 8.3 | 20.0 | 9.6 |
| TOTAL | | | |
| Frequency | 204 | 25 | 229 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 4. DETENTION AT START OF HEARING BY DETENTION
AT END OF HEARING FOR KINGS COUNTY

| Detention at Start of Hearing | Detention at End of Hearing | | |
|----------------------------------|-----------------------------|-------------|-------|
| | Secured | Non-Secured | Total |
| Frequency | 0 | 1 | 1 |
| Secured Detention | | | |
| Percentage | 0.0 | 10.0 | 8.3 |
| Frequency | 2 | 9 | 11 |
| Non-secured Detention | | | |
| Percentage | 100.0 | 90.0 | 91.7 |
| Frequency | 2 | 10 | 12 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 5. PETITIONER BY TYPE OF CASE FOR KINGS COUNTY

| Petitioner | TYPE OF CASE | | |
|----------------------------|--------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Frequency | 28 | 26 | 54 |
| Parent, Relative, Guardian | | | |
| Percentage | 73.6 | 19.7 | 31.8 |
| Frequency | 2 | 49 | 51 |
| Police | | | |
| Percentage | 5.3 | 37.1 | 30.0 |
| Frequency | 2 | 2 | 4 |
| School | | | |
| Percentage | 5.3 | 1.5 | 2.3 |
| Frequency | 3 | 47 | 50 |
| Citizen | | | |
| Percentage | 7.9 | 35.6 | 29.4 |
| Frequency | 3 | 8 | 11 |
| Public/Private Agency | | | |
| Percentage | 7.9 | 6.1 | 6.5 |
| Frequency | 38 | 132 | 170 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 6. LEGAL REPRESENTATION FOR PETITIONER BY TYPE OF CASE
FOR KINGS COUNTY

| | | T Y P E O F C A S E | | |
|----------------------------------|------------|-------------------------|-------|-------|
| Legal Representation: Petitioner | | P.I.N.S. Delinquency | Total | |
| Assistant Corporation Counsel | Frequency | 15 | 99 | 114 |
| | Percentage | 48.4 | 73.8 | 69.0 |
| Private Counsel | Frequency | 1 | 8 | 9 |
| | Percentage | 3.2 | 6.0 | 5.5 |
| No Counsel Assigned | Frequency | 11 | 7 | 18 |
| | Percentage | 35.5 | 5.2 | 10.9 |
| Court Appointed Counsel | Frequency | 3 | 12 | 15 |
| | Percentage | 9.7 | 9.0 | 9.1 |
| Assistant District Attorney | Frequency | 1 | 8 | 9 |
| | Percentage | 3.2 | 6.0 | 5.5 |
| Counsel Absent | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 31 | 134 | 165 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 7. LEGAL REPRESENTATION FOR RESPONDENT BY TYPE OF CASE
FOR KINGS COUNTY

| Legal representation for Respondent | T Y P E O F C A S E | | |
|--|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Legal Aid | Frequency | 39 | 114 |
| | Percentage | 83.0 | 75.7 |
| Assigned Counsel18\B | Frequency | 5 | 35 |
| | Percentage | 10.6 | 17.3 |
| Private Counsel | Frequency | 0 | 10 |
| | Percentage | 0.0 | 5.0 |
| No Counsel Assigned | Frequency | 3 | 4 |
| | Percentage | 6.4 | 2.0 |
| Counsel Absent | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| TOTAL | Frequency | 47 | 202 |
| | Percentage | 100.0 | 100.0 |

TABLE 8. DETENTION AT START OF HEARING BY TYPE OF CASE
FOR KINGS COUNTY

| Detention at Start of Hearing | T Y P E O F C A S E | | |
|----------------------------------|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Secured Detention | Frequency | 3 | 10 |
| | Percentage | 37.5 | 50.0 |
| Non-secured Detention | Frequency | 5 | 8 |
| | Percentage | 62.5 | 44.4 |
| TOTAL | Frequency | 8 | 18 |
| | Percentage | 100.0 | 100.0 |

TABLE 9. PLACEMENT AT START OF HEARING BY TYPE OF CASE FOR
KINGS COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: Start of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 1 | 3 | 4 |
| | Percentage | 3.3 | 2.9 | 3.0 |
| Long-term DFY | Frequency | 0 | 1 | 1 |
| | Percentage | 0.0 | 0.9 | 0.7 |
| Short-term DSS | Frequency | 6 | 6 | 12 |
| | Percentage | 20.0 | 5.7 | 8.8 |
| Long-term DSS | Frequency | 1 | 0 | 1 |
| | Percentage | 3.3 | 0.0 | 0.7 |
| Short-term Private Agency | Frequency | 1 | 1 | 2 |
| | Percentage | 3.3 | 0.9 | 1.5 |
| Long-term Private Agency | Frequency | 0 | 1 | 1 |
| | Percentage | 0.0 | 0.9 | 0.7 |
| With Supervision - Custody | Frequency | 14 | 53 | 67 |
| | Percentage | 46.7 | 50.0 | 49.3 |
| Without Supervision - Custody | Frequency | 7 | 41 | 48 |
| | Percentage | 23.4 | 38.7 | 35.3 |
| TOTAL | Frequency | 30 | 106 | 136 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 10. DETENTION AT END OF HEARING BY TYPE OF CASE
FOR KINGS COUNTY

| Detention at End of Hearing | T Y P E O F C A S E | | |
|--------------------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Secured Detention | Frequency | 1 | 7 |
| | Percentage | 11.1 | 70.0 |
| Non-secured Detention | Frequency | 8 | 3 |
| | Percentage | 88.9 | 30.0 |
| TOTAL | Frequency | 9 | 10 |
| | Percentage | 100.0 | 100.0 |

TABLE 11. PLACEMENT AT END OF HEARING BY TYPE OF CASE FOR
KINGS COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: End of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 0 | 6 | 6 |
| | Percentage | 0.0 | 6.3 | 4.8 |
| Long-term DFY | Frequency | 1 | 1 | 2 |
| | Percentage | 3.4 | 1.1 | 1.6 |
| Short-term DSS | Frequency | 6 | 3 | 9 |
| | Percentage | 20.7 | 3.1 | 7.3 |
| Long-term DSS | Frequency | 3 | 1 | 4 |
| | Percentage | 10.4 | 1.1 | 3.2 |
| Short-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term Private Agency | Frequency | 1 | 3 | 4 |
| | Percentage | 3.4 | 3.1 | 3.2 |
| With Supervision - Custody | Frequency | 18 | 81 | 99 |
| | Percentage | 62.1 | 85.3 | 79.9 |
| Without Supervision - Custody | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 29 | 95 | 124 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 12 . DURATION OF CASE BY TYPE OF CASE FOR KINGS COUNTY

| Duration of Case | T Y P E O F C A S E | | |
|---------------------|-------------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Less Than 5 Minutes | Frequency | 16 | 53 |
| | Percentage | 36.4 | 34.7 |
| 5 to 10 Minutes | Frequency | 18 | 66 |
| | Percentage | 40.9 | 43.1 |
| 11 to 15 Minutes | Frequency | 7 | 25 |
| | Percentage | 15.9 | 16.3 |
| 16 to 30 Minutes | Frequency | 3 | 4 |
| | Percentage | 6.8 | 2.6 |
| 31 to 60 Minutes | Frequency | 0 | 3 |
| | Percentage | 0.0 | 2.0 |
| Over 60 Minutes | Frequency | 0 | 2 |
| | Percentage | 0.0 | 1.3 |
| TOTAL | Frequency | 44 | 153 |
| | Percentage | 100.0 | 100.0 |

III. ROCKLAND COUNTY REPORT

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I. Introduction

The Rockland County Family Court Monitoring Project began at the end of June 1978 under the auspices of the Fund for Modern Courts, Inc. It was sponsored by the State Office of Court Administration and was funded by a grant from the Division of Criminal Justice Services.

The major goals of the Rockland County Project were to educate the community about the Family Court, provide the presence of concerned citizens in the courtroom, initiate a dialogue between citizens and the various agencies and personnel concerned with the operation of the juvenile justice system, identify areas where problems exist and make recommendations for improvements in the system.

Since the inception of the project, citizen volunteers have been involved in observing and collecting quantitative and qualitative data on juvenile delinquency and Persons in Need of Supervision (PINS) cases in the Rockland County Family Court. They gave special note to the processing of cases, court procedures, placement of children and overall functioning of the court. They commented on the physical conditions and other aspects of the court and made recommendations to improve the existing conditions. Monitors observed all types of cases in the Family Court, but since the primary emphasis of this study was in the area of juvenile delinquency and PINS, the data collected refers to these types of cases.

II. Summary of Recommendations

1. Attorneys who request assignment as law guardians should be carefully screened as to competence and conscientiousness and should be required to attend training seminars on Family Court law and procedures prior to being appointed.

2. An investigation should be made into the possibility of having a court advocate for juveniles and their parents in order to apprise them fully of the implications of the charges against them, of the necessity of having legal representation, and to explain legal terminology to them in lay terms.

3. All Assistant County Attorneys, even those who are on the staff part-time, should be required to pass a civil service exam. Consideration should be given to replacing part-time positions with full-time personnel.

4. In order to increase the effectiveness of the Assistant County Attorney the following suggestions should be investigated:

a. barring full-time Assistant County Attorneys from private practice;

b. hiring additional full-time legal staff so as to lessen the caseload of attorneys;

c. researching the availability of federal and state funding for the purpose of expanding and upgrading the County Attorney's office.

5. Sanctions should be imposed when attorneys are habitually unprepared and/or late for their appearance in Family Court.

6. Methods should be developed to determine the need for a law guardian in advance of appearance date and to assign one so as to save the court's time during an intake proceeding.

7. A formal selection process for interpreters should be instituted. This process should include an extensive oral and written examination in Family Court procedures and terminology in both languages.

8. There should be supervision of the interpreters as well as "spot checks" on their performance.

9. The split calendaring procedure should be adhered to by the court and the parties involved in a case. If the parties to an action do not appear at their appointed

time the case should be immediately adjourned or dismissed at the discretion of the judge.

10. The court should make every effort to curtail the number of delays and recesses.

11. Session delays should be kept at a minimum and efforts should be made to begin sessions on time. If the start of a session is going to be delayed a representative of the court should notify those people in the waiting room as to probable length and reason.

12. When there is an intra-case delay and/or recess the court should notify the parties as to the approximate length and reason.

13. The Office of Probation as well as other agencies associated with the Court should be required to be ready and prepared with their reports prior to a hearing date.

14. Probation officers should conference their cases in advance of the day they are due to appear in court.

15. Judges should explain the charges in simple and clear language and be assured that the respondent understands them before proceeding with the case.

16. The New York State Division for Youth should be urged to open new residential facilities for juveniles and PLNS children. These facilities should include vocational training.

17. The Department of Social Services should provide facilities and services for "acting out" children with learning disabilities.

18. Court employees should be aware of the image that they project to the public and therefore should be properly attired and maintain professional decorum.

19. Provisions should be made for a child care center within the court for litigants and witnesses who bring their children to court.

III. Summary of Statistical Data* on Cases Observed

Monitors observed a total of 200 juvenile delinquency and Persons in Need of Supervision (PINS) cases in Rockland County during the two month period from November to December 1978. Of the 190 cases (95%) where the type of hearing was recorded, 24% were Persons in Need of Supervision (PINS) cases and 76% were juvenile delinquency cases. Of these cases observed, the sex of the respondent was not recorded for 87 of the cases (43.5%). For those observations where sex was recorded, males represented over half of the respondents in both types of cases (See Tables 2 and 3). The age of the respondents was recorded in only 103 cases observed; of these, 21% were under the age of 14, 63% were 14 or 15, and 16% were 16 and older. Table 3 in the appendix also shows that males become involved in the court system at an earlier age than females.

There were distinct differences in the length of the hearing between Persons in Need of Supervision (PINS) and juvenile delinquency cases observed. For the PINS cases observed 56% were heard in ten minutes or less and 81% in less than fifteen minutes. For the juvenile delinquency cases observed 49% were heard in ten minutes or less and 62% were heard in fifteen minutes or less. However, in the cases observed, more time was given to juvenile delinquency cases than PINS cases (See Table 12).

In 40% of the PINS cases observed, the petitioner was the local school. Parents were the petitioner in over 1/3 of these cases and the police in less than 1/4 of these cases. In the juvenile delinquency cases observed the police were the petitioner in 72% and private citizens in 19%. Unlike the PINS cases, parents and the school system were seldom the petitioner in the juvenile delinquency cases. Public or private agencies were the petitioner for only one PINS and two juvenile delinquency cases (See Table 5).

The Assistant County Attorney represented the petitioner in 90% of the PINS cases and 93% of the juvenile delinquency cases observed. Law guardians represented respondents in 93% of the PINS and in 83% of the juvenile delinquency cases. Private counsel represented the remaining 7% of the respondents in the PINS cases and represented only 14% of the juvenile respondents in the delinquency cases observed.

Placement of respondents at the beginning of hearings was largely with their parents, relatives, or guardians (80%) and the majority were without supervision. Other respondents were placed with the Division for Youth (DFY), the Department of Social Services (DSS) or private agencies. At the beginning of hearings 38% of the respondents were placed in secure facilities in the juvenile

*Statistical figures are rounded off to the nearest 10th.

delinquency cases observed. At the end of hearings, most respondents were placed with their parents, relatives, or guardians (75%). Placement with the Department of Social Services was utilized much more at the end of hearings than at the beginning.

IV. Findings and Recommendations

A. Organization and Staffing

1. Judicial Staffing

Rockland County has two full-time Family Court Judges who are elected for ten year terms. Each judge has an all purpose calendar and presides over his own courtroom following cases from intake to disposition.

The staff of the Family Court consists of twenty-four people including the Chief Clerk of the Court and the Deputy Chief Clerk.

The Chief Clerk and Deputy Clerk manage the office staff, and are responsible for reports to the Office of Court Administration, the court budget, appeals, and money taken in and refunded. Each judge has a clerical secretary, a law secretary, a court clerk, a court stenographer and a uniformed court attendant. The court officers are responsible for keeping track of who is waiting to see the judge, notifying the judge when a case is ready, calling the participants in a case into the courtroom and maintaining security in the courtroom. Additional security in the waiting room is provided by an armed Deputy Sheriff who patrols the courtroom and waiting areas. The remaining court personnel are clerical staff.

2. Legal Services

The County Attorney's office in Rockland is responsible for representing the petitioner in juvenile delinquency, Persons in Need of Supervision (PINS) and support matters. The Assistant County Attorney represented the petitioner in 90% of the Persons in Need of Supervision (PINS) and in 93% of the juvenile delinquency cases observed.

There are three full-time and one part-time Assistant County Attorneys in the Family Court Unit. The three full-time County Attorneys attempt to divide the cases as follows: one attorney is responsible for support matters; one attorney is responsible for child protective cases; and the third is responsible for juvenile delinquency and PINS cases. The part-time attorney may be assigned to any of these cases.

The full-time Assistant County Attorneys are appointed from a civil service list based on an examination. The part-time County Attorneys are appointed by the County Legislature. Monitors noted that although the present part-time County Attorney appears qualified, this method of appointment may not be the best method of insuring well-qualified personnel.

In addition to their County positions, Assistant County Attorneys are permitted to have a private law practice. It was felt that it would be better to prohibit private practice so as to insure greater dedication and time to the cases handled for the County.

It was apparent that each Assistant County Attorney has a large caseload, sometimes exceeding 1,000 cases a year. The monitors noted on a number of occasions that an Assistant County Attorney was not fully prepared. Monitors felt that perhaps additional staff in the County Attorney's office might allow for more time to prepare the large number of cases that come up. The County Attorney's office should investigate grants for funding these additional positions.

In Rockland County the law guardian represented the respondent in 93% of the PINS cases and 83% of the juvenile delinquency cases. Private counsel represented the remaining 7% PINS and 14% juvenile delinquency cases observed. Law guardians are court-appointed counsel. These attorneys submit their names to the Appellate Division for approval and appointment to Family Court assignment. There is no formal screening of these attorneys, nor any requirement or testing of Family Court law and procedures prior to appointment. Law guardians are paid by the County. The vouchers, which are submitted by the law guardians, include court appearance and case preparation time.

Two days a week are set aside for juvenile delinquency and PINS hearings. On these days the calendar clerks assign law guardians from the approved list to be present at the court. Usually the clerks assign one attorney for approximately every five cases scheduled on the calendar. When a law guardian is assigned to a case, at the intake proceedings, the case is recalled so as to allow the law guardian to meet with his/her new client and decide whether to enter a guilty plea, continue the hearing, or ask for a further adjournment. Law guardians carry cases through all stages of procedure, from intake to disposition, appearing with the respondent at all hearings.

Monitors noted that some law guardians were excellent and well prepared; however, others were noticeably inadequate and ill-prepared. While some attorneys seemed genuinely interested in their clients as individuals, others treated the respondents coldly and seemed not to care about their client or the case. Some did such a poor job of questioning that the judge had to rephrase the questions. While this range of abilities might be expected, it was nevertheless felt that specialized training should be required for attorneys who are appointed counsel in the Family Court. Better knowledge of Family Court law and procedures might foster better preparation and representation on the

part of appointed counsel. The monitors suggested that the local Bar Association or preferably the Appellate Division might offer a seminar on Family Court practice.

In addition, cases were often postponed or adjourned because either the Assistant County Attorney or the law guardian was absent. It was felt that strict guidelines or sanctions should be investigated as a means of curtailing this unnecessary cause for delay.

In most juvenile delinquency and PINS cases the respondent and his parents come into court unaware of the fact that the child must be represented by counsel; therefore, cases are either recessed for a conference with a law guardian or adjourned while the respondent obtains private counsel. Some method should be developed to determine the need for a law guardian in advance of appearance day and to assign one so as to save the court's time during an intake proceeding. Other delays might be prevented if a court advocate were available for juveniles to apprise them and their parents of the implications of the charges against them, of the necessity of having legal representation and to explain legal terminology to them in lay terms.

Recommendations

1. Attorneys who request assignment as law guardians should be carefully screened as to competence and conscientiousness and should be required to attend training seminars on Family Court law and procedures prior to being appointed.

2. An investigation should be made into the possibility of having a court advocate for juveniles and their parents in order to apprise them fully of the implications of the charges against them, of the necessity of having legal representation, and to explain legal terminology to them in lay terms.

3. All Assistant County Attorneys, even those who are on the staff part-time, should be required to pass a civil service exam. Consideration should be given to replacing part-time positions with full-time personnel.

4. In order to increase the effectiveness of the Assistant County Attorney the following suggestions should be investigated:

a. barring full-time Assistant County Attorneys from private practice;

b. hiring additional full-time legal staff, so as to lessen the caseload of the attorneys;

c. researching the availability of federal and state funding for the purpose of expanding and upgrading the County Attorney's office.

5. Sanctions should be imposed when attorneys are habitually unprepared and/or late for their appearance in Family Court.

6. Methods should be developed to determine the need for a law guardian in advance of appearance date and to assign one so as to save the court's time during an intake proceeding.

3. Security

As was previously mentioned, the security in the courtroom is generally maintained by the uniformed court officer, who is unarmed. In addition, one Deputy Sheriff, who is armed, is usually present either in one of the two hearing rooms or in the waiting room. If additional security enforcement is required, it can be summoned within minutes. During the study, no security problems arose.

B. Ancillary Services

~~Rockland~~ ^{Rockland} County has many ancillary services which are frequently utilized by the judges.

1. Interpreters

Monitors observed cases in which one or more of the participants did not speak English. In these cases an interpreter was usually present. However, the monitors, not being conversant with foreign language, could not determine if the translations were adequate.

The court has a list of interpreters who have volunteered their services. There is no formal selection process in order to qualify for this position. One monitor observed a case in which the parent of the respondent could not speak English. The respondent's sister was asked to act as interpreter and did so. The monitor felt that the girl did not fully understand the proceedings herself and therefore could not adequately explain them to her mother, nor could she be expected to translate and explain legal terminology.

Recommendations

7. A formal selection process for interpreters should be instituted. This process should include an extensive oral and written examination in Family Court procedures and terminology in both languages.

8. There should be supervision of the interpreters as well as "spot checks" on their performance.

2. Family Court Advisory Committee

The judges of the Rockland County Family Court have set up an Advisory Committee which meets every four to six weeks. This unique group of forty-three participants includes influential staff personnel from various agencies and human service institutions in the County. Its primary functions are to foster communication between agencies and the judiciary and to stimulate new programs to meet the needs of the Family Court. For the duration of the project the local monitoring coordinator was invited to attend the meetings of the Family Court Advisory Committee. The Rockland County Coordinator felt that the Committee fulfilled a genuine need and applauds this special effort by the judges of the Family Court.

3. PINS Diversion Program

The monitors were greatly impressed with the PINS Diversion Program which began two years ago as an outgrowth of the actions of the Family Court Advisory Committee. This program, under the direction of Linda Pashman and Michele Katz, seeks to divert PINS cases away from Family Court through trained facilitators who assist the family unit in solving its own problems. The case is picked up at intake by the probation officer handling PINS petitions and is referred to the Diversion Screening Committee, which then decides if it is appropriate for the Diversion Program. Such a program can reduce the caseload for the court and in many cases can be successful in preventing children from getting into future trouble.

4. Youth Counsel Bureau

Though the majority of the cases this service works with involve individuals between sixteen and nineteen years of age who have committed minor crimes, the Youth Counsel Bureau (YCB) of Rockland County does have cases referred to it by the Family Court. Referrals from the Family Court are usually for juveniles who have committed minor crimes. The agency provides direct and indirect services which include counseling, employment referrals, special work programs, community service activities, public service activities and referrals to other agencies. YCB participation is usually for a period in excess of six months and runs concurrently with an Adjournment in Contemplation of Dismissal (ACD) Order by the Court.

The monitors felt that this agency has proven its value and should continue in operation.

C. Court Procedures and Case Processing

1. General

a. Calendars and Procedures

The split calendaring method of scheduling cases is utilized in Rockland County. This means that a number of cases are scheduled throughout the morning or afternoon session. Theoretically this should make for a smoother flow of cases, and it does relieve some of the crowded conditions in the waiting room. However, cases are usually not heard at the time scheduled, often because one or more of the participants are not present in court. When this occurs, another case is called in its place and the original case is called again later. There have been instances where several cases in a row were not prepared to come into court on time and then the court has had to prepare at least one case on the calendar for that session was ready. By this time the waiting room was jammed.

The monitors felt that measures should be taken to assure the appearance of litigants and attorneys at the appointed times so as to insure a smoother flow of cases. The monitors felt that sanctions should be imposed when litigants do not appear for their hearing.

Each judge generally hears juvenile delinquency or PINS cases one day a week, violations or family offenses on another, custody on a third day, etc. Emergency cases are heard as the occasion arises. This method seems to work very well and allows for the system of having law guardians physically present and ready for duty on juvenile delinquency and PINS cases.

Because it is the calendar clerk, not the judge, who schedules cases in Rockland, adjournment dates are rarely announced in court. Usually the clerk tries to arrange for shorter proceedings, such as arraignments, to take place in the morning and longer proceedings, such as fact-finding hearings, to take place in the afternoon.

Recommendation

9. The split calendaring schedule should be adhered to by the court and the parties involved in a case. If the parties to an action do not appear at their appointed time the case should be immediately adjourned or dismissed at the discretion of the judge.

b. Sessions

The Family Court in Rockland County is open five days a week: Monday through Friday. Morning sessions are

CONTINUED

1 OF 2

scheduled by one judge to begin at 9 A.M. and by the other at 9:30 A.M. and continue until 12:30 or 1 P.M. Afternoon sessions are usually called for 2 P.M. They generally continue until the calendar for the day has been completed, regardless of time.

The monitors noted that sessions almost never convened at the time listed on the calendar. The judges were often conferring in chambers or busy with some other task. Many times the Probation Department was conducting its conferences at this time. No one informed those waiting to go into court of the reasons for delays, even though some of these were of long duration.

There were also times when long recesses or delays occurred during or between cases. Monitors felt that reasons should be given to those waiting at these times also.

Recommendations

10. The court should make every effort to curtail the number of delays and recesses.

11. Session delays should be kept at a minimum and efforts should be made to begin sessions on time. If the start of a session is going to be delayed a representative of the court should notify those people in the waiting room as to probable length and reason.

12. When there is an intra-case delay and/or recess the court should notify the parties as to the approximate length and reason.

c. Adjournments and Delays

In most juvenile delinquency and PINS cases the respondent and his or her parents come into court unaware of the fact that the child should be represented by counsel; therefore, cases are always either recessed for a conference or adjourned so as to appoint or retain counsel. This time delay could be eliminated if a court advocate or some court officer were to inform the parents and respondent prior to the initial court appearance that the child should be represented by counsel. If the respondent cannot retain private counsel and a law guardian is requested the court should then have a procedure for appointing law guardians in advance.

Cases were often adjourned for investigation and reports by the Probation Department, forensic team or other court related agencies.

In Rockland County there are 10 probation

officers in the juvenile section. They include 1 intake officer, 4 investigative officers, 4 officers for supervision of probation and 1 officer to do placement. Members of the Probation Department are most often responsible for having reports ready for Family Court.

After an adjudication has been made, either juvenile delinquency or PINS, the probation officer conducts an investigation and makes a report. At the dispositional hearing, the probation report is to be presented to the court with a recommendation for a disposition.

It can take anywhere from 4 to 8 weeks to complete this investigation. Monitors noted that most probation officers are very conscientious about their work and are ready on time. Monitors have remarked on the fact that when reports are not ready on time, the hearing has to be adjourned and all participants have the feeling of having wasted their time that day. However, it was felt that probation officers should request an extension of time in advance if he/she has not completed the report by the hearing date provided he/she has valid reasons.

Often a calendar is held up because probation officers are conferring with clients at the time they are scheduled to be in court. Observers felt that some way of arranging these conferences in advance of court appearances should be worked out. A significant number of hearings were adjourned to progress the case to another stage, e.g. fact-finding or disposition.

Many delays were noted by monitors because either the Assistant County Attorney or the law guardian was unprepared.

Recommendations

13. The Office of Probation as well as other agencies associated with the court should be required to be ready and prepared with their reports prior to a hearing date.

14. Probation officers should conference their cases in advance of the day they are due to appear in court.

2. Status of Respondents--Beginning and End of Hearing

Placement of respondents at the beginning of hearings was largely with their parents, relatives, or guardians (80%) and the majority were without supervision. Other respondents were placed with the Division for Youth (DFY), the Department of Social Services (DSS) or private

agencies. At the beginning of hearings, 38% of the respondents in the juvenile delinquency cases observed were placed in secure facilities. At the end of hearings, most respondents were placed with their parents, relatives, or guardians (75%). Placement with the Department of Social Services was utilized much more at the end of hearings than at the beginning.

3. Hearings--Juvenile Delinquency and PINS cases

Monitors observed a total of 200 cases in Rockland County during the two month period from November to December 1978. Of the 190 cases (95%) where the type of hearing was recorded 24% were PINS cases and 76% were juvenile delinquency cases. Of these cases, the sex of the respondent was not recorded for 87 of the cases (43.5%). For those cases where sex was recorded, males represented 77% and females 23% of the respondents. The age of the respondents was recorded in only 103 cases observed; of these, 21% were under the age of 14, 63% were 14 or 15, and 16% were 16 and older. Table 3 of the appendix shows that males become involved in the court system at an earlier age than females.

There were distinct differences in the length of the hearing between Persons in Need of Supervision (PINS) and juvenile delinquency cases. For the PINS cases, 56% were heard in ten minutes or less and 81% in less than fifteen minutes. For the juvenile delinquency cases, 49% were heard in ten minutes or less and 62% were heard in fifteen minutes or less. However, more time was given to juvenile delinquency cases than PINS cases (39% of the juvenile delinquency cases took fifteen minutes or more and 10% over one hour).

4. Explanation of Rights

In general, monitors felt that both judges were very careful to preserve the rights of both the respondent and the petitioner. They felt that both judges seemed concerned with the problems of all participants in a case. However, the monitors noted that the petitions were usually not read aloud. Even at the initial hearing, the judges would either summarize the charges or simply ask if the respondent was familiar with and understood the charges against him. A respondent might say "yes" or nod in assent, but in many cases the monitors felt that the respondents really did not comprehend the serious nature of the allegations, especially in juvenile delinquency proceedings. After the initial appearance, the charges were rarely repeated at future hearings.

In all cases involving juveniles, both judges were very careful to insure that the respondent had legal representation, and that he and his parents understood that they had a choice between private counsel and a law guardian.

Recommendation

15. Judges should explain the charges in simple and clear language and be assured that the respondent understands them before proceeding with the case.

D. Local Issues

1. Placements

The Department of Social Services of Rockland County is planning to change the non-secure shelter from the group home setting into foster boarding homes. One reason for this is that when the shelter is not filled to capacity, the group home becomes uneconomical. Secondly, there are problems in the amount of continuous supervision needed in the non-secure shelter and in education for these children. The foster parents are selected from a carefully screened group. Most have had experience with "acting out" juveniles.

The Family Court Advisory Committee has discussed the above as well as the lack of appropriate residential placements in New York State. It plans to continue discussion of this problem at a future meeting. Two monitors made particular note of the lack of facilities in New York State for "acting out" juveniles who also have a learning disability. In addition, there appeared to be a lack of residential vocational training schools for children in trouble.

2. Disposition of Cases

Monitors were especially impressed by the attempts of both judges to find appropriate placements and dispositions for the respondents. The disposition of many cases in Rockland County involved restitution, public service and counseling.

3. Dress and Conduct of Court Personnel

The monitors commented on many occasions on the unprofessional manner in which some of the staff of the court, Probation Department, and Department of Social Services dressed for court appearances. They felt that proper dress was a way of showing respect for the court, which it deserves. In addition, the observers felt that

court personnel should not eat snacks in the courtroom, even between cases.

Recommendations

16. The New York State Division for Youth should be urged to open new residential facilities for juvenile delinquents and PINS. These facilities should include vocational training.

17. The Department of Social Services should provide facilities and services for "acting out" children with learning disabilities.

18. Court employees should be aware of the image that they project to the public and therefore should be properly attired and maintain professional decorum.

E. Physical Facilities

The Family Court is located in the County Office Building in New City. It is in close proximity to the County Courthouse and has adequate parking facilities. There is some bus transportation nearby, but this is at a minimum.

The section of the building that houses the Family Court is on the main floor. There is an outer reception area where one can sign in and a larger, inner waiting room. Off of the inner waiting room are the two hearing rooms. Beyond these are the judges' chambers, their secretaries' desks, and the rooms where the clerical staff works.

There is one small conference room just off of the inner waiting room. One conference room is inadequate for lawyer/client meetings. As a result of the usually large number of conferences going on at the same time, most of these must take place in the waiting room or the hall outside.

There is no provision for taking care of children of litigants or witnesses. In fact, there is a sign near the receptionist's window requesting people to leave their children at home.

The Probation Department, which used to be located on the same floor as the Family Court, has recently been moved to newly renovated quarters on the second floor. They have more office space now and, if they held their conferences upstairs in their offices, there would be more privacy for participants. This would only be feasible if conferences were held, as has been suggested, in advance

of court appearances.

The physical facilities of both hearing rooms are generally adequate. The rooms are small, but large enough for their purposes. They are clean and neat and the lighting and acoustics are good.

The waiting room becomes very crowded later in the day. If there are the usual delays, the crowd may overflow into the hall.

Recommendation

19. Provisions should be made for a child care center within the court for litigants and witnesses who bring their children to court.

V. Methodology

The local coordinator was responsible for establishing a local advisory committee, recruiting, training, scheduling, and supervising citizen volunteers. She evaluated monitors' reports and wrote the project report for Rockland County. She also acted as liaison between the judges, court personnel and monitors.

The local advisory committee helped to establish guidelines and goals for the local project. It assisted in recruiting volunteers and met monthly to evaluate the progress of the project. It also reviewed the final report. The members of the Rockland County Advisory Committee were:

| | |
|------------------|--|
| Joan Ball | Seventh Vice President-New York State PTA |
| Donald Bruso | President-School Administrator's Association of New York State |
| C. Gerald Connor | Executive Director-Youth Counsel Bureau |
| Naomi Parker | Juvenile Justice Chair and Past President National Council of Jewish Women, Rockland Section |
| Sharon Toomin | Board of Directors-Tri Town League of Women Voters |
| Moe Zuckerman | Convener-Gray Panthers |

1. Volunteer Recruitment

More than thirty volunteers were recruited and trained during the project. They came from different backgrounds and ranged in age from nineteen to seventy-two.

Most were women. All were high school graduates; sixteen had college degrees; one was a retired attorney; two were former legal secretaries; and one was a court reporting student. Some of the monitors were associated with community groups such as the National Council of Jewish Women, Rockland Section; the PTA; the League of Women Voters; and the Gray Panthers.

All citizen volunteers were required to make a minimum commitment of one-half day for at least two months and to participate in training sessions. In addition, they attended monthly meetings.

2. Training

Initial training consisted of a review of the goals of the project, some information about the Fund for Modern Courts, Inc., and talks by court related personnel. These included a Family Court judge's confidential law secretary, an Assistant County Attorney, and several law guardians. At this session, Virginia T. Wood, Project Director of the Fund for Modern Courts, Inc., also discussed the collection of data and the method of recording it on the special monitors' forms.

The second session included a talk by the Deputy Chief Clerk of the Family Court and a short tour of the court facilities.

At the monthly monitor meetings, guest speakers included representatives of the PINS Diversion Program, the Youth Counsel Bureau, the Probation Department, the VIP Program, and the Juvenile Aid Bureau of the Town of Ramapo.

As new monitors joined the project they were given an overview by the local coordinator and in-court training by experienced observers.

Monitors used the Fund for Modern Courts, Inc. Court Monitoring Handbook, the Family Court Monitoring Second Report, and other resource materials provided by the coordinator as aids in understanding the court procedures.

Whenever possible two monitors were assigned to cover each session.

VI. Acknowledgements

The local advisory committee, local coordinator, and monitors wish to express their appreciation for the cooperation and assistance throughout the project of local Administrative Family Court Judge Alfred J. Weiner, Family Court Judge Howard Miller, and the court personnel. These judges often took the time to ask the monitors if they had

any questions about the proceedings. Special thanks go to Deputy Chief Clerk Joan Rosch, who was always ready to help the coordinator and monitors and to Eric Ole Thorsen, Law Secretary to Judge Weiner, who always took the time to answer questions. In addition, we would like to thank the personnel of the Probation Department, the County Attorney's Office, the PINS Diversion Program, the Youth Counsel Bureau, the Juvenile Aid Bureau, the Volunteer Counseling Service, and the Forensic Team. Our gratitude also goes to law guardians Ann Glickman and David Klein, who assisted in the initial training of the court monitors. Most individuals connected with the Family Court seemed hopeful that through public understanding of the system and its defects constructive changes could be made.

Every monitor who took part in the study regarded the experience as an educational one and felt that he or she personally had grown because of it. Hopefully, a dialogue will be maintained between the court and the community in an effort to have the two work together for improvements in the judicial system.

The following is a list of the volunteer monitors who made this project possible:

Eleanor Abbo
Dorothy Anderson
Joan Ball
Trudy Baslow
Catherine Beam
Martha Carraher
Anne Dworkis
Phyllis Eig
Carol Falis
Paula Fazio
Julius Figelman
Lillian Figelman
Harriet Fuld
Ethel Greenberg
Kay Greenblatt
Grace Holland

Sandra B. Jeanette
Naomi Parker
Sandra Platzman
Mae Polifrone
Margaret Raso
Elaine T. Resnick
Blanche Roen
Marian Sevransky
Gertrude Silver
Robertta Solomon
Sharon Toomin
Harriet J. Turner
Barbara Waxenburg
Clara Zuckerman
Tsvi Zwickler

The Rockland County coordinator, Brenda Greenberg, may be contacted at 13 Barnacle Drive, Spring Valley, N.Y. 10977. (914) 354-4070.

VII. TABLES

TABLE 1. DEMOGRAPHIC, ECONOMIC AND SOCIAL STATISTICS FOR ROCKLAND COUNTY

| DESCRIPTION | STATISTIC |
|---|-----------|
| Land Area (Total of 47,831 Square Miles) | .4 |
| Population of 18,075,487 (July 1, 1975) | 1.4 |
| Population Per Square Mile | 1427 |
| Percent of Population Over 65 | 7.2 |
| Population Change, 1960 to 1970 | 68.1 |
| Population Change, 1970 to 1975 | 8.4 |
| Percent Urban Population, 1970 | 96.2 |
| Percent Black Population | 5.7 |
| Percent Foreign Stock Population, 1970 | 33.9 |
| Birth Rate: 1970 * | 16.4 |
| 1975 | 12.5 |
| Death Rate: 1970 | 6.3 |
| 1975 | 6.3 |
| Marriage Rate: 1970 | 5.9 |
| 1975 | 5.5 |
| Divorce Rate: 1970 | .5 |
| 1975 | 1.8 |
| Public School Enrollment Rate, 1970 | 243.7 |
| 1975 | 238.0 |
| Number of Physicians (Rate), 1975 | 242.1 |
| Number of Hospital Beds (Rate), 1975 | 1483.8 |
| Per Capita, 1974 | 5265 |
| Public Assistance Recipients: Total (Rate), 1976 | 29.9 |
| Children (Rate), 1976 | 20.8 |
| Mean \$ Per Family, 1976 | 370 |
| Per Capita Dollars in Bank Deposits, 1976 | 2911 |
| Housing: Percent One Unit Structures, 1970 | 70.5 |
| Percent Owner Occupied, 1970 | 70.4 |
| Percent 1.01+ People Per Room, 1970 | 5.7 |
| General Revenue Per Capita, 1972 | 786 |
| From Federal Govt. (Percent), 1972 | 5.9 |
| Property Taxes (Per Capita), 1972 | 429 |
| General Expenditures (Total) Per Capita, 1972 | 879 |
| (Less Capital Exp.) Per Capita, 1972 | 791 |
| Education (Percent), 1972 | 58.1 |
| Public Welfare (Percent), 1972 | 9.5 |
| Health and Hospitals (Percent), 1972 | 4.2 |
| General Debt Outstanding Per Capita, 1972 | 1093 |
| Crime Index Rate, 1975 | 3824 |
| Robbery (Per 100,100 Population), 1975 | 69.3 |
| Aggregated Assault (Per 100,000 Population), 1975 | 136.6 |
| Burglary-Breaking or Entering (Per 100,000), 1975 | 1037.4 |
| Motor Vehicle Theft, 1975 | 258.8 |
| Police Officers (Per 100,000 Population), 1975 | 200.7 |

*ALL RATES ARE PER 1,000 POPULATION UNLESS OTHERWISE SPECIFIED

TABLE 2. FREQUENCY AND PERCENTAGE DISTRIBUTIONS
BY TYPE OF CASE FOR ROCKLAND COUNTY

| Description | Frequency | Percentage |
|--------------|-----------|------------|
| P.I.N.S. | 45 | 22.5 |
| Delinquency | 145 | 72.5 |
| Non-response | 10 | 5.0 |
| Total | 200 | 100.0 |

TABLE 3. AGE BY SEX DISTRIBUTION FOR ROCKLAND COUNTY

| | | Sex of Respondent | | |
|-------------------|------------|-------------------|--------|-------|
| Age of Respondent | | Male | Female | Total |
| 12 and Under | Frequency | 17 | 0 | 17 |
| | Percentage | 20.2 | 0.0 | 16.2 |
| 13 | Frequency | 3 | 2 | 5 |
| | Percentage | 3.6 | 9.5 | 4.8 |
| 14 | Frequency | 12 | 8 | 20 |
| | Percentage | 14.3 | 38.1 | 19.0 |
| 15 | Frequency | 39 | 7 | 46 |
| | Percentage | 46.4 | 33.3 | 43.8 |
| 16 and Over | Frequency | 13 | 4 | 17 |
| | Percentage | 15.5 | 19.1 | 16.2 |
| TOTAL | Frequency | 84 | 21 | 105 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 4. DETENTION AT START OF HEARING BY DETENTION
AT END OF HEARING FOR ROCKLAND COUNTY

| Detention at Start of Hearing | Detention at End of Hearing | | |
|----------------------------------|-----------------------------|-------------|-------|
| | Secured | Non-Secured | Total |
| Frequency | 8 | 3 | 11 |
| Secured Detention | | | |
| Percentage | 72.7 | 14.3 | 34.4 |
| Frequency | 3 | 18 | 21 |
| Non-secured Detention | | | |
| Percentage | 27.3 | 85.7 | 65.6 |
| Frequency | 11 | 21 | 32 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 5. PETITIONER BY TYPE OF CASE FOR ROCKLAND COUNTY

| Petitioner | TYPE OF CASE | | |
|----------------------------|--------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Frequency | 14 | 6 | 20 |
| Parent, Relative, Guardian | | | |
| Percentage | 35.0 | 4.5 | 11.6 |
| Frequency | 8 | 96 | 104 |
| Police | | | |
| Percentage | 20.0 | 72.2 | 60.1 |
| Frequency | 16 | 4 | 20 |
| School | | | |
| Percentage | 40.0 | 3.0 | 11.6 |
| Frequency | 1 | 25 | 26 |
| Citizen | | | |
| Percentage | 2.5 | 18.8 | 15.0 |
| Frequency | 1 | 2 | 3 |
| Public/Private Agency | | | |
| Percentage | 2.5 | 1.5 | 1.7 |
| Frequency | 40 | 133 | 173 |
| TOTAL | | | |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 6. LEGAL REPRESENTATION FOR PETITIONER BY TYPE OF CASE
FOR ROCKLAND COUNTY

| | | T Y P E O F C A S E | | |
|----------------------------------|------------|----------------------|-------|-------|
| Legal Representation: Petitioner | | P.I.N.S. Delinquency | Total | |
| Assistant County Attorney | Frequency | 37 | 131 | 168 |
| | Percentage | 90.2 | 92.9 | 92.3 |
| Private Counsel | Frequency | 2 | 1 | 3 |
| | Percentage | 4.9 | 0.7 | 1.7 |
| No Counsel Assigned | Frequency | 0 | 3 | 3 |
| | Percentage | 0.0 | 2.1 | 1.7 |
| Court Appointed Counsel | Frequency | 0 | 1 | 1 |
| | Percentage | 0.0 | 0.7 | 0.5 |
| Assistant District Attorney | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Counsel Absent | Frequency | 2 | 5 | 7 |
| | Percentage | 4.9 | 3.6 | 3.8 |
| TOTAL | Frequency | 41 | 141 | 182 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 7. LEGAL REPRESENTATION FOR RESPONDENT BY TYPE OF CASE
FOR ROCKLAND COUNTY

| Legal representation for Respondent | T Y P E O F C A S E | | |
|--|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Law Guardian | Frequency | 40 | 117 |
| | Percentage | 93.0 | 83.0 |
| Assigned Counsel | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Private Counsel | Frequency | 3 | 20 |
| | Percentage | 7.0 | 14.2 |
| No Counsel Assigned | Frequency | 0 | 1 |
| | Percentage | 0.0 | 0.7 |
| Counsel Absent | Frequency | 0 | 3 |
| | Percentage | 0.0 | 2.1 |
| TOTAL | Frequency | 43 | 141 |
| | Percentage | 100.0 | 100.0 |

TABLE 8. DETENTION AT START OF HEARING BY TYPE OF CASE
FOR ROCKLAND COUNTY

| Detention at Start of Hearing | T Y P E O F C A S E | | |
|----------------------------------|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Secured Detention | Frequency | 3 | 10 |
| | Percentage | 30.0 | 38.5 |
| Non-secured Detention | Frequency | 7 | 16 |
| | Percentage | 70.0 | 61.5 |
| TOTAL | Frequency | 10 | 26 |
| | Percentage | 100.0 | 100.0 |

TABLE 9. PLACEMENT AT START OF HEARING BY TYPE OF CASE FOR
ROCKLAND COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|----------------------|-------|-------|
| Placement: Start of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 0 | 4 | 4 |
| | Percentage | 0.0 | 2.9 | 2.2 |
| Long-term DFY | Frequency | 1 | 4 | 5 |
| | Percentage | 2.4 | 2.9 | 2.8 |
| Short-term DSS | Frequency | 4 | 6 | 10 |
| | Percentage | 9.5 | 4.3 | 5.5 |
| Long-term DSS | Frequency | 1 | 4 | 5 |
| | Percentage | 2.4 | 2.9 | 2.8 |
| Short-term Private Agency | Frequency | 2 | 2 | 4 |
| | Percentage | 4.8 | 1.4 | 2.2 |
| Long-term Private Agency | Frequency | 3 | 5 | 8 |
| | Percentage | 7.1 | 3.6 | 4.4 |
| With Supervision - Custody | Frequency | 10 | 21 | 31 |
| | Percentage | 23.8 | 15.1 | 17.1 |
| Without Supervision - Custody | Frequency | 21 | 93 | 114 |
| | Percentage | 50.0 | 66.9 | 63 |
| TOTAL | Frequency | 42 | 139 | 181 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 10. DETENTION AT END OF HEARING BY TYPE OF CASE
FOR ROCKLAND COUNTY

| Detention at End of Hearing | T Y P E O F C A S E | | |
|--------------------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Secured Detention | | | |
| Frequency | 0 | 10 | 10 |
| Percentage | 0.0 | 28.6 | 21.7 |
| Non-secured Detention | | | |
| Frequency | 11 | 25 | 36 |
| Percentage | 100.0 | 71.4 | 78.3 |
| TOTAL | | | |
| Frequency | 11 | 35 | 46 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 11. PLACEMENT AT END OF HEARING BY TYPE OF CASE FOR
ROCKLAND COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|-------------------------|-------|-------|
| Placement: End of Hearing | | P.I.N.S. Delinquency | | Total |
| | Frequency | 0 | 5 | 5 |
| Short-term DFY | Percentage | 0.0 | 3.9 | 3.0 |
| Long-term DFY | Frequency | 1 | 3 | 4 |
| | Percentage | 2.5 | 2.4 | 2.4 |
| Short-term DSS | Frequency | 4 | 5 | 9 |
| | Percentage | 10.0 | 3.9 | 5.4 |
| Long-term DSS | Frequency | 2 | 12 | 14 |
| | Percentage | 5.0 | 9.4 | 8.3 |
| Short-term Private Agency | Frequency | 1 | 0 | 1 |
| | Percentage | 2.5 | 0.0 | 0.6 |
| Long-term Private Agency | Frequency | 4 | 5 | 9 |
| | Percentage | 10.0 | 3.9 | 5.4 |
| With Supervision - Custody | Frequency | 18 | 36 | 54 |
| | Percentage | 45.0 | 28.1 | 32.1 |
| Without Supervision - Custody | Frequency | 10 | 62 | 72 |
| | Percentage | 25.0 | 48.4 | 42.8 |
| TOTAL | Frequency | 40 | 128 | 168 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 12. DURATION OF CASE BY TYPE OF CASE FOR ROCKLAND COUNTY

| | | T Y P E O F C A S E | | |
|---------------------|------------|-------------------------|-------|-------|
| Duration of Case | | P.I.N.S. Delinquency | Total | |
| Less Than 5 Minutes | Frequency | 7 | 29 | 36 |
| | Percentage | 16.3 | 20.2 | 19.4 |
| 5 to 10 Minutes | Frequency | 17 | 41 | 58 |
| | Percentage | 39.5 | 28.7 | 31.2 |
| 11 to 15 Minutes | Frequency | 11 | 19 | 30 |
| | Percentage | 25.6 | 13.3 | 16.1 |
| 16 to 30 Minutes | Frequency | 8 | 29 | 37 |
| | Percentage | 18.6 | 20.3 | 19.9 |
| 31 to 60 Minutes | Frequency | 0 | 11 | 11 |
| | Percentage | 0.0 | 7.7 | 5.9 |
| Over 60 Minutes | Frequency | 0 | 14 | 14 |
| | Percentage | 0.0 | 9.8 | 7.5 |
| TOTAL | Frequency | 43 | 143 | 186 |
| | Percentage | 100.0 | 100.0 | 100.0 |

IV. TOMPKINS COUNTY REPORT

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I. Introduction

The Tompkins County Family Court Monitoring Project began in October 1978 under the auspices of the Fund for Modern Courts, Inc. Observation of Family Court proceedings began in November 1978 and continued through December 1978. The two month survey was sponsored by the State Office of Court Administration and was funded by a grant from the Division of Criminal Justice Services.

The goals of the Tompkins County project were to educate the community about the Family Court, provide a presence of concerned citizens in the courtroom, initiate a dialogue between citizens and various agencies and personnel concerned with the operation of the juvenile justice system and formulate recommendations for improvements in the Family Court system.

Citizen volunteers collected quantitative and qualitative data in all areas of Family Court jurisdiction; however, primary emphasis of this report is in the area of juvenile delinquency and Persons in Need of Supervision (PINS) cases. Monitors noted the overall operation of the court and reported on case processing, court procedures, treatment and placement of children, the physical condition of the court and the conduct of the judge and court personnel.

II. Summary of Recommendations

1. Investigation into the need for and possible assignment of security personnel in the court should be made.

2. Sanctions should be imposed on those attorneys, respondents and agency personnel who cause delays and/or adjournments through lateness or non-appearance.

3. An updated court directory should be installed in the main lobby of the courthouse listing the location of the courtrooms and offices.

III. Summary of Statistical Data* on Cases Observed

Monitors observed a total of 43 juvenile delinquency and Persons in Need of Supervision (PINS) cases during the two month period between November and December 1978. In these cases, the majority of the respondents were male (See Tables 2 and 3). The ages of these respondents ranged from 12 to 16 with 25% being under the age of 14, 63% being 14 or 15 and 12% being 16. PINS cases represented 42% of the cases observed and juvenile delinquency cases 56%. Male respondents in the cases observed were generally between the ages of 13 and 15; females, on the other hand, were generally 15 years old (75%).

In terms of the length of hearings, all of the PINS cases observed were heard in 15 minutes or less with 88% of these cases being heard between 5 and 15 minutes. For the juvenile delinquency cases observed 92% were heard in 15 minutes or less; all of the cases observed were generally heard in less than 30 minutes.

The police were the petitioner in the majority of juvenile delinquency and PINS cases observed. Parents and the school system were the petitioners in 35% of the cases. It is interesting to note that private citizens rarely appeared as petitioners in either the juvenile delinquency or PINS cases observed (See Table 5).

The Assistant County Attorney represented the petitioner in all of the juvenile delinquency cases observed and in 83% of the PINS cases observed. Respondents were represented by law guardians in 94% of the PINS cases and 96% of the juvenile delinquency cases observed. One respondent in a juvenile delinquency case was represented by private counsel and one respondent in a PINS case was represented by assigned counsel.

Secure detention was seldom used as a placement for respondents in the cases observed. At the beginning of the hearings no respondents were placed in a secure detention facility and only two (one PINS and one juvenile delinquent) were placed in this type of facility at the end of the hearings. In the juvenile delinquency cases observed respondents at the beginning of hearings were placed in the custody of parents, relative, etc. without supervision (79%), while the remainder were in the custody of parents, relative, etc. with supervision, short-term Department of Social Services (DSS) facilities, or long-term Division for Youth (DFY) facilities. Respondents in the PINS cases observed at the beginning of hearings were placed in short-term DFY facilities (35%), followed by custody of parents, relative, etc. with supervision (29%) and without supervision (24%). Long-term placement with DFY was seen in 12% of the PINS cases observed.

* Statistical figures are rounded off to the nearest 10th.

At the end of the hearings the majority of respondents in juvenile delinquency cases observed were in the custody of parents, relative, etc. (91%). However, supervision while in the custody of parents, relative, etc. was often ordered at the end of hearings (without supervision decreased from 79% to 61% at the end of hearings whereas with supervision increased from 8% to 30% at the end of hearings). Short-term placement with DFY was observed in many of the PINS cases (31%) at the end of hearings; assignment of PINS respondents to the custody of parents, relative, etc. without supervision accounted for 31% of the end of hearings placements and with supervision for 25%.

IV. Findings and Recommendations

A. Organization and Staffing

1. Judicial Staffing

There is one judge in the Tompkins County Family Court. There are no separate court parts and no rotation system. Other regular court personnel are the staff of the Family Court Clerk (Chief Clerk, Deputy Chief Clerk, and one clerk-typist), one court stenographer, and one court attendant.

The Chief Clerk and Deputy Chief Clerk fulfill the intake function and are responsible for setting up the calendar. The court attendant keeps track of everyone who is waiting, calls the calendar, and notifies the judge when cases are ready. No regular security personnel are on duty.

2. Legal Services

The same local attorney serves as both Assistant County Attorney and counsel for the Department of Social Services. The Assistant County Attorney represents the petitioner in juvenile delinquency, Persons in Need of Supervision (PINS), and Uniform Support of Dependents Law (USDL) cases as well as in cases involving the Department of Social Services. In the cases observed, the Assistant County Attorney represented the petitioner in all of the juvenile delinquency cases and in 83% of the PINS cases.

Respondents were represented by law guardians in 94% of the PINS cases and 96% of the juvenile delinquency cases observed. These law guardians are assigned by the court from a list of about eighty attorneys. These attorneys, who are private practitioners, receive no formal training in Family Law or procedures.

In addition, a Legal Aid Clinic is operated by the Cornell Law School. This Clinic handles only civil cases, which includes custody and support cases in Family Court. Law students appear in court only under the direct supervision of a member of the bar. The Clinic handles only a small number of Family Court cases, as most litigants opt to be represented by court assigned counsel.

Recommendation:

1. Investigation into the need for and possible assignment of security personnel to the court should be made.

B. Ancillary Services

The Tompkins County Probation Department serves as the intake unit for all juvenile delinquency and PINS cases in Family Court. They also prepare pre-plea, pre-dispositional, and custody investigations.

The Tompkins County Mental Health Clinic is frequently called upon by the Family Court to conduct psychological evaluations of litigants. When the judge orders such tests the court pays any fees incurred. Litigants must comply with such court-ordered testing or risk being held in contempt of court.

The New York State Division for Youth maintains several facilities in the area and two group homes are located in Ithaca. The Tompkins County Youth Bureau and the Ithaca City Youth Bureau are both active in working with youths who have juvenile delinquency and/or PINS backgrounds.

The Greater Ithaca Activities Center (GIAC) offers a variety of athletic and recreational programs to which youths are frequently referred to from the Family Court. Referrals issued from the court are usually made as a condition for respondent's placement with his or her parent, relative or guardian.

The Family and Children's Service provides a full range of counselling services for parents, children, and families. Alpha House maintains both a residence facility and an outreach center for those having difficulties with drug and/or alcohol abuse.

The Learning Web (located on the Cornell University campus) arranges for youths to apprentice with local merchants and craftsmen in order to learn marketable skills. Often the judge asks a juvenile if he or she would be interested in participating in the program and if the juvenile agrees the judge will allow the juvenile to return home conditioned upon his or her participation in the program.

C. Court Procedures and Case Processing

1. General

The Tompkins County Family Court operates daily on a split-calendar system. The morning session goes from 9:00 a.m. to 12 noon and the afternoon from 1:30 or 2:00 p.m. to 5:00 p.m. However, within these time spans, cases are scheduled for a specific time and allotted given lengths of time according to the type of hearing (initial, fact-finding, dispositional, etc.). When a case is adjourned, the new hearing

date is immediately selected and announced to all participants by the Court Clerk. The court attendant sees that no cases are called until all necessary parties are present and keeps all persons waiting continually apprised of any delays. The maximum waiting time for any particular case has generally not been more than forty minutes. Unfortunately, and probably unavoidably, gaps are seen to occur in the calendar due to last-minute cancellations by or non-appearances of attorneys, agency personnel and respondents.

The judge invariably and emphatically informs respondents of their right to counsel and explains the assigned counsel option in cases of possible indigency. Law guardians are routinely assigned in juvenile delinquency and PINS cases and frequently in custody cases as well.

The pre-hearing conferences in the judge's chambers constitute a major source of delays, although they do sometimes result in mutually agreeable resolutions. Non-appearance by an attorney is always checked immediately by telephone before any further action is taken. A respondent's non-appearance is dealt with by personal service of a summons or by issuance of a warrant. Although the judge does make every effort to limit delays and adjournments monitors felt that further sanctions should be imposed.

Recommendation :

2. Sanctions should be imposed on those attorneys, respondents and agency personnel who cause delays and/or adjournments through lateness or non-appearance.

2. Status of Respondents--Beginning and End of Hearing

Secure detention was seldom used as a placement for respondents in the cases observed. At the beginning of hearings, no respondents were placed in a secure detention facility and only two (one PINS and one juvenile delinquent) were placed with this type of facility at the end of hearings. In the juvenile delinquency cases observed respondents at the beginning of hearings were placed in the custody of parents, relative, etc. without supervision (79%) while the remainder were in the custody of parents, relative, etc. with supervision, short-term Department of Social Services (DSS) facilities, or long-term Division for Youth (DFY) facilities. Respondents in the PINS cases observed at the beginning of hearings were placed in short-term DFY facilities (35%), followed by custody of parents, relative, etc. with supervision (29%) and without supervision (24%). Long-term placement with DFY was seen in 12% of the PINS cases observed.

Placement status at the end of hearings showed 91% of the respondents in juvenile delinquency cases observed in the custody of parents, relative, etc. However, supervision while in the custody of parents, relative, etc.

was often ordered at the end of hearings (without supervision decreased from 79% to 61% at the end of hearings whereas with supervision increased from 8% to 30% at the end of hearings.) Short-term placement with DFY was observed in many of the PINS cases (31%) at the end of hearings; assignment of PINS respondents to the custody of parents, relative, etc. without supervision accounted for 31% of the end of hearings placements and with supervision for 25%.

3. Hearings--Juvenile Delinquency and Persons in Need of Supervision (PINS)

Monitors observed a total of 43 juvenile delinquency and PINS cases during the two month period between November and December 1978. In these cases, the majority of the respondents were male. The ages of these respondents ranged from 12 to 16 with 25% being under the age of 14, 63% being 14 or 15 and 12% being 16. Persons in Need of Supervision cases represented 42% of the cases observed and juvenile delinquency cases 56%. Male respondents in the cases observed were generally between the ages of 13 and 15; females, on the other hand, were generally 15 years old (75%).

In terms of the length of the hearings, all of the PINS cases observed were heard in 15 minutes or less with 88% of these cases being heard between 5 and 15 minutes. For the juvenile delinquency cases observed 92% were heard in 15 minutes or less; all of the cases observed were generally heard in less than 30 minutes.

D. Local Issues

In addition to the facilities mentioned under the Ancillary Services, a listing of "Interim Homes" for juveniles is maintained by the Family and Children's Service. The Greater Ithaca Activities Center (GIAC) arranges tours of the Tompkins County Jail for youths through its "Bottom Line" program.

E. Physical Facilities

Family Court is housed in the Tompkins County Court House, along with County Court, Surrogates Court, and Supreme Court. The Family Court, Family Court judge's chambers, court clerk's offices, court stenographer's office, waiting area, and the Department of Probation are all on the first floor. The waiting area, which contains four long benches, is merely the corridor outside the courtroom plus part of the main lobby.

There is no up-to-date directory of courthouse

offices at the entrance. Although the volume of traffic does not warrant the maintenance of a full-time information booth, a clear and accurate directory would alleviate much confusion.

Recommendation

3. An updated court directory should be installed in the main lobby of the courthouse listing the location of the courtrooms and offices.

V. Methodology

Eighteen volunteer monitors were recruited and trained for the Tompkins County project. The coordinator and two officers of the League of Women Voters accepted volunteer applications and conducted the interviews. The two evening training sessions were designed to familiarize the volunteers with the procedures and terminology of Family Court. Guest speakers included the Family Court Judge Betty Friedlander, the Assistant County Attorney, the Probation Department Supervisor, and the representatives from the Youth Bureau, group homes, the Alcohol Council, and the Family and Children's Service.

The members of the Advisory Board were:

| | |
|------------------------|--------------------------------------|
| Dennis Byron | Greater Ithaca Activities Center |
| Debbie Clinch | NYS Division for Youth |
| John Gaines | Tompkins County Youth Bureau |
| Kathy Heetderks | League of Women Voters |
| Lois Humphrey | Tompkins County Probation Department |
| Arthur Watkins | Southside Community Center |
| Elizabeth Bixler Yanof | Attorney-at-Law |
| Nancie L. Zane | Offender Aid and Restoration |

VI. Acknowledgements

The local coordinator would like to express her appreciation to the monitors and members of the local advisory board for their invaluable assistance, time and support during the course of the project. The coordinator, monitors and advisory board would like to thank Judge Betty Friedlander for not only her cooperation but assistance and

interest during the project.

The court personnel were extremely helpful and cordial to the monitors and were always available to answer any questions which arose.

The following is a list of those citizen monitors who made the project possible:

| | |
|---------------------|-----------------------|
| Philip W. Bennett | E. Joy Schiller |
| Gloria J. Bordner | Barbara Sinclair |
| Myra Chow | Suzanne Spitz |
| Dave Cullings | Marcia C. Stebbins |
| Tim Feltham | Constance R. Thomas |
| Kathy Heetderks | Gary V. Tucker |
| Andrea Sue Holtzman | Pat Valls |
| Elaine V. Lazar | Mary Jane Van Arsdale |
| James E. Marshall | George J. Whipple |

The local coordinator, Barbara Tuncel, can be reached at 301 Maple Hill Avenue, Ithaca, New York 14850, (607)272-1317.

VII. TABLES

TABLE 1. DEMOGRAPHIC, ECONOMIC AND SOCIAL STATISTICS FOR TOMPKINS COUNTY

| DESCRIPTION | STATISTIC |
|---|-----------|
| Land Area (Total of 47,831 Square Miles) | 1.0 |
| Population of 18,075,487 (July 1, 1975) | .5 |
| Population Per Square Mile | 174 |
| Percent of Population Over 65 | 7.9 |
| Population Change, 1960 to 1970 | 16.5 |
| Population Change, 1970 to 1975 | 9.9 |
| Percent Urban Population, 1970 | 41.6 |
| Percent Black Population | 2.4 |
| Percent Foreign Stock Population, 1970 | 15.8 |
| Birth Rate: 1970 * | 17.5 |
| 1975 | 12.0 |
| Death Rate: 1970 | 7.0 |
| 1975 | 6.7 |
| Marriage Rate: 1970 | 9.4 |
| 1975 | 7.9 |
| Divorce Rate: 1970 | 2.5 |
| 1975 | 4.0 |
| Public School Enrollment Rate, 1970 | 208.4 |
| 1975 | 188.9 |
| Number of Physicians (Rate), 1975 | 159.0 |
| Number of Hospital Beds (Rate), 1975 | 240.2 |
| Per Capita, 1974 | 4310 |
| Public Assistance Recipients: Total (Rate), 1976 | 30.5 |
| Children (Rate), 1976 | 20.2 |
| Mean \$ Per Family, 1976 | 362 |
| Per Capita Dollars in Bank Deposits, 1976 | 4076 |
| Housing: Percent One Unit Structures, 1970 | 53.1 |
| Percent Owner Occupied, 1970 | 59.1 |
| Percent 1.01+ People Per Room, 1970 | 3.6 |
| General Revenue Per Capita, 1972 | 661 |
| From Federal Govt. (Percent), 1972 | 1.1 |
| Property Taxes (Per Capita), 1972 | 200 |
| General Expenditures (Total) Per Capita, 1972 | 623 |
| (Less Capital Exp.) Per Capita, 1972 | 632 |
| Education (Percent), 1972 | 45.4 |
| Public Welfare (Percent), 1972 | 13.0 |
| Health and Hospitals (Percent), 1972 | 13.8 |
| General Debt Outstanding Per Capita, 1972 | 469 |
| Crime Index Rate, 1975 | 4921 |
| Robbery (Per 100,100 Population), 1975 | 46.6 |
| Aggregated Assault (Per 100,000 Population), 1975 | 77.7 |
| Burglary-Breaking or Entering (Per 100,000), 1975 | 1335.0 |
| Motor Vehicle Theft, 1975 | 297.6 |
| Police Officers (Per 100,000 Population), 1975 | 174.5 |

*ALL RATES ARE PER 1,000 POPULATION UNLESS OTHERWISE SPECIFIED

**TABLE 2. FREQUENCY AND PERCENTAGE DISTRIBUTIONS
BY TYPE OF CASE FOR TOMPKINS COUNTY**

| Description | Frequency | Percentage |
|--------------|-----------|------------|
| P.I.N.S. | 18 | 41.9 |
| Delinquency | 24 | 55.8 |
| Non-response | 1 | 2.3 |
| Total | 43 | 100.0 |

TABLE 3. AGE BY SEX DISTRIBUTION FOR TOMPKINS COUNTY

| Age of Respondent | Sex of Respondent | | |
|-------------------|-------------------|--------|-------|
| | Male | Female | Total |
| 12 and Under | | | |
| Frequency | 2 | 0 | 2 |
| Percentage | 6.5 | 0.0 | 4.7 |
| 13 | | | |
| Frequency | 9 | 0 | 9 |
| Percentage | 29.0 | 0.0 | 20.9 |
| 14 | | | |
| Frequency | 7 | 2 | 9 |
| Percentage | 22.6 | 16.7 | 20.9 |
| 15 | | | |
| Frequency | 9 | 9 | 18 |
| Percentage | 29.0 | 75.0 | 41.9 |
| 16 and Over | | | |
| Frequency | 4 | 1 | 5 |
| Percentage | 12.9 | 8.3 | 11.6 |
| TOTAL | | | |
| Frequency | 31 | 12 | 43 |
| Percentage | 100.0 | 100.0 | 100.0 |

**TABLE 4. DETENTION AT START OF HEARING BY DETENTION
AT END OF HEARING FOR TOMPKINS COUNTY**

| Detention at Start of Hearing | Detention at End of Hearing | | |
|----------------------------------|-----------------------------|-------------|-------|
| | Secured | Non-Secured | Total |
| Secured Detention | | | |
| Frequency | 0 | 0 | 0 |
| Percentage | 0.0 | 0.0 | 0.0 |
| Non-secured Detention | | | |
| Frequency | 1 | 9 | 10 |
| Percentage | 100.0 | 100.0 | 100.0 |
| TOTAL | | | |
| Frequency | 1 | 9 | 10 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 5. PETITIONER BY TYPE OF CASE FOR TOMPKINS COUNTY

| Petitioner | TYPE OF CASE | | |
|----------------------------|--------------|-------------|-------|
| | P.I.N.S. | Delinquency | Total |
| Parent, Relative, Guardian | | | |
| Frequency | 5 | 3 | 8 |
| Percentage | 29.4 | 13.0 | 20.0 |
| Police | | | |
| Frequency | 9 | 16 | 25 |
| Percentage | 52.9 | 69.6 | 62.5 |
| School | | | |
| Frequency | 2 | 4 | 6 |
| Percentage | 11.8 | 17.4 | 15.0 |
| Citizen | | | |
| Frequency | 0 | 0 | 0 |
| Percentage | 0.0 | 0.0 | 0.0 |
| Public/Private Agency | | | |
| Frequency | 1 | 0 | 1 |
| Percentage | 5.9 | 0.0 | 2.5 |
| TOTAL | | | |
| Frequency | 17 | 23 | 40 |
| Percentage | 100.0 | 100.0 | 100.0 |

TABLE 6. LEGAL REPRESENTATION FOR PETITIONER BY TYPE OF CASE
FOR TOMPKINS COUNTY

| | | T Y P E O F C A S E | | |
|----------------------------------|------------|---------------------|-------------|-------|
| Legal Representation: Petitioner | | P.I.N.S. | Delinquency | Total |
| Assistant County Attorney | Frequency | 15 | 24 | 39 |
| | Percentage | 83.3 | 100.0 | 92.9 |
| Private Counsel | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| No Counsel Assigned | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Court Appointed Counsel | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Assistant District Attorney | Frequency | 3 | 0 | 3 |
| | Percentage | 16.7 | 0.0 | 7.1 |
| Counsel Absent | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| TOTAL | Frequency | 18 | 24 | 42 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 7. LEGAL REPRESENTATION FOR RESPONDENT BY TYPE OF CASE
FOR TOMPKINS COUNTY

| Legal representation for Respondent | T Y P E O F C A S E | | |
|--|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Law Guardian | Frequency | 17 | 23 |
| | Percentage | 94.4 | 95.8 |
| Assigned Counsel | Frequency | 1 | 0 |
| | Percentage | 5.6 | 0.0 |
| Private Counsel | Frequency | 0 | 1 |
| | Percentage | 0.0 | 4.2 |
| No Counsel Assigned | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Counsel Absent | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| TOTAL | Frequency | 18 | 24 |
| | Percentage | 100.0 | 100.0 |

TABLE 8. DETENTION AT START OF HEARING BY TYPE OF CASE
FOR TOMPKINS COUNTY

| Detention at Start of Hearing | T Y P E O F C A S E | | |
|----------------------------------|---------------------|----------------------|-------|
| | | P.I.N.S. Delinquency | Total |
| Secured Detention | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Non-secured Detention | Frequency | 9 | 2 |
| | Percentage | 100.0 | 100.0 |
| TOTAL | Frequency | 9 | 2 |
| | Percentage | 100.0 | 100.0 |

TABLE 9. PLACEMENT AT START OF HEARING BY TYPE OF CASE FOR
TOMPKINS COUNTY

| | | T Y P E O F C A S E | | |
|-------------------------------|------------|-------------------------|-------|-------|
| Placement: Start of Hearing | | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency | 6 | 0 | 6 |
| | Percentage | 35.3 | 0.0 | 14.6 |
| Long-term DFY | Frequency | 2 | 1 | 3 |
| | Percentage | 11.8 | 4.2 | 7.3 |
| Short-term DSS | Frequency | 0 | 2 | 2 |
| | Percentage | 0.0 | 8.3 | 4.9 |
| Long-term DSS | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Short-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| Long-term Private Agency | Frequency | 0 | 0 | 0 |
| | Percentage | 0.0 | 0.0 | 0.0 |
| With Supervision - Custody | Frequency | 5 | 2 | 7 |
| | Percentage | 29.4 | 8.3 | 17.1 |
| Without Supervision - Custody | Frequency | 4 | 19 | 23 |
| | Percentage | 23.5 | 79.2 | 56.1 |
| TOTAL | Frequency | 17 | 24 | 41 |
| | Percentage | 100.0 | 100.0 | 100.0 |

TABLE 10. DETENTION AT END OF HEARING BY TYPE OF CASE
FOR TOMPKINS COUNTY

| Detention at End of Hearing | T Y P E O F C A S E | | |
|--------------------------------|-------------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Secured Detention | Frequency | 1 | 2 |
| | Percentage | 11.1 | 16.7 |
| Non-secured Detention | Frequency | 8 | 10 |
| | Percentage | 88.9 | 83.3 |
| TOTAL | Frequency | 9 | 12 |
| | Percentage | 100.0 | 100.0 |

TABLE 11. PLACEMENT AT END OF HEARING BY TYPE OF CASE FOR
TOMPKINS COUNTY

| Placement: End of Hearing | T Y P E O F C A S E | | |
|-------------------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Short-term DFY | Frequency 5 | 0 | 5 |
| | Percentage 31.3 | 0.0 | 12.8 |
| Long-term DFY | Frequency 2 | 1 | 3 |
| | Percentage 12.5 | 4.3 | 7.7 |
| Short-term DSS | Frequency 0 | 1 | 1 |
| | Percentage 0.0 | 4.3 | 2.6 |
| Long-term DSS | Frequency 0 | 0 | 0 |
| | Percentage 0.0 | 0.0 | 0.0 |
| Short-term Private Agency | Frequency 0 | 0 | 0 |
| | Percentage 0.0 | 0.0 | 0.0 |
| Long-term Private Agency | Frequency 0 | 0 | 0 |
| | Percentage 0.0 | 0.0 | 0.0 |
| With Supervision - Custody | Frequency 4 | 7 | 11 |
| | Percentage 25.0 | 30.5 | 28.2 |
| Without Supervision - Custody | Frequency 5 | 14 | 19 |
| | Percentage 31.4 | 60.9 | 48.7 |
| TOTAL | Frequency 16 | 23 | 39 |
| | Percentage 100.0 | 100.0 | 100.0 |

TABLE 12. DURATION OF CASE BY TYPE OF CASE FOR TOMPKINS COUNTY

| Duration of Case | TYPE OF CASE | | |
|---------------------|----------------------|-------|-------|
| | P.I.N.S. Delinquency | Total | |
| Less Than 5 Minutes | Frequency | 2 | 4 |
| | Percentage | 11.8 | 16.7 |
| 5 to 10 Minutes | Frequency | 8 | 12 |
| | Percentage | 47.0 | 50.0 |
| 11 to 15 Minutes | Frequency | 7 | 6 |
| | Percentage | 41.2 | 25.0 |
| 16 to 30 Minutes | Frequency | 0 | 2 |
| | Percentage | 0.0 | 8.3 |
| 31 to 60 Minutes | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| Over 60 Minutes | Frequency | 0 | 0 |
| | Percentage | 0.0 | 0.0 |
| TOTAL | Frequency | 17 | 24 |
| | Percentage | 100.0 | 100.0 |

END