



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

April 2, 2020

The Honorable Jeanette Ruiz
Family Court of the State of New York
60 Lafayette Street
New York, New York 10013

Re: Obtaining Orders of Protection During COVID-19 Crisis

Dear Administrative Judge Ruiz:

As New York works to combat the spread of the novel coronavirus (“COVID-19”), I am grateful to the New York State Court System for taking unprecedented steps to adjust court operations to protect the health and safety of judges, court officers, staff, and the New Yorkers who need to access the system, while continuing to provide essential court services. The decision to transition New York City Family Court to virtual proceedings beginning March 26 rightly minimizes the risk of infection and further spread of the virus. However, it is critical that this transition does not result in delays or unequal access to justice, particularly for survivors of domestic violence who may feel increasingly at risk at a time when most New Yorkers are being strongly encouraged to stay in their homes.

We know that the stress and economic insecurity that many New Yorkers are experiencing right now are triggers for domestic and family violence. These pressures, combined with the fact that households are now isolated due to social distancing and traditional sites of support outside the home have closed, make this a doubly toxic situation, ripe for increased violence. For New Yorkers forced to isolate with their abusers, home can be life-threatening. This is why the systems in place to support survivors, including the courts, must adapt to meet survivors where they are.

Unfortunately, it has been brought to my attention that limited court staffing and communication may be constraining survivors’ ability to obtain orders of protection and, ultimately, safety. Only three judges are handling Family Court cases now, and it is my understanding that the number of clerks is limited as well.¹ Earlier this week, Chief Judge Janet DiFiore reported that Family Court has experienced delays, in part due to the complexity of child welfare cases.² Meanwhile, little guidance is available to survivors seeking emergency orders of protection on the New York State

¹ <https://nypost.com/2020/03/28/domestic-violence-victims-facing-higher-risks-amid-coronavirus-quarantine/>

² <https://www.nycourts.gov/whatsnew/pdf/Message330-v6.pdf>

Court System website (nycourts.gov), including what constitutes an emergency under these circumstances, and that limited guidance is available only in English.

Given these barriers and the importance of continuing order of protection cases during this emergency, I respectfully request that you consider the recommendations below, which are aimed at ensuring all survivors across the city have safe and equitable access to available court services:

1. **Strengthen the Coronavirus Hotline for DV Survivors:** While I am pleased the New York State Court System is operating a Coronavirus Hotline 24 hours a day/7days a week, I believe more could be done to strengthen this critical lifeline at a time when many survivors may feel literally trapped inside their homes. A dedicated option should be provided for information regarding orders of protection, so survivors calling this line outside Family Court business hours can be easily and quickly connected to assistance. Prompts on the hotline should also be offered in multiple languages, and there should be staff available to answer questions in a range of languages. A call placed by my office on April 1 revealed that prompts were given only in English and there is no clear option for survivors seeking orders of protection to select.
2. **Post Guidance on Court Buildings in Multiple Languages:** Currently, survivors who are unaware that cases are being handled virtually and show up to the courts will see a sign directing them to call 646-386-5299 between 9 a.m. and 5 p.m., if they need information about obtaining an emergency order of protection.³ This sign should be posted in at least the 10 citywide languages designated by Local Law 30 of 2017: Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Arabic, French, Urdu, and Polish.
3. **Provide a Dedicated E-mail Address for Order of Protection Cases:** Many survivors, in particular those now isolated at home with their abusers, may not have the ability to safely make a phone call. Indeed, organizations that provide shelter and legal support to survivors in the city have observed that some clients are indicating a preference for email. Family Court should ensure that survivors have more than one option for making contact by providing a dedicated email address, or, at a minimum, clarifying that survivors can email NYFCInquiry@nycourts.gov regarding order of protection cases.
4. **Leverage Private Attorneys and Other Legal Advocates:** The courts should increase virtual capacity by allowing private attorneys, including those who work for domestic violence service providers, to provide support in screening cases and filing petitions. Drawing on the expertise available in the city to fill gaps in staffing due to COVID-19 should help enable New York City Family Court to hear more cases and resolve matters more quickly.
5. **Work With Sheriffs to Prevent Delays in Serving Orders of Protection:** The Office of the Sheriff at the New York City Department of Finance may be called upon more often than usual to serve orders of protection under the current circumstances, as New Yorkers

³ <https://www.nycourts.gov/whatsnew/pdf/notice-courthouse-doors-v3-24-20.pdf>

practice social distancing and may be less willing to serve orders on someone else's behalf. The City must be alerted if staffing levels are inadequate to meet the need in order to triage and enlist resources from other agencies.

6. **Better Publicize the Renewal of Expired Orders of Protection:** The administrative order signed by Deputy Chief Administrative Judge George J. Silver on March 16 to renew all temporary orders of protection was a critical safeguard, but more could be done to communicate this important step. As you know, this order extends existing orders of protection “under the same terms and conditions” until these cases can be re-calendared. In the meantime, the order should be shared widely not only with the leadership of the New York City Police Department (NYPD), but rank-and-file officers as well. It is critical for survivors’ safety and peace of mind that they know that all orders of protection remain in full effect, and that the NYPD and other law enforcement agencies know to enforce all such orders.

This public health emergency is testing all levels and systems of government, requiring us to adjust and innovate daily. I appreciate all efforts to make sure Family Court remains open to assist the most vulnerable New Yorkers—who we know will need the most public support to weather this crisis—and appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer". The signature is fluid and cursive, with the first name "Scott" being more prominent.

Scott M. Stringer
New York City Comptroller

Cc: Dermot F. Shea, Commissioner, NYPD
Joseph Fucito, Deputy Commissioner and Sheriff, Office of the Sheriff, NYC DOF

