

Report Critical of Court Services

Dutchess County family Court says it's improving

The Dutchess County Family Court should take a number of steps to improve how it serves its community, from accounting more effectively for firearms in domestic violence cases, to ensuring bilingual support is offered more readily.

Those were among the recommendations in a report issued recently by The Fund for Modern Courts, an independent, statewide court-reform organization.

In a response provided to the group by the court's judges and attorney referee, the court said some of the report's suggestions are impractical, while steps have already been taken to improve in other areas.



More than 20 trained monitors observed 945 legal proceedings over a 10-month period in 2014 and 2015.

The proceedings related to abuse and neglect of children; custody and visitation; domestic violence; juvenile delinquency; guardianship; and foster care review and placement.

Modern Courts framed its recommendations within the larger context of the statewide family court system, which is under-resourced and burdened with the highest number of cases of any court system in the state.

"While even the most effective judges and court personnel cannot fully overcome the present crisis facing Family Court," the organization said in its report, "(the) recommendations can help Dutchess County Family Court make better use of available sources in facing this challenge."

In 2015, the Poughkeepsie Journal reported Dutchess Family Court is among the slowest in the state to process cases involving alleged abuse and neglect of children.

In its response to the group, the court noted that a fourth judge was added in January, reducing the caseloads observed during the 2014-15 period in the report.

And the judges and administrative staff meet annually with attorneys to discuss issues and efficiencies.

"The judges and court personnel are committed to treating all persons who appear in the Family Court with respect, patience and courtesy," the court said in its response.

The report offered seven recommendations:

1. **Judges should place a greater emphasis on determining what happens to firearms in domestic violence cases.** Not asking about firearms and not removing them when they are present put the petitioner in significant danger. In its response, the court said firearms are addressed when an application for an order is presented to the referee. And at arraignment, the court's judges question the accused about weapons and the status of any surrender in the temporary order of protection.
2. **Judges should be more consistent in explaining the relevant background and issues surrounding a case.** Some judges moved so quickly into proceedings that it was not clear if the parties fully understood what was

transpiring. The court said this suggestion is impractical and would cause further delays. It suggested the observation stemmed from the fact that the monitors observed cases randomly and, thus, did not have the contextual knowledge that parties in an ongoing case would have.

3. **Judges should explain orders of protection more clearly and thoroughly and provide bilingual orders of protection when appropriate.** The monitors found numerous instances where judges rushed through orders of protection. In November 2015, an initiative to create bilingual orders of protection was expanded statewide. They are now issued in Dutchess.

4. **Increase interpretation and translation services for those with limited English proficiency.** Modern Courts recommends the Dutchess Family Court clerk's office provide Spanish language services during all operating hours. The monitors found language assistance was not available on Fridays. The court said that when an interpreter is needed, it makes all attempts to secure one by utilizing statewide protocols, including the use of video connections, when necessary.

5. **Increase the amount of information on court procedures and local resources in waiting rooms.**

6. **Create staffed help desks to provide up-front assistance, particularly with paperwork.**

7. **Improve courtroom scheduling and decorum.** Monitors found scheduling and the absence of counsel led to frequent adjournments. And at times, music from a radio and noise from a copy machine during proceedings contribute to a lack of decorum.

The group also commended the court on several points, including the professional and courteous efforts of court personnel and the judges' laudable commitment "in the face of large and emotionally demanding caseloads."

Assistance was provided by the American Association of University Women's Poughkeepsie chapter, the NY Branch Court Watch Initiative and the League of Women Voters.

John Ferro: 845-437-4816; jferro@poughkeepsiejournal.com; Twitter: @PoJoEnviro