



Testimony

Public Hearings on the Executive Budget before the Joint Fiscal Committees of
the Senate and Assembly Public Protection

Denise Kronstadt

Deputy Executive Director

Director of Advocacy and Policy

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On behalf of Modern Courts, I want to thank the Joint Legislative Committees for providing our organization with the opportunity to submit testimony.

The Fund for Modern Courts is an independent nonpartisan statewide court reform organization committed to improving the court system for all New Yorkers. Modern Courts supports a judiciary that provides for the fair administration of justice, equal access to the courts, and that is independent, highly qualified and diverse. By research, public outreach, court monitoring, education and advocacy efforts, Modern Courts seeks to advance these goals and to ensure that the public confidence in the judiciary remains strong.

Modern Courts requests that with your leadership, the Judiciary in New York be provided with the budget that will allow it to meet its constitutional mandate and provide the public, which depends on the courts to resolve innumerable issues that can be resolved nowhere else, full access to justice. Modern Courts fully supports the budget as submitted by the Judiciary so the courts in New York will have the ability to provide full, fair and timely adjudication of matters brought to it by the people of this state who have no other recourse and deserve to have these matters resolved under the rule of law as guaranteed by our constitution, while remaining committed to fiscal responsibility. Modern Courts also would like to thank you for your continued support for funding civil legal services funding to ensure access to justice for New Yorkers in crisis without sufficient resources to hire a lawyer. That need continues to exist. Notwithstanding the significant work of legal service providers throughout the State, there remains a substantial justice gap for low-income New Yorkers. The funding thus far has increased the ability to serve those New Yorker's who are in danger of the impact of crises, whether in housing, family matters, access to healthcare and education and

subsistence income but the provision of more funding this year will work toward closing the justice gap. Modern Courts strongly supports the inclusion of funding for civil legal services in the Judiciary budget.

For Modern Courts, the poorest citizens, who at times of economic stress have the greatest needs must rely on continued access to critical services. For Modern Courts, this is a matter of simple justice. We ask that you continue to support the funding for civil legal services and the providers who service every county in this state, and can provide families, children, individuals with the legal representation needed.

Modern Courts supports the Judiciary's Capital Appropriation Request as it relates to improving technology "... to better serve New Yorkers, and to improve efficiencies and productivity." We are especially pleased to see that the judiciary plans to use funds in this budget to help improve access to justice through technology. We note that one of the initiatives highlighted in the budget request - remote orders of protection, which allows a victim of domestic violence to seek an ex parte order of protection remotely, by video, is exactly what is needed to make our courts more modern. In addition, funding for the enhancement of the court's automated case management systems which allows for the production of bilingual orders of protection enhances victim safety by helping to ensure that the order is clearly understood by all parties. Modern Courts believes that these two initiatives represent good first steps to making justice more accessible for all New Yorkers and are committed to working with the judiciary and others to expand such access through technology.

Modern Courts supports the submission and budgetary requests made by the Office of Indigent Legal Services so it can continue its work in addressing its mission to improve defense

The Fund for Modern Courts 205 East 42nd Street New York, NY 10017
justice@moderncourts www.moderncourts.org (212) 541-6741

services and the excessive caseloads, inability to hire full-time defenders, lack of adequate support services, lack of adequate training, minimal client contact and, in some courts, outright denial of the constitutional right to counsel, as well as the full implementations of the Hurrell-Harring settlement and its extension across the state.

Modern Courts also asks that you enact a comprehensive Raise the Age reform bill. New York is one of only two states in the country that has failed to recognize what research and science have confirmed – adolescents are children, and prosecuting and placing them in the adult criminal justice system doesn't work for them and doesn't work for public safety. Only New York and North Carolina automatically treat 16 and 17-year-olds as adults in the justice system. Children who go through the adult system are more likely to reoffend and less likely to go on to a productive life.

Respectfully Submitted,

Denise Kronstadt

Deputy Executive Director

Director of Advocacy and Policy