



New York State Office of  
Indigent Legal Services

## **Testimony of the Office of Indigent Legal Services**

### **Joint Legislative Hearing on the FY 2026-27 Public Protection Budget**

**Presented before:**

**The Senate Finance Committee  
and  
The Assembly Committee on Ways and Means**

**Presented by:  
Patricia Warth  
Director  
Office of Indigent Legal Services  
February 12, 2026**

On behalf of the New York State Office of Indigent Legal Services (ILS) and the ILS Board, thank you for this opportunity to discuss ILS' FY 2026-27 budget. Thank you also for your consistent support of ILS throughout our 15 years of existence. Because of the support of both the Legislative and Executive branches, since 2016 substantial resources have been appropriated for ILS to fulfill one part of our statutory mission: improving the quality of legally mandated criminal defense representation throughout New York State, including the ongoing work of statewide implementation of the historic settlement in *Hurrell-Harring et al. v. State of New York*<sup>i</sup> (HHS Statewide).

This year, ILS emphasizes these important points to the Legislature as you deliberate on the FY 2026-27 budget:

- 1) The Executive budget proposal includes authorization for the State to transfer \$234 million from the Indigent Legal Services Fund (ILS Fund) to the General Fund. Of this proposed transfer, \$114 million is for increased assigned counsel costs, which is directly related to the purpose of the ILS Fund. But there is no discernible public defense-related purpose for the additional \$120 million the State seeks to sweep from the ILS Fund. **ILS urges the Legislature to work with the Executive to reduce the proposed sweep to the \$114 million that is directly related to the purpose of the ILS Fund.**
- 2) **The State investment in improved quality public criminal defense is working.** The State funding must continue at current levels to ensure the ongoing transformation for public defense providers and their clients.
- 3) Though far less than the \$150 million ILS has identified as needed, **the State investment in improved quality public Family Court representation is already making a meaningful difference.** ILS appreciates that the Executive budget proposal continues the \$25 million appropriated in the FY 2025-26 budget (\$4.5 million of which was added by the Legislature) but calls for a commitment to phase in increases in future budget years to achieve the full \$150 million per year of State funding needed to address the crisis in Family Court representation.

Below are key summary points in comparing ILS' FY 2026-27 budget request with the Executive's FY 2026-27 budget proposal.

- *Aid to Localities – HHS Statewide:* The Executive budget proposal includes almost \$274 million for ongoing statewide implementation of the *Hurrell-Harring* Settlement. We appreciate the Executive's inclusion of this funding, which is consistent with ILS' request for this program.
- *Aid to Localities – Family Court Representation:* The Executive budget proposal includes \$25 million to improve the quality of mandated representation of parents in Family Court matters (Family Court representation), which is the same as the

appropriation in last year's final enacted budget. Though \$125 million less than the State investment ILS estimates is necessary to fully address the crisis in Family Court representation, the \$25 million allows ILS to ensure that every county receive at least \$250,000 per year for improved quality Family Court representation. This serves as a foundation for ILS to build upon for an increased State investment in Family Court representation in future budget years.

- *Aid to Localities – ILS Program*: This program funds the distributions and grants foundational to full implementation of the HHS Statewide program as well as ILS' Regional Immigration Assistance Centers, described further below. The Executive budget proposal funds this program at \$81 million.<sup>ii</sup> We appreciate the Executive's inclusion of this funding, which is consistent with ILS' request for this program.
- *Aid to Localities – Assigned Counsel Program*: This program reimburses counties and New York City 50% of the expenditures they incur because of the 2023 increase to hourly rates paid to private attorneys who accept assigned criminal and Family Court cases. We are pleased to see the Executive's inclusion of \$92 million to fund this program.
- *State Operations*: The Executive budget proposal includes \$8.8 million<sup>iii</sup> for ILS State Operations, which will ensure the continued effective operation of the ILS as we work to improve the quality of public defense. We appreciate the Executive's inclusion of this funding.

### **The Indigent Legal Services Fund Must be Used for Its Statutory Purpose**

ILS' primary concern this budget year is the proposal to authorize the transfer of funds from the Indigent Legal Services Fund (ILS Fund) to the General Fund. The ILS Fund was established in 2003 by enactment of State Finance Law § 98-b as a special fund devoted to assisting counties and New York City with "improving the quality of public defense services." The ILS Fund currently funds all of ILS' Aid to Localities programs and our State Operations. Maintaining the integrity of the ILS Fund is critical to ILS' ability to continue and build upon the successes we have realized over the past 15 years in improving the quality of public defense representation.

The Executive budget proposal includes language in Part FF of the PPGG Article VII bill authorizing the State to transfer \$234 million from the ILS Fund to the State's General Fund. It is ILS' understanding that \$114 million of this proposed transfer is to fund the State's partial reimbursement to counties for the increased assigned counsel rates.<sup>iv</sup> It appears, however, that the remaining \$120 million is being swept to the General Fund with no discernible public defense-related purpose.

This proposed budget transfer undermines the purpose of the ILS Fund as set forth in State Finance Law § 98-b(1) and dilutes the dedicated funding available for vitally important and constitutionally required improvements in the quality of mandated criminal and Family Court representation. Depleting the ILS Fund for purposes unrelated to public defense also signals to counties and their public defense providers that the State may not live up to its commitment to funding improvements in the quality of constitutionally and statutorily mandated legal representation.

Rather than sweeping money from the ILS Fund, the State should earmark this funding for increased appropriations in future budget years for improved quality Family Court representation, as described below. Indeed, the proposed transfer shows that the ILS Fund is sufficiently vibrant to fully invest in improving the quality of legally mandated and constitutionally required Family Court representation. ILS Funds will also be needed for eventual increases to all of ILS' Aid to Localities programs to keep pace with rising costs and necessary infrastructure improvements.

*ILS urges the Legislature to work with the Executive to reduce the proposed sweep of \$234 million to \$114 million so that the Indigent Legal Services Fund is used for its intended purpose—to fund quality improvements in legally mandated criminal and Family Court representation.*

### **The State Investment in the HHS Statewide Program to Improve the Quality Public Criminal Defense Has Been Transformative**

As a result of the settlement of a class-action lawsuit against New York State, the *Hurrell-Harring* settlement (HH settlement), and the settlement's codification into law, since 2022 New York State has appropriated approximately \$274 million a year to the HHS Statewide Program to improve the quality of public criminal defense. This investment of State funding has been transformative, and achievements include the following:

- Prior to the HH settlement, counties did not have systems in place to provide representation to arrested people at their arraignment, which is a person's first court appearance. Now, because of the State's commitment to fully fund the HHS Statewide program, all counties have effective systems in place for representation arraignment. ILS continues to gauge the efficacy of these systems to ensure that they are working.<sup>v</sup>
- Between 2022 and 2024, the number of attorneys who work for institutional public defense providers (public defender offices and legal aid societies), has steadily increased, from 2,135 in 2022, to 2,504 in 2024. Similarly, the number of other professionals working for institutional public defense providers has also increased from 1,472 in 2022 to 1,753 in 2024. This additional staff is essential to more manageable workloads, which is foundational to quality representation.

- Public defense providers are increasingly using HHS Statewide funding to create vibrant training programs for new and current staff and to send their staff to training programs hosted by other reputable organizations. In FY 2022-23, HHS Statewide funding was used for 336 training events across the state; this increased to 598 in 2024.
- Public defense providers are increasingly using HHS Statewide funding to access the expert and specialized services necessary for the client-centered, multidisciplinary approach to representation that the American Bar Association calls for in its *Ten Principles of a Public Defense System*. In FY 2022-23, public defense providers spent approximately \$2.26 million on expert and investigative services; by 2024, this had increased to \$3.59 million.<sup>vi</sup>

There is still much work to do, but the achievements thus far are apt reason to continue the funding for these reforms.

*We were pleased to see that the proposed Executive budget includes \$274 million for the HHS Statewide implementation and respectfully request that it be included in the final enacted FY 2026-27 budget.*

### **The State Funding for Family Court Representation is Starting to Make a Difference. Demonstrating the Value of State Funding for Improved Quality Family Court Representation.**

In New York, public defense includes not only the assignment of counsel to people in criminal cases who cannot afford to retain counsel, but also the assignment of counsel to parents and caregivers in certain Family Court matters, including matters that involve the State seeking to remove children from their parents because of neglect or abuse allegations. Since FY 2021-22, the State investment in Family Court representation has steadily increased from \$2.5 million to the \$25 million that was appropriated in FY 2025-26, increases that would not have occurred without the support of the Legislature.

The steady increase in funding for improved quality Family Court representation has allowed ILS to achieve the following:

- ILS can now disburse at least \$250,000 per year to every county for improved quality Family Court representation.
- ILS has identified four counties and New York City as having the most significant need for increased funding, and we are now able to disburse \$1 million of Family Court funding per year to these jurisdictions.

- The funding has also been used to award a limited number of grants to establish Model Family Representation Offices (Model Offices). These Model Offices work to ensure timely access to counsel, a model of representation that utilizes an interdisciplinary team-based approach to representation, and manageable caseloads for this defense team. These features of representation have been shown to limit the number of times children are taken from their parents and to reduce the needless involvement of Family Court in families' lives. To date, two such Model Offices are fully operational – one in Westchester County, and one in Monroe County. We have also issued grant awards to four additional counties to establish Model Offices, and anticipate by the end of 2026, there will be six operational Model Offices.

The story of Joelisa, a client of the Monroe County Model Office, aptly demonstrates how State funding for improved quality Family Court Representation can make a real difference in the quality of representation parents receive, and ultimately the lives of families.

#### *Joelisa's Story:*

Joelisa is a mother of four who in August of 2022 was living in Rochester, New York. In August of that year, Joelisa had travelled to North Carolina to look for housing closer to relatives. Her children were with their father when Child Protective Services (CPS) came knocking on the door of their apartment in response to a call alleging that the children were being neglected. The CPS investigators determined that the apartment was in poor condition, and removed the children, separating them by placing the two younger children (then aged 1 and 3) in one foster home, and the two older children, aged 4 and 6, in another foster home.

Joelisa did not dispute that the apartment was in disrepair – there were code-violations that included lead exposure, and one room was uninhabitable because of fire damage. Joelisa loved her children and wanted a better home for them, but she was only able to afford this run-down apartment.

CPS placed several demands on Joelisa to get her children back. Among other things, she had to find a habitable home for her family, take parenting classes, and undergo a mental health assessment.

Joelisa was determined to comply with CPS' demands, but the demands often felt overwhelming to this low-income mother who was bereft by the abrupt loss of her children. There were times that Joelisa considered giving up. As she has described it, losing her children "was the worst four months of my life. I wanted to quit because my kids are everything. Without them, I am nothing."

Fortunately, Joelisa was represented by the Monroe County Model Office, and as a result her representation did not include a lawyer running from court to court unable to talk to or help her navigate CPS' demands. Instead, she was represented by a defense team that included a lawyer with a manageable caseload as well as an experienced social worker. The social worker, Savannah, made all the difference, encouraging Joelisa and helping her to comply with CPS' demands. Savannah assisted Joelisa in finding stable housing, finding furniture for her new home, applying for temporary public assistance, completing the mandated mental health assessment, and remaining engaged in parenting classes. Joelisa notes that her defense team's hands-on assistance and encouragement were key to being reunited with her children: "I had a couple of mental breakdowns, and they told me to stay strong." Without the support of this team, Joelisa said, "I don't think I would have done it."

Five months after her children were taken from her, the court overseeing the neglect petition filed against Joelisa's ordered that her children be returned to her, but under Court supervision. However, because Joelisa did everything asked of her, after only a few months and earlier than initially ordered, the Court terminated the supervision and fully restored Joelisa's rights as a parent. Joelisa is now living in North Carolina, closer to family support, with her four children. She credits the legal, practical, and emotional support she received from her Model Office defense team with helping her to get her children back.

While ILS appreciates the Executive's proposal to continue funding this program at \$25 million in FY 2026-27, we recognize that this funding is just a start. Attorneys who represent clients in Family Court matters continue to work under overwhelming caseloads with limited access to the professional services and other resources necessary for quality representation. Based on data we have collected from Family Court representation providers, ILS estimates that \$150 million per year is needed to achieve for Family Court representation what we are achieving for criminal defense representation. Attachment A details why this funding is necessary, how ILS arrived at this estimate, and how we would use this funding if appropriated in future budget years. The goal would be to ensure that, like Joelisa, every person entitled to assigned counsel in Family Court matters would receive the representation and support needed to keep their families intact, and where possible, prevent needless court involvement.

*While we were pleased to see that the proposed Executive budget includes \$25 million for improved quality Family Court representation, we are seeking a State commitment to ultimately appropriating \$150 million for Family Court representation, phasing in increased appropriations in future budget years to achieve this goal.*

## The State Funding for the ILS Program

The ILS program funds the distributions and grants foundational to full implementation of the HHS Statewide program. Since 2016, this program has also funded ILS' Regional Immigration Assistance Centers (RIACs), a statewide network of six offices staffed by legal professionals with legal expertise and experience on the intersection between immigration law and criminal and Family Court law.<sup>vii</sup> The RIACs seek to ensure that public defense attorneys have the resources needed to fulfill their affirmative duty, pronounced by the United States Supreme Court in *Padilla v. Kentucky*, to accurately advise their clients of the immigration consequences of their court involvement. As the Supreme Court stated in *Padilla*, competent counsel:

must inform her client whether his plea carries a risk of deportation. Our longstanding Sixth Amendment precedents, the seriousness of deportation as a consequence of a criminal plea, and the concomitant impact of deportation on families living lawfully in this country demand no less.<sup>viii</sup>

The RIACs go further than simply advising public defenders of the immigration consequences their clients face; they also coordinate with public defenders to fashion and advocate for case dispositions that ameliorate harsh immigration consequences. Indeed, the RIACs have been instrumental in helping public defenders protect their clients from banishment from this country and lifetime separation from their families.

The RIACs work is more important now than it ever has been given the ever-changing landscape of immigration enforcement and the federal mass deportation efforts. Enabling the RIACs to continue their vitally important work is just one reason for ongoing funding of the ILS Program.

*We were pleased to see that the proposed Executive budget includes \$81 million for the ILS Program and respectfully request that it be included in the final enacted FY 2026-27 budget.*

### The Imperative for the State to Continue to Fund the Increased Assigned Counsel Rates

ILS was pleased to see that the final enacted FY 2023-24 budget increased the hourly rate paid to assigned counsel. We are also pleased to see that the Executive's proposed budget for FY 2026-27 continues the \$92 million appropriation for ILS to reimburse counties for 50% of this rate increase. We remain committed, however, to conveying the importance of the State eventually assuming the full cost of this increase.

Forcing the counties and New York City to fully pay for the increase is an unfunded mandate for a vital public function that has always been a State responsibility. It also



ignores the lesson set forth in the *Commission on the Future of Indigent Legal Services, Final Report to the Chief Judge of the State of New York*, June 2006 (“Kaye Commission Report”).<sup>ix</sup> The Kaye Commission Report, which led directly to the 2007 *Hurrell-Harring v. State of New York* class action lawsuit, concluded that New York’s county-financed system of public defense “fails to satisfy the state’s constitutional and statutory obligations to protect the rights of the indigent accused.”<sup>x</sup> While the State has sought to remedy this constitutional failure by funding the *Hurrell-Harring* Settlement and its extension statewide via Executive Law § 832(4), the HHS Statewide funding does not address the need to increase the assigned counsel rates. Allocating State funding to assigned counsel rate increase is a necessary corollary of the State’s commitment to meet its constitutional and statutory obligations.

Even with the State reimbursing 50% of their expenditures for the assigned counsel rate increase, counties are exploring ways to manage their increased costs. Some counties are considering hiring or contracting with one or more part-time conflict attorneys to reduce the number of assigned counsel cases. This is a strategy that several counties adopted in the wake of the 2003 assigned counsel rate increase, and one that ultimately diminished the quality of representation provided to people in criminal and Family Court matters. Another strategy being considered is conducting more court proceedings virtually to reduce attorney travel and court time. While ILS believes there are situations in which virtual court proceedings may be appropriate, if decisions about virtual proceedings are driven by costs and convenience, the use of virtual proceedings will inevitably diminish the quality of representation provided to public defense clients as well as the fairness of the legal system.

To effectuate the \$92 million that the State has appropriated for increased assigned counsel rates since the FY 2023-24 enacted, ILS has successfully implemented a procedure for county reimbursement that facilitates efficient processing of claims for this funding while simultaneously providing ILS with rich data about county and New York City expenditures for assigned counsel. We anticipate that soon this data will give ILS a robust picture of the total State funding needed to pay for the full assigned counsel increase.

*We were pleased to see that the proposed Executive budget includes \$92 million for the assigned counsel rate increase and respectfully request that it be included in the final enacted FY 2026-27 budget.*

### **The Importance of Full Funding for NYSDA’s Public Defense Backup Center**

The goal of improving the quality of mandated criminal and Family Court representation is best achieved through a collaborative approach that values the expertise of the different organizations involved. Since its creation in 1967, the New York State Defenders Association (NYSDA) has played a leading role in working to improve the quality of public defense in New York, and NYSDA has consistently been a strong ally in working with ILS in pursuit of our statutory mission. For that reason, we ask the Legislature to fully support

NYSDA's request to fund its Public Defense Backup Center and its Veterans Project, as well as fund its request for ongoing funding for vital discovery support.

NYSDA's Backup Center provides three services that promote successful implementation of the HH settlement and its expansion statewide, and that also serve to enhance the quality of Family Court representation:

- 1) NYSDA provides a Public Defense Case Management System (PDCMS), which is the case management system used most frequently by mandated providers throughout the state. Support of this PDCMS is critical to ILS obtaining the data needed to assess the pace and success of HH settlement and statewide implementation, and to better monitor and assess the crisis in parental representation.
- 2) NYSDA hosts high-quality defense trainings and Continuing Legal Education (CLE) programs for defenders across the state. As specifically recognized by the HH settlement and Executive Law § 832(4), training is a key component of quality improvement. Since the onset of the pandemic, NYSDA has successfully pivoted to make these trainings available to defenders virtually.
- 3) NYSDA's Backup Center provides defenders with support, legal expertise, and written materials. NYSDA's recently created discovery support center provides crucial expertise to attorneys across the state in complying with and effectively utilizing New York's reformed discovery statute. Public defense attorneys across New York depend upon the immediate and accurate legal advice they receive from NYSDA staff. This support is indispensable to maintaining the quality of representation provided to clients who cannot afford to hire counsel.

*NYSDA is essential to New York's fulfillment of its Constitutional obligation to provide competent counsel to those who cannot afford to pay for it, which is why ILS urges the Legislature to fully fund NYSDA.*

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<sup>i</sup> On March 11, 2015, the Albany County Supreme Court approved the settlement between the State of New York and a plaintiff class represented by the New York Civil Liberties Union in *Hurrell-Harring et al. v. State of New York*. With this settlement, the State of New York, for the first time since 1965 when it delegated to counties the duty to provide counsel to indigent persons charged with a crime, accepted its responsibility to implement and fund constitutionally compliant representation in the five counties named in the lawsuit. ILS, under the direction of its Board, accepted the responsibility and has since implemented the terms of the settlement, in which the State agreed to ensure that: 1) all people charged with a crime and unable to retain counsel are provided representation at their arraignment; 2) caseload/workload standards are developed by ILS and implemented in the five counties, thereby reducing the crushing caseloads previously carried by providers of public defense services; and 3) funding is provided to implement specific quality improvements to public defense services.

<sup>ii</sup> Does not include a \$9.9 million "dry" appropriation for potential federal Title IV-E funding.

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<sup>iii</sup> Does not include a \$100,000 “dry” appropriation for potential federal Title IV-E funding.

<sup>v</sup> See *Statewide Plan for Implementing Counsel at Arraignment: Year Seven Report* available here: [2025 CAFA Report Final.pdf](#).

<sup>vi</sup> The data regarding number of public defense provider staff, training, and expert and investigator usage can be found in the ILS report, *2025 Annual Report: Public Defense Caseloads, Staffing, Expenditures, and Quality Improvement*, which is available here: [2025 Annual Data Report on Public Defense in NYS Final.pdf](#).

<sup>vii</sup> The RIAC regions and offices are:

- Western New York, with offices in Erie and Monroe Counties
- Central New York, with an office in Onondaga County
- Hudson Valley, with an office in Westchester County
- New York City
- Long Island, with offices in Nassau and Suffolk counties

<sup>viii</sup> 559 U.S. 356 (2010)

<sup>ix</sup> The Kaye Commission Report can be found here: [https://nycourts.gov/ip/indigentdefense-commission/IndigentDefenseCommission\\_report06.pdf](https://nycourts.gov/ip/indigentdefense-commission/IndigentDefenseCommission_report06.pdf).

<sup>x</sup> Kaye Commission Report, at 15.



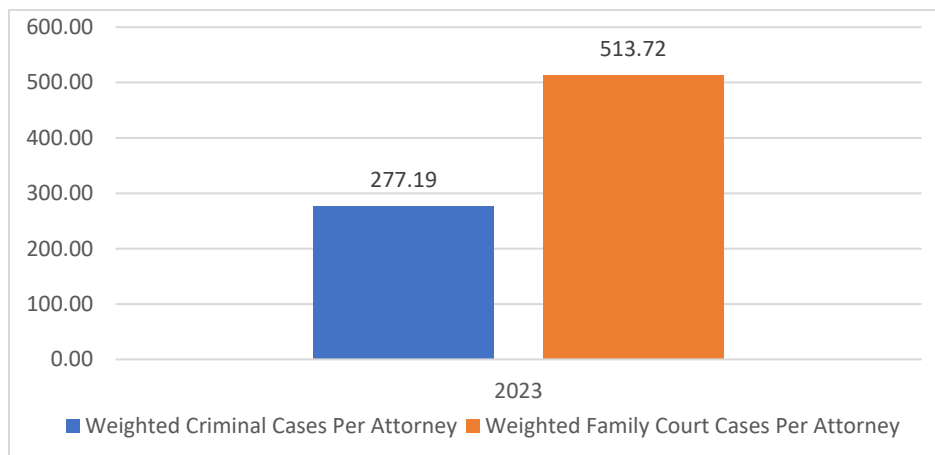
## ATTACHMENT A

### The Urgency of State Funding for Improved Quality Family Court Representation

Though publicly funded defense of parents in Family Court matters is every bit as legally required as criminal defense, to date the State's investment in improved quality Family Court representation has been far less than State investment in improved quality criminal defense representation. The FY 2025-26 final enacted budget appropriated \$25 million for improved quality Family Court representation, which is far less than the \$274 million appropriated for improved quality criminal defense representation.

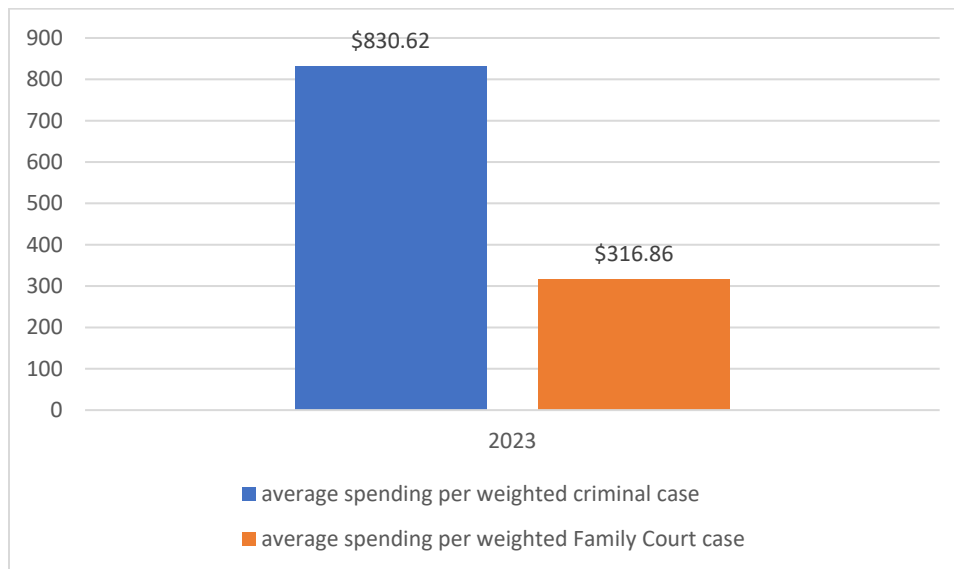
The data public defense providers have reported to ILS highlight the stark difference between criminal defense, in which the State has made a significant fiscal investment, and Family Court representation, in which the State has not. ILS looks at two measures to gauge progress in improving the quality of public defense. For institutional providers (public defender offices and legal aid societies), ILS assesses attorney weighted caseloads, with the goal of caseloads being less than 300 weighted cases in both criminal and Family Court matters. In 2023, the statewide average weighted cases per attorney was 277.19 in criminal cases, but it was significantly higher—513.72—in Family Court cases, as the table below depicts.<sup>i</sup> Notably, the Family Court weighted caseloads have increased markedly over the past three years, growing from 373.89 in 2020 to 390.46 in 2021 to 411.62 in 2022, to the 2023 level of 513.72.<sup>ii</sup>

#### *Weighted Cases Per Attorney in Institutional Providers in the 52 non-Hurrell-Harring Counties and New York City, 2023*



For assigned counsel programs, ILS gauges progress by assessing average spending per weighted case. In 2023, the average spending per weighted case statewide for assigned counsel programs in criminal cases was \$830.62, while for Family Court it was \$316.86. This means that assigned attorneys in Family Court cases are spending less than half the time and resources needed for quality representation than they are in criminal cases, as depicted in the table below.

***Average Spending Per Weighted Criminal and Family Court Case in Assigned Counsel Programs in 52 non-Hurrell-Harring Counties and New York City, 2023***



Viewed through the criminal defense lens, the disparities in weighted caseloads and average spending per weighted case highlights that meaningful statewide progress can be made when there is a State fiscal commitment to improved quality: attorney caseloads are lower, spending per case is higher, and a quality improvement infrastructure is built to ensure that this progress translates to meaningful improvement in the quality of representation.

When viewed through the Family Court lens, however, the disparity highlights what happens when the State has not made a full fiscal commitment—defense attorneys work under crushing caseloads with insufficient resources, and low-income parents in crisis do not receive quality representation.

The crisis in Family Court representation means that low-income parents facing a Family Court matter – including one that could lead to the loss of their children - do not have access to legal representation when they need it the most, during the child welfare investigation. Most face their first court appearance alone, without legal representation. Often there is a long delay between the first court appearance and the ultimate assignment

of counsel. And the defense attorneys eventually assigned cannot deliver quality representation because of crushing caseloads and a lack of access to critical resources.

### **ILS' Proposal to Address the Crisis in Family Court Representation**

ILS proposes that the State fund caseload standard compliance for public Family Court representation just as it has for public criminal defense. The funding should come from the ILS Fund, established to assist counties and New York City in funding improvements to the quality of representation provided under County Law Article 18-B. To date, the ILS Fund has been utilized almost exclusively for improved quality criminal defense. It is past time to utilize the ILS Fund for its full intended purpose—criminal defense and Family Court representation.

As part of our statutory mission to improve the quality of Family Court representation, in 2021 ILS issued caseload standards for Family Court representation contingent upon the State funding needed to implement them. More recently, after a comprehensive survey of Family Court representation providers to obtain caseload, staffing, and expenditure information, we determined that implementing the ILS caseload standards would cost the State \$150 million annually. Like the HHS Statewide initiative, ILS proposes that the necessary State funding be phased in.

As with the funding for the HHS Statewide program, ILS would disburse this funding to each county and New York City based on the assessment of the funding needed to comply with ILS caseload standards, working with each county and New York City and their providers of Family Court representation to develop specific plans to effectively use the funding. This plan would then be converted to a line-item budget and workplan for the cost reimbursement contract as the vehicle for disbursing the funding to each county and New York City. Having taken similar steps for the HH settlement and its statewide expansion, ILS is well-positioned to take advantage of lessons learned and to identify strategies for expediting plan development and issuing contracts.

### **Fiscal Impact of the Proposal**

This proposal would require increased appropriations in ILS' Aid to Localities budget with the goal of achieving \$150 million by FY 2029-30 and subsequent budget years. The funding need not come from the General Fund but should instead come from the ILS Fund, which is sufficiently robust to fund this vital quality improvement initiative.

This State fiscal investment would have a meaningful impact on keeping families intact and beginning to address the outsized impact that the child welfare system has on Black and brown families. This investment would also fend off the lingering threat of a costly class-action lawsuit against the State challenging New York's long-neglected system of parent representation.

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<sup>i</sup> Please note that this data set does not include the *Hurrell-Harring* settlement counties, which are assessed via separate, settlement required reports. Moreover, though the statewide aggregate weighted caseloads are less than 300, there is a great deal of variation from provider to provider across the state, with some providers having much higher average weighted caseloads. More detailed information can be found at the ILS *Statewide Plan for Implementing Quality Improvement and Caseload Relief: Year Five Report* (October 21, 2023), available here: [Statewide Plan for Implementing Quality Improvement and Caseload Relief: \(ny.gov\)](#).

<sup>ii</sup> *Statewide Plan for Implementing Quality Improvement and Caseload Relief: Year Five Report*, at 30.