

State of the Judiciary

Chief Judge Rowan D. Wilson, New York Court of Appeals

Message to Bench and State Leaders

February 9, 2026, at Court of Appeals Hall, Albany, New York

In 2015, the Commission on Judicial Nomination interviewed me for the position of Chief Judge. As was her custom, Chief Judge Kaye, who then chaired the Commission, came to speak with me before walking me in for my interview, and asked me to promise her that if I were selected to be Chief Judge, I would prioritize Family Court. I assured her I would.

I didn't become Chief Judge then, or a Judge at all. A lot of time has passed since that conversation. Time is precious to all of us, but especially so in childhood, when so much of our selves is formed. It is less than three years since my leadership team and I became temporary stewards of the Unified Court System. During that time, we have been working hard to fulfill the promise I made to Chief Judge Kaye.

We could not have done so without the very substantial support of the Legislature and Governor, who have created 29 new Family Court judgeships around the State. The increase in our funding has allowed us to appoint 10 new Family Court Magistrates in New York City and increase nonjudicial staffing in Family Courts around the State by 21% in the past two years, which has reduced backlogs substantially, though not enough. We have gone from 16 court-based Children's Centers in 2024 to 26 today, and they now all operate full time. Our pending Budget Submission includes funding to support five new Family Court mental health treatment parts.

Our Judicial Institute, led by Dean Kathie Davidson, has ramped up its training for our Family Court Judges, Support Magistrates, Court Attorney Referees, and other Family Court personnel. The New Judges School and the Judicial Summer Seminars include an extensive slate of Family Court-focused sessions about both substantive law and courtroom practice, including trauma-informed judicial decision-making. Standalone programming in the past two years has featured presenters with lived experiences and addressed emerging and interdisciplinary issues—from exploring best practices for working with transgender, nonbinary, and gender diverse youth in court, to the growing intersection between family law and federal immigration law.

We have also sought to instill a problem-solving ethic in our Family Courts, created the position of Statewide Coordinating Judge for Family Court Matters, and replaced a hodgepodge of committees touching on various aspects of families with a Permanent Commission on Justice for Families. The Permanent Commission has established six Action Groups that meet monthly to formulate plans to improve the treatment of Family Court participants in the following subject areas: Article Ten and Foster Care, Child Support, Custody and Visitation, Intimate Partner Violence, and Juvenile Delinquency and Youth Justice. Among other objectives, the Permanent Commission will evaluate and operationalize the recommendations in the forthcoming report from the Family Justice Initiative, a collaboration between the Unified Court System, the Governor's Office, and the Center for Justice Innovation.

Please do not think that my leadership team and I are doing the fundamental work to improve the Family Court experience. In reality, it is the Judges and staff who have been working

energetically and creatively to address the complaints about Family Court that have persisted for decades. I offer one small example. In Rochester, a group led by Family Court Supervising Judge Stacey Romeo and Judge Van White built and supplied a “little library” in the children’s center. They did this all on their own initiative, and I have a couple of photos to show you. Here’s some of the group partway through construction of one of their creations. And here’s a couple of views of the final product. I hope you noticed the broad smiles of the UCS personnel; their creations should produce even broader smiles from the children and parents arriving at Rochester Family Court.

The underpinning of Chief Judge Kaye’s request to me was that Family Court is simultaneously the most important of our courts; the most difficult court for judges, lawyers and the parties; and the most under-resourced of our courts, with the possible exception of Housing Court. It is the most important because children are involved, and the potential to provide support and change a life for the better is at its peak. It is the most difficult for many reasons, the greatest of which is that with children, time is precious, and delay carries an outsized cost. It is the most under-resourced of our courts because, as a society, we have treated bad childhood behavior as fault of the child and found it shortsightedly efficient to mimic the criminal justice system in our child welfare systems—and, more broadly, as a society, we have consistently neglected those living in poverty.

In 2024, the New York State Senate issued a report entitled *The Crisis in New York’s Family Courts*. While acknowledging that the “overwhelming majority” of Family Court cases involve allegations of neglect that “center on murky issues that are traceable to poverty,” the report described our Family Courts as “overburdened and under-resourced, plagued by untenable caseloads, overworked staff, and a legacy of dysfunction.” None of this was the intent in creating Family Court. The New York State Family Court was established in 1962. But several pieces of legislation dating back to the early 1900s focused on protecting neglected children and rehabilitating those who had broken the law. In 1922, New York followed the national movement and established a Children’s Court, which separated children’s cases from the traditional criminal court system. One family law professor, in her recent book, writes that the early family courts’

purpose was considered preventive or rehabilitative in order to achieve what came to be called personalized justice for the child. . . . By talking with the child “and by acting directly upon the child,” the court would find a solution . . . . Judges would solve the problems that brought these children and their families to court.

But our Family Courts have yet to fulfill their potential to become true “problem solvers” dispensing “personalized justice.” The principal fault does not lie with our Family Court Judges or court personnel working in those courts: they are attempting, in high stress, high stakes situations, to do what they can without sufficient resources and with problems for which courts are not, in many cases, the best governmental institution to help families move forward safely and healthily.

If we had a magic wand we should use it to eliminate Family Court entirely by eliminating all the problems families have. But that isn’t possible, because the root causes of the distress that

families, parents and children have are not created by the courts, but are fomented elsewhere. I offer a few data points to help explain what our Family Courts have to deal with every day.

Among the 50 states, D.C., and Puerto Rico, New York has the tenth highest poverty rate: 14 percent of New Yorkers are living below the poverty line. The situation is worse for children: nearly three quarters of a million New York children, or 19 percent, live in poverty. Only nine states have a higher child poverty rate. And the trend is going the wrong way: in 2019, child poverty rates in New York were at the national average; since then, child poverty has decreased nationally, but not in New York. In Buffalo, Syracuse and Rochester, between 40 and 46 percent of children live in poverty.

The conditions that bring many families to Family Court—mental illness, physical illness, violence, poor health and nutrition, inadequate medical care, housing instability, substance abuse—are highly correlated with poverty. As summarized by a New York State Bar Association report, “the majority of [Family Court] cases (75% in the most recent national statistics) involve the inability of parents, for reasons of poverty, to meet the basic physical or health needs of their children or to provide minimally consistent and stable parenting.” Those problems are not made by Family Court, and cannot best be addressed by Family Court, but at present, it falls on Family Court to adapt from treatment of symptoms to treatment of the underlying ills, best as we can.

It is not that we, New York State, cannot afford to address the problems created by poverty: measured by per capita Gross Domestic Product, New York ranks first among all states. If the 50 states were independent nations, New York State would be the tenth largest economy in the world, larger than Canada, Brazil, Russia, Mexico, Australia, Spain and South Korea. In that regard, one tremendous step that should assist low-income families from avoiding the some of the issues that bring them to Family Court is the Governor’s just-announced \$4.5 billion plan for Fiscal Year 2027 to ensure statewide universal pre-K and, in New York City, to fund free childcare for 2- and 3-year-olds. Imagine the stress that a poor family faces; maybe the family is a single mother trying to hold down a job that barely covers food and housing while also caring for her young children. Free and accessible childcare gives that mother the ability to further her education or advance her career knowing that her children are safe and being educated and cared for, which gives the whole family stability and the promise of a better future.

Several longitudinal studies also demonstrate the unequivocal benefits of high-quality preschool: significantly higher high school graduation rates, enrollment rates at four-year colleges, and median monthly income in adulthood; and lower rates of early pregnancy and incarceration. Early childhood education even led to significantly higher midlife civic participation. A 2021 whitepaper studying the long-term effects of universal preschool states that “[c]ost/benefit analyses suggest that [public preschools] are among the most cost-effective social programs on record.”

In the short run, we need to expand the resources at Family Courts’ disposal so that they can spend the time necessary to treat each child’s and each family’s situation with individual, tailored care, and so that they have genuinely helpful outside resources with which children and families can safely be partnered. In the long run, what will help us shrink the population needing Family Court are substantial investments not directed to the judicial system, but investments

such as those proposed for universal childcare, which attack the root societal causes driving people into Family Court. The need for the improvement of assistance outside of the courts—both before and after families find themselves in court—is even greater than the need for the enhancement of court resources.

In the meantime, the court system’s goal is to provide not just robust judicial resources that can help get families to a place of stability and safety, but also to partner with New York’s other branches of government and local communities to provide support for our families’ needs before, during, and after their time in Family Court.

As in years past, the most important parts of today’s program will not come from me, but from five New Yorkers who have been litigants in New York State Family Court—some as parents, some as children, one as both.

This was a difficult program to assemble. Family Courts handle cases that touch on the most intimate, and often most sorrowful and traumatic periods of life. One mother from Onondaga County prepared her remarks intending to share them with you today, but reading it out loud, even in the privacy of her own home, was too painful. She’s at home today with her sons. Family Courts also handle so many different types of legal issues, and the stories you will hear today represent only some of them. Today’s program is far too short to embrace the full scope of matters that Family Courts resolve.

Of the stories you will hear today, some end well. But even those are filled with stress, challenge, trauma, heartbreak and loss. You’ll hear that many of our speakers turned their lives around in spite of Family Court and the governmental systems for aiding troubled families, not because of aid from those entities. Chief Judge Kaye knew we could do better. So do all those you will hear from today. And so do I.

## PROGRAM

I’d like to invite to the podium Ms. Jessica Horan-Block, the Director of Complex Litigation at the Bronx Defenders. Much of the representation in Family Court is handled by public defense organizations; the family law practitioners in those organizations are forced to handle unmanageable caseloads.

The New York Office of Indigent Legal Services has developed caseload standards for Family Court practitioners, and its research shows that caseloads as of 2023 were 70 percent too high, that nearly 90 percent of all Family Court practitioners had excessively high caseloads, and 25 percent had caseloads that were triple the maximum feasible caseload. In addition, the dedicated and overworked attorneys in those organizations are paid far less than equivalent lawyers prosecuting families. And although 18-B attorneys recently received their first pay increase in more than 20 years, they still struggle to sustain their practices, resulting in shortages of Family Court practitioners, most acutely felt in upstate New York.

Representation of the kind Ms. Horan-Block provides is the exception, not the rule, but is what everyone in Family Court should be entitled to. If we truly wish to avoid unnecessary trauma and

family separation, we must properly fund lawyers in Family Court, so they can fully represent their clients and work toward dismantling the discrimination present in the child welfare system. Ms. HoranBlock will introduce our next speaker.

[Remarks by Jessica Horan-Block, Esq. omitted here]

[Remarks by Sarai Mejia omitted here]

Taking an injured child to the emergency room is a tremendously difficult experience for any parent. It is even more so for poor parents of color. Research shows that children of color who visit emergency rooms are more likely to be evaluated and then reported as suspected abuse victims when compared with white patients. Ms. Mejia's race should not have made one of her most difficult experiences as a mother exponentially more difficult, nor should she have to live with the continuing fear that taking her children for medical attention might result in losing them. Ms. Mejia, I wish we could restore the time you lost with your children, but perhaps sharing your experience will avoid that loss for other families.

Thank you, Ms. Mejia.

It is my pleasure to invite Judge Liberty Aldrich to the podium. She is now the Executive Director of the Children's Law Center, but before that served in the Bronx as an exemplary Family Court Judge, and before that led the Center for Justice Innovation as Managing Director and General Counsel. She is a brilliant lawyer, advocate and innovator—and an exceptionally wonderful human being.

[Remarks by Liberty Aldrich omitted here]

[Remarks of Jahlia Hernandez omitted here]

In *Mirrors of the Soul*, Kahlil Gibran admonished us to keep “away from the wisdom which does not cry, the philosophy which does not laugh and the greatness which does not bow before children.” Those words should animate Family Court. We cannot faithfully pursue a child's best interests unless responsible adults can caringly and carefully listen to what that child wishes. Children feel and understand things deeply, just as adults do, and can be hurt even more deeply by actions that reject the validity of their feelings. Ms. Hernandez, I have no doubt that, as a lawyer, you will listen intently to children.

Thank you, Ms. Hernandez.

I now invite Dawne Mitchell to the podium. Over the past twenty years, Dawne has grown from law intern to Chief Attorney of the Legal Aid Society's Juvenile Rights Practice. She is also one of the three co-chairs of the Permanent Commission on Justice for Families. I thank her for her decades of commitment to serving New York's children, for her leadership of the Commission, and for introducing our next speaker.

[Remarks by Dawne Mitchell omitted here]

[Remarks by Jasiyah Gilbert omitted here]

Mr. Gilbert's journey is like a haunted, involuntary train ride with stops at several abandoned or decrepit stations. Mr. Gilbert was a child who didn't ask to be without a father or without treatment resources or other supports for his mother. He didn't ask to be sleeping on park benches or in shelters. He didn't ask to be warehoused in congregate care, or to have no assistance in becoming independent as he aged out of the foster care system. Even if you believe that society didn't owe his parents anything—didn't we all owe Mr. Gilbert something more when he was a child?

New York's families need services that would prevent court involvement in the first place, as well as creative structures to let court-involved children reach their potential. Mr. Gilbert's success shouldn't have been determined by the luck of knowing a family that would take good care of him. And although I would not have imagined that direct cash payments of \$1000 a month would speed a successful transition to mature adulthood, it is encouraging to see that others have better imaginations than I. Mr. Gilbert, I know your work at Legal Aid will help children avoid the scary train ride you found yourself on.

Thank you, Mr. Gilbert.

Our next speaker is here today despite immensely difficult personal circumstances: her mother passed away a few weeks ago. Sharing one's story in these surroundings with this audience is difficult for even professional speakers, so to help our next speaker get through her remarks at this very difficult time, we recorded them.

Here to introduce our next speaker is Ms. Kiran Malpe of the Center for Justice Innovation. Ms. Malpe has been by Ms. Bracken's side for nearly 10 years, sticking with her even when Ms. Bracken was a belligerent and uncooperative teenager. Our former colleague on the Court of Appeals, Eugene Fahey, used to quote Professor Cornel West's saying that "justice is what love looks like in public." That sounded great, but I didn't fully understand it until I saw the relationship between Ms. Malpe and Ms. Bracken.

[Remarks by Kiran Malpe omitted here]

[Remarks by Tiffany Bracken omitted here]

One of the many things you see in Ms. Bracken's life is the absence of a reliable, stable, loving adult who was able to stick by her no matter how difficult her troubles, until she found first Ms. Malpe and later Mr. Bracken. When meeting with last year's speakers, it became clear that each of them had childhoods lacking that essential element. Family separation often begets more family separation, and court involvement begets more court involvement. Through the Strong Starts program, courts implement individually tailored plans based on clinical best practices to break intergenerational cycles of harm. A 2024 study showed a substantial decrease in subsequent child welfare court involvement for Strong Starts participants. All our Family Courts could benefit from the availability of Strong Starts.

Last month, Ms. Bracken and I met for a couple of hours, and she told me she was proud of herself. I told her I could not think of anyone who should be prouder, considering everything she's gone through and where she now is. She also told me she is a poet, and I'll now take a moment to read you a few lines from her poem, *Upside-Down Thoughts*:

Feeling numb to the world, bleeding tears,  
Lying there lifeless and thinking,  
*Am I worth it?*  
*Do I even matter to anyone?*  
*Would I ever be free from this prison?*

Ms. Bracken, you know you are free now, and I hope you know that you matter to me, to everyone in this room, and to countless other people who will have a better chance because of you. All children are worth it. I hope you find peace in the wake of the loss of your mother, and I look forward to seeing all that you and your daughter do together in the future.

Thank you, Ms. Bracken.

I'd like to next invite to the podium someone I admire greatly: the Honorable Fatimat Reid. Judge Reid is a Family Court Judge in Monroe County—that's where Rochester is, for those who don't know. Eight years ago, she sought to become a Family Court Judge not for power or prestige, but because of a passionate calling to serve children in situations that are deeply personal to her. We aspire to that commitment from all our Family Court Judges. Judge Reid, thank you for being here, for being an exemplary Family Court Judge, and for introducing our final speaker.

[Remarks by Hon. Fatimat Reid omitted here]

[Remarks by Damon Bradford omitted here]

Mr. Bradford, we chose to end the program with your story because, for me, it represents the promise of Family Court. Foster youth in New York State have a 51 percent high school graduation rate, as compared to 86 percent for students not in foster care. Nationwide, children who spend time in foster care face hardships in later life, including economic insecurity, poor physical and mental health, substance misuse, and involvement in the criminal justice system. 17 percent of state and federal prisoners have spent time in a foster home or institutional care. Mr. Bradford, despite your fantastically difficult beginnings, you have not only survived but gone on to be the first in your family to graduate college, you have selected a career path in which you can give back to children in your community, and you aspire to give back even more deeply in the future by fostering and perhaps even adopting a child. You are an inspiration, and you are absolutely right that the only path to more happy endings like yours is together.

Thank you, Mr. Bradford.

CLOSING REMARKS

In the center of the printed program is a sketch of a grandfather clock. It is the sketch of this grandfather clock, designed by the architect H. H. Richardson around the turn of the twentieth century—when New York State began to plant the seeds that would grow into today’s Family Courts. That was a long time ago. How wisely have we used that time to help children and families?

I chose this image for today’s address because, in Family Court, time is an especially crucial element of the justice we hope to dispense and of the problems we are called on to solve. With children, time is especially valuable, and delays are especially harmful. Any period of family separation feels like an eternity; any delay in a hearing, trial, adjudication or appeal can disrupt foundational relationships, destabilize a life or forfeit a chance to prevent or repair damage. If we fail to support our families in distress, we allow them to stay locked in cycles of trauma, and time transforms from a steady march into the future into a ceaseless reprise of the harms of the past.

Emily Dickinson wrote that “Forever is composed of Nows.” Even with the most entrenched and decentralized of problems, there is always something we can do now. Let’s continue our work of finding ways to better serve New York’s families and, as Mr. Bradford suggests, let’s do it together. Thank you.