

**TESTIMONY BY NATALIE BLUNDELL  
FOUNDER, WESPOKE  
NEW YORK JOINT SENATE HEARING ON FAMILY COURTS  
NOVEMBER 1, 2023**

I represent the grassroots peer-to-peer organization WeSpoke. I founded WeSpoke in response to persistent reports from domestic abuse victims, that the trauma and abuse they were experiencing in New York custody courts was even worse than what they had experienced in their relationships, and that their children were consistently being endangered, and directly harmed, by court practices. What we have learned is that this goes far beyond abuse victims and impacts all primary caregivers in the custody courts.

Our members are women who have typically compromised their own careers to serve as primary caregivers for their children, they were never accused of parental unfitness or mental illness prior to their separation and seek to co-parent amicably. They consistently report they are being subjected to prolonged litigation until they can no longer afford legal representation, and to unequal coercion to sacrifice their parental and due process rights. They are reporting that their children are suffering unconscionable harm due to court practices.

We are an all-volunteer network and don't pretend our research is exhaustive. However we have reviewed our own Survey results, Data from the NYSCEF website and Part 36 Rules database; Documents, recordings and contemporaneous accounts submitted to us by litigants. We also FOIA'd public administrative records from the OCA but they refused to provide them.

The deeper we dig, the more we are shocked to learn. Our findings indicate an environment in both the Family and Matrimonial Courts which incentivizes, enables, and rewards unethical and illegal activity, with structural incentives for litigation and court abuse. It is little wonder that women are killing themselves, men are killing mothers and children, and even judges, across the nation. It is little wonder that the public's faith in the integrity of our government is in tatters. Families turn to courts for help, yet we believe that for the sake of avoiding the accountability and administrative hassle that may come with trials and appeals, the

courts are prolonging litigation and applying pressure to already fractured families to tip them over the edge into collapse and despair. Too many practices are followed and outcomes determined with reckless disregard for the best interests of children.

Meanwhile, in sharp contrast, there is a festive atmosphere in the divorce industry– with attorneys and court appointees joking with each other and flaunting their vacations, parties and campaign events together with judges, as families sit crying on the galley benches. And why shouldn't they be celebrating? They are driving new cars, dining out, and moving into new homes funded with the liquidated assets, homes, retirement savings and college funds of the children and families trapped in these courts. They are abusing helpless litigants, usurping parental authority, and preying on families with zero accountability.

We have a slate of recommendations and requests which we have submitted to you in written form and have posted on our website.

First, we ask that you request a Moreland Commission by the Governor and to conduct your own joint committee investigation under Article 4 of the Legislative Law, with particular scrutiny on how prolonged litigation, and coercive practices, are affecting New York children and parents.

Second, we have submitted a slate of 11 specific legislative proposals, but we'd like to highlight several now:

1. Amend and enforce Section 205.14 of the Uniform Rules for Family Court to mandate that judges deliver child custody and visitation determinations *within six months of preliminary conference* in any contested child custody case which does not also include an allegation of abuse or have safety concerns;
2. Establish an independent body to routinely monitor and report on the courts' compliance with New York state law;

3. Establish a dedicated Family Court Whistleblower Hotline for reports of unethical or illegal conduct by court professionals.
4. Mandate the installation of cameras in all courtrooms, with recordings accessible for review by an independent body external to the New York Judiciary during routine audits;

We believe this legislation will enhance transparency, accountability and due process in the courtrooms and protect the best interests of children and families, while easing court congestion and promoting a culture of dignity and respect.

Thank you.

**RECOMMENDATIONS ON FAMILY COURTS TO THE  
NY SENATE STANDING COMMITTEE ON JUDICIARY AND  
NY SENATE STANDING COMMITTEE ON CHILDREN AND FAMILIES  
November 1, 2023**

**INVESTIGATION**

We ask the New York Senate Standing Committees on the Judiciary and Children and Families to request, and support, a Moreland Commission Investigation by the Governor, as well as to conduct their own joint committee investigation under Article 4 of the Legislative Law, with particular scrutiny on the following:

1. Court practices which-place an unbearable burden of process on New York families;

2. Practices of coercion of parents and children to give up their legal rights, including through threats-of loss of property, possible physical harm, and threats to a child's well-being;
3. Practices of discrimination against persons on the basis of sex and source of income;
4. Practices of channeling court appointments to attorneys for children and forensic evaluators known to reliably deliver predetermined opinions or coerced settlements favoring more-monied parents over primary caregiver parents; and,
5. The legal compliance and effectiveness of child custody determination processes and outcomes serve the best interests of children.

## **LEGISLATION**

We ask that you introduce, pass and enforce the following legislation with *meaningful, automatic sanctions on all parties who violate this law* and annual publication of the names of parties in violation:

1. **Judicial Note of Parental Roles at Preliminary Conferences:** Mandate that at every preliminary conference involving child custody or visitation, the court must take judicial notice of the party's pre-existing caretaking and decision making roles for the children prior to the separation or child custody motion, as well as the desired legal and physical custody and visitation that each parent is seeking;
2. **Mandatory Six-Month Child Custody Determinations, with Automatic Sanctions for Non-Compliance:** Amend and enforce Section 205.14 of the Uniform Rules for Family Court to mandate that judges deliver child custody and visitation determinations *within six months of preliminary conference* in any contested child custody case which does not also include an allegation of abuse or have safety concerns;;

3. **Time Limits for TRO Hearings:** Mandating that every temporary restraining order (TRO) issued by a court that involves a party's access to the children must be scheduled for a fact finding hearing within 10 days of the order of the TRO, and that all others within 30 days of the TRO.
4. **Whistleblower Hotline:** Establishing a dedicated Family Court whistleblower hotline for reports of unethical or illegal conduct by court professionals, that is not reported to the New York Judiciary.
5. **Prohibit Ordered "Parent Coordinators":** Prohibit judges from ordering parents to use "parent coordinators" who do not coordinate anything but rather unconstitutionally usurp parental authority.
6. **Independent Compliance Body:** Establish an independent body to monitor and report on the courts' compliance with New York state law;
7. **Cameras in Courtrooms:** Mandate the installation of cameras in all courtrooms, positioned to capture all verbal and non-verbal communication within the courtroom, and with video and audio recordings accessible for review by an independent body external, to the New York Judiciary, during routine audits;
8. **Prohibit Conferences Excluding Litigants:** Prohibiting attorneys-only conferences and phone calls with referees or judges in which litigants are not both present, for the purpose of preventing imposition of predetermined non-evidentiary outcomes;
9. **Court Appointee Compensation:** Prohibiting court appointee compensation without prior approval by the court and mandating simultaneous reporting of that compensation to Part 36 database administrators. Mandating that court appointees include the words "This is not a bill" prominently at the top of any communication pertaining to billing to litigants where compensation has not yet been approved by the court;

10. **Access to both Online and Paper Court Filings:** Mandating equal access by litigants to their own online and paper case filings regardless of whether they have legal representation;

11. **Data Collection and Collection:** Mandate collection and publication of easily accessible data on the following:

- a. On a contemporaneous and annual basis, the days to disposition in each court of child custody cases from preliminary conference to judicial decision or settlement of child custody and visitation; and the number of days between a child custody order and renewed custody litigation;
- b. On an annual basis, the tabulation of the number of appointments within each court to attorneys for children and forensic evaluators, and percentage of each appointee's appointments relative to total eligible appointees;
- c. On a contemporaneous and annual basis, data tracking billing at the time of the billing by family court professionals (including attorneys, forensic evaluators, etc).
- d. On an annual basis, the percentage of child custody determinations in each court in which the outcome is that the more monied party has primary custody, and in which the former primary caregiver parent no longer has custody.