

Memorandum in Support

NYSBA Memorandum #14

April 3, 2017

A. 5921

By: M. of A. Weinstein
Assembly Committee: Judiciary
Effective Date: 90th day after it shall have become
a law

AN ACT to amend the family court act and the criminal procedure law, in relation to notification of rights of victims of domestic violence in criminal and family court proceedings

THE NEW YORK STATE BAR ASSOCIATION SUPPORTS THIS LEGISLATION

The New York State Bar Association supports this bill, which would amend the Family Court Act and Criminal Procedure Law in relation to notification of rights to victims of domestic violence in criminal and family court proceedings.

BACKGROUND

The Victim's Rights Notice, originally enacted in 1994, was designed to ensure that victims were made aware of their rights, of the expectations they may have to obtain assistance from the civil and criminal justice systems, and of the remedies and resources available to them. The Notice is required to be distributed as part of a victim's copy of the Domestic Incident Report, and has been promulgated by the Office of Court Administration in eight languages.

ANALYSIS

While some form of the Victim's Rights Notice has been in effect for over twenty years, the Notice has not been substantially changed. This bill would substantially simplify the Notice so that it is now in plain language. It would make the Notice much more clear and understandable to victims in crisis at most literacy levels. At the same time it would considerably expand on the information it provides. The bill would also incorporate changes in the law that have taken place since the Notice was first developed. The bill would also require that the Victim's Rights Notice be translated into, at a minimum, Spanish, Russian and Chinese.

The Notice, as it would be revised by this bill, reads at an average 8.7 (middle school) level, in contrast to the 14.0 (college level) average of the current notice. It would also provide critical information to domestic violence victims throughout New York State. The information would be broken down into shorter sentences with easier to read bullet points. It would provide victims with basic yet detailed and straightforward information about their rights and remedies under the law; important information about emergency domestic violence hotlines and services; legal and medical resources; what to expect from law enforcement, including what assistance may be immediately available to them when they first call law enforcement; and what remedies may be available through criminal and family courts.

Under this bill, when law enforcement intervenes in a domestic violence call, this notice is required to be immediately shared with the victim in writing and, if necessary, orally. The bill would also require the notice to be available in plain English, Spanish, Chinese and Russian. The Notice would also be provided by a District Attorney investigating a family offense, and by family courts to victims of family offenses. The Notice would also be distributed to the state Department of Health for distribution to all hospitals.

CONCLUSION

Based on the foregoing, the New York State Bar Association **SUPPORTS** the enactment of this legislation.