

1933

Year

482

Chapter

The New York State Library
 Legislative Reference Section
 Albany, N. Y.

Bill Jacket Collection

NEW YORK STATE LIBRARY

RECORDED
 DATE 6-23-60
 NO. OF PRINTED SHEETS
 NO. OF EXPOSURES 65
 EXCLUSIVE OF SLIDES

State of New York

In Assembly,

APR 10

.....1933

Ordered, That the Clerk deliver the bill entitled

AN ACT

To establish in and for the city of New York a court of domestic relations, to be known as the domestic relations court of the city of New York, and defining its powers, jurisdiction and procedure and providing for its organization

to the Senate, and request their concurrence in the same.

By order

FRED W. HAMMOND

Clerk

IN SENATE
Passed Without Amendment

APR 10 1933

By order of the SENATE

J. J. Connelley
CLERK

Re Assembly Bill Int. 2404

Trayer

Section 14 Subdivision 2 of the Correction Law defining the powers and duties of the Director of Probation specifically provides: "With the approval of the Commissioner of Correction, after consideration by the State Probation Commission, he shall adopt general rules which shall regulate methods and procedure in the administration of probation, including investigation of defendants prior to sentence and children prior to adjudication, supervision, case work, record keeping and accounting, so as to secure the most effective application of the probation system and the most efficient enforcement of the probation laws throughout the State. Such rules shall be binding upon all probation officers and when duly adopted shall have the force and effect of law *****"

Walter N. Trayer
Comm of Correction

This section further provides "He, (the Director of Probation) shall endeavor to secure the effective application of the probation laws and laws relating to children's courts throughout the state."

Section 24 of the Domestic Relations Court Bill, establishing the office of chief probation officer, contains the following language: "He (chief probation officer) shall formulate uniform methods for the probation work of the court and develop processes in the technique of casework, including investigation, interviewing, use of records, analysis of information, diagnoses, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior."

Section 161 of the Domestic Relations Court Bill provides "All laws and parts of laws whether general, local or special which are inconsistent with, or in conflict with, or repugnant to any provision of this act shall be deemed not to apply."

Under the wording of the above section, it would be possible in the opinion of Mr. Epstein of the Attorney General's office to exclude the Division of Probation from any supervision of the work of the probation department of the Domestic Relations Court and to prevent the formulation of any probation standards by the Division and the Director of Probation for that court.

It may here be pointed out that in the County Children's Court Act, under which practically the greater majority of the children's courts of the state operate, contains the provision as follows: "All provisions of the penal law or code of criminal procedure or other statutes inconsistent with or repugnant to any of the provisions of this act shall be considered inapplicable to the cases arising under this act."

It is to be noted here that the application of general laws is in the statewide children's court act exempted only on the cases arising and there is no exemption from the general probation laws. In the Domestic Relations Court Bill there is a provision for exemption from all law and this exemption pertains to the court itself and all its functions and not solely to the cases arising under it.

State supervision of probation has been a policy of the State of New York since 1906 and is consistent with the traditional state policy of state supervision of local activities as is evidenced by the powers vested in the Education Department, the Department of Social Welfare, the Labor Department, the Mental Hygiene Department, and the State Commission of Correction.

MEMORANDUM

In Favor of A 2998 Stringent
Domestic Relations Court Bill

1. W. Bruce Cobb
Counsel Legal Aid Socy
Merchants Assⁿ
Former City Magistrate

2. Charles Lunsden
Nat^l Desertion Bureau
Chin's Com^{tee} or S. R. Ct of
Welfare Council

3. Joseph J. Goldstein
City Mag.

4. John M^c Kim Smith Jr.
Bar Assⁿ of N. Y. C.

5. Clarence C. [unclear]
Jewish Bx. of [unclear]
County Surveys Assⁿ

MEMORANDUM

6. Mrs. Antonio C. Gonzalez
Asst. Dist. Atty, N.Y. County

7. Ralph K. Jacob
Asst. Dist. Atty Kings Co.
Various Brooklyn organizations

8. Mrs. Lenore V. de Keyser
Jewish Social Service Assⁿ

9. Mrs. Mortimer Munkler
Jewish Board of Guardians

10. Stephen J. [redacted]
Charles J. [redacted]
Catholic Charities of the Diocese
of N.Y. & Brooklyn

11. Lawrence Viller
Committee Criminal Courts, C.C.S.

MEMORANDUM

12. Nathan A. Smyth
 former Ass^t Dist. Atty, N.Y. County
 Chm's Comtee Criminal Ct's - C.D.S.

Also (Appearances)

Mr Palza, City Clerk of N.Y.

Robt Deane - former Ass^t & A.N.Y.C.
 N.Y. Young Democratic Club

Edgar J. Kohler - Jewish Bd. of
 Guardians

Miss Elizabeth A. Doble
 Brooklyn Bn. writes

Walter B. Conwell, 12 Bond St
 N.Y.C.

Joseph J. [unclear] see
 City of N.Y.

Organization of Each Part

Administrative Officer

Clerk of Court

Interpreter

Clerks

Attendants

Court Stenographer

Probation Bureau

Chief

Investigation Division

Chief of Division

Interviewer Probation Officers

Investigator Probation Officers

Division of Supervision

Chief of Division

Supervising Probation Officers

File Clerks

Office Staff

Support Bureau

Chief

Clerks

Typists

Clerks

Psychiatric Bureau

Chief

Psychiatrists

Psychologists

Typists

Attendants

etc.

Presiding Justice

Chief Administrative Officer

~~Administrative Officer Administrative Officer Administrative Officer Administrative Officer Administrative Officer~~

Manhattan

Bronx

Brooklyn

Queens

Richmond

Clerk of Court

Chief of Probation Bureau ditto

" " Support "

" " Psychiatric "

ditto

ditto

ditto

Law Department City of New York,
Office of the Corporation Counsel.

Arthur J. W. Hilby,
Corporation Counsel.

Legislative Division

Walter B. Caughlan,
Assistant in Charge,
Hotel Ten Eyck.

Albany, April 5th, 1933. ^{as amended}

AN ACT

A-Steingut...Int:2404..Pr:2913 /
To establish in and for the city
of New York a court of domestic
relations, to be known as the
domestic relations court of the
city of New York, and defining
its powers, jurisdiction and
procedure and providing for its
organization.

HONORABLE HERBERT H. LEHMAN,
Governor of the State of New York,
Albany, New York.

Your Excellency:-

The above-entitled measure was caused to
be introduced in the Legislature through this office on behalf
of the local authorities of the City of New York. It is spon-
sored by Mayor O'Brien and has the support of practically every
welfare organization in the City of New York whose work brings
them into touch with the Family Court and who view the measure
as one of the most important pieces of social legislation en-
acted in this State in many years.

In order to correct many typographical and
other slight errors, the bill was amended today. To aid its
passage at this late date, it is necessary to have a three-day
message of necessity issued to expedite its progress without
the bill laying on the desks of the legislative members for
three days, pursuant to Section 15 of Article III of the Con-
stitution.

Trusting that this message will issue without
delay, I am

Respectfully yours,

Walter B. Caughlan
WALTER B. CAUGHLAN,
Assistant Corporation Counsel,
City of New York.

WBC.DIX

Law Department City of New York,

Office of the Corporation Counsel.

Arthur J. W. Hilly,
Corporation Counsel.

Legislative Division

Walter B. Caughlan,
Assistant in Charge,
Hotel Ten Eyck.

Albany, April 11th, 1933.

AN ACT

A-Steingut...Int:2404..Pr:As amended
To establish in and for the city of
New York a court of domestic rela-
tions, to be known as the domestic
relations court of the city of New
York, and defining its powers,
jurisdiction and procedure, and
providing for its organization.

HONORABLE HERBERT H. LEHMAN,
Governor of the State of New York,
Albany, New York.

Your Excellency:-

The above-entitled bill proposes to merge and consolidate the Children's Court and the Family Court in the City of New York into a Court of Domestic Relations, so that a single tribunal may be established in said City with complete jurisdiction over all matters of a quasi-criminal nature affecting parents and children. The measure provides for no additional judges. Its enactment into law will save considerable inconvenience in cases involving the adjustment of domestic relations by eliminating the necessity of, in many cases, of duplicate hearings respecting adults and minors in different courts. It should also promote the efficient administration of justice in such matters by having before the court all of the facts with regard to the entire family. It is a salutary measure which has long had the approval of many individuals and civic organizations qualified by experience to judge the necessities of the situation.

It is to be hoped, therefore, that this measure will receive executive approval.

Respectfully yours,

Walter B. Caughlan
WALTER B. CAUGHLAN,
Assistant Corporation Counsel
City of New York.

CHARGE TO THE ACCOUNT OF

Postal Telegraph

(THE MACKAY SYSTEM)



ALL AMERICA CABLES
COMMERCIAL CABLES

Receiver's Name
Check
Trans. Fee
STANDARD TIME

Send the following Message, subject to the terms on back hereof, which are hereby agreed to

Form 2-C

APRIL 22, 1933

WALTER B CAUGHLAN
 ASST. CORPORATION COUNSEL
 OFFICE OF CORPORATION COUNSEL
 NEW YORK CITY

THE GOVERNOR WILL CONDUCT A PUBLIC HEARING ON
 WEDNESDAY APRIL 26 AT 2 P M ON ASSEMBLY BILL INT N 2404 PRINT 2998
 RELATIVE TO ESTABLISHING A COURT OF DOMESTIC RELATIONS IN THE CITY
 OF NEW YORK

12

M MALDWIN PERTIC
 COUNSEL TO THE GOVERNOR

Patrons should check class of service desired. otherwise message will be transmitted as a full-rate communication

Postal Telegraph

THE INTERNATIONAL SYSTEM



Commercial
Cables

All America
Cables

Mackay

Radio

LD AT

STANDARD TIME

INDICATED ON THIS MESSAGE

This is a full rate Telegram, Cablegram or Radiogram unless otherwise indicated by signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCD	DEFERRED CABLE
NLT	NIGHT CABLE LETTER
WLY	WEEK END CABLE LETTER
	RADIOGRAM

1933 APR 13 PM 5 15

NA666 180 DL 3 EXTRA

FV NEWYORK NY 13 455P

HON HERBERT H LEHMAN

EXECUTIVE CHAMBER ALBANY NY

THE COMMITTEE ON CRIMINAL COURTS OF THE CHARITY ORGANIZATION SOCIETY
 URGES YOUR APPROVAL OF ASSEMBLY BILL INTRODUCTORY 2404 PRINT 2968
 INTRODUCED BY MR STEINGUT ESTABLISHING A DOMESTIC RELATIONS COURT IN
 THE CITY OF NEWYORK THIS LEGISLATION SPONSORED BY MAYOR OBRLEN AS
 AN ADMINISTRATION MEASURE REPRESENTS YEARS OF EFFORTS ON THE PART OF
 THIS COMMITTEE AND OTHER INTERESTED IN PERFECTING A WORKABLE AND
 MODERN

Handwritten: 241

Handwritten signature: H. Lehman

Postal telegraph

THE INTERNATIONAL SYSTEM



Commercial Cables

All America Cables

Mackay

Radio

This is a full rate Telegram, Cablegram or Radiogram unless otherwise indicated by signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCO	DEFERRED CABLE
NLT	NIGHT CABLE LETTER
WLY	WEST END CABLE LETTER
	PROGRAM

1933 APR 13 PM 5 15

NA666/2 NEWYORK LEHMAN ALBANY NY

SCHEME FOR THE TREATMENT OF NONSUPPORT CASES AND CHILDRENS CASES

WE DO NOT IMAGINE THAT YOU WILL BE ABLE TO GIVE CONSIDERATION TO

THIS MEASURE IN THE IMMEDIATE FUTURE AND WILL FILE A COMPLETE

MEMORANDUM WITH YOU LATER WITH REGARD TO IT THIS TELEGRAM IS SIMPLY TO

ADVISE OF THE IMPORTANCE OF THE MEASURE AND THE FACT THAT IT IS WIDELY

SUPPORTED AND TO SAY THAT IF THERE IS ANY DOUBT IN YOUR MIND AS TO

THE DESIRABILITY OF IT WE SHOULD LIKE TO BE ACCORDED A PUBLIC HEARING

AT WHICH ARGUMENTS COULD BE PRESENTED WITH REFERENCE TO IT WE HOPE

THAT THE MEASURE WILL MEAVE YOUR APPROVAL

COMMITTEE ON CRIMINAL COURTS BY LAWRENCE VEILLER.

11
105
A.C.J.

World Telegram & Sun

Receiver's Number

Order

TIME FILED

STANDARD TIME

CLASS OF SERVICE DESIRED		CABLE
DOMESTIC		
TELEGRAM	FULL RATE	
DAY LETTER	DEFERRED	
NIGHT MESSAGE	NIGHT CABLE LETTER	
NIGHT LETTER	WEEK-END CABLE LETTER	

Patrons should check class of service desired, otherwise message will be transmitted as a full-rate communication.

(THE MACKAY SYSTEM)



ALL AMERICA CABLES
COMMERCIAL CABLES

Send the following Message, subject to the terms on back hereof, which are hereby agreed to

Form

APRIL 22, 1965

LAWRENCE WELLES
COMMITTEE ON CRIMINAL COURTS
105 E 22ND ST
NEW YORK CITY

THE GOVERNOR WILL CONDUCT A PUBLIC HEARING
ON WEDNESDAY APRIL 26 AT 2 P M ON ASSEMBLY BILL INT NO 2404

PRINT 2498 RELATIVE TO ESTABLISHING A COURT OF DOMESTIC
RELATIONS IN THE CITY OF NEW YORK

M MALDWIN FERTIG

COUNSEL TO THE GOVERNOR

15

April 15, 1933.

Mr. William Trapp, New York World Telegram, called today to point out the objections to this bill. He shows me a letter from Mr. H. E. Caplan to him dated April 14, 1933, in which he points out that Sec. 22 of the bill relating to administrative officers offers a splendid opportunity for lucrative patronage. He expresses the fear that many clerkships will be created and exempted from examination under the misleading title of administrative officers, just as clerkships in other departments have heretofore been glorified with titles of assistant deputies, clerkships, etc.

He objects to the bill providing how employees shall be selected whether competitive or exempt. Were it not for this provision it would be left to the Civil Service Commission. He expresses the belief that the bill was passed with the ~~prize offer~~ ^{prize offering} by the sponsors of the bill to help assure its adoption.

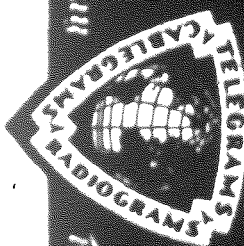
Mr. Trapp believes that his paper may consider, if not oppose, this bill editorially. In the beginning it favored the bill very strongly, but the amended bill inserting these features brings about a changed attitude on the part of the newspaper.

M. M. FERTIG

RECEIVED AT

STANDARD TIME
INDICATED ON THIS MESSAGE

THE INTERNATIONAL SYSTEM



Commercial
Cables

Maritime

Radio

International
Cables

This is a full text Telegram, Cablegram or Radiogram unless otherwise indicated by signal in the above or by the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCO	DEFERRED CALL
NLT	NIGHT CABLE LETTER
WLT	WEEK END CABLE LETTER
RAD	RADIOGRAM

NB49 42 DL

SQ NEWYORK NY 20 1222P

GOVERNOR LEHMAN

ALBANY NY

055 APR 20 PM 12 53

MAY I ADD MY REQUEST TO OTHERS YOU ARE RECEIVING FOR A HEARING ON
 THE STEINGUT BILL 2404 ON DOMESTIC RELATIONS COURT BOTH PROPONENTS
 AND OPPONENTS ARE ANXIOUS THAT YOU HEAR THEIR ARGUMENTS BEFORE
 COMING TO A DECISION AFFECTIONATELY

HELEN BUTTENWIESER..

could not answer

NYA

Civil Service Reform Association

OFFICERS

ORGANIZED 1887—INCORPORATED 1900

VICE-PRESIDENTS:

SAMUEL H. ORDWAY, PRESIDENT
THEODORE HETZEL
H. ELIOT KAPLAN

TELEPHONE MOHAWK 4-2493

ELLEN SHAW BARLOW
C. C. BURLINGHAM
WILLIAM G. LOW
GEORGE MCANENY
WILLIAM CHURCH OSBORN

ELIHU ROOT
NELSON S. SPENCER
RICHARD WELLING
MRS. EVERETT P. WHEELER
GEORGE W. WICKERSHAM

RECEIVED

APR 19 1933

Offices:

521 Fifth Avenue
New York

COUNSEL TO GOVERNOR

April 18, 1933.

Hon. Herbert H. Lehman
Governor of the State of New York
Executive Chamber
Albany, N. Y.

Telegram

Dear Governor Lehman:

On behalf of the Civil Service Reform Association, I respectfully urge you to disapprove Assembly bill Pr. #2998, introduced by Mr. Steingut, which seeks to reorganize the Domestic Relations and Children's Courts in the City of New York and consolidate such courts.

While we are in sympathy with the purposes of the bill in coordinating the activities of the Domestic Relations Court and the Children's Court, and appreciate the importance of the measure, the personnel provisions in the bill are so patently a concession to political patronage seekers, that we believe that the beneficent purposes of the proposal itself will be more than counter-balanced by the mischief that would result from turning the court into a lucrative patronage field.

Section 22 of the bill provides that whenever the Board of Estimate and Apportionment shall so authorize there shall be in each part of the Family Court and the Children's Court an employe who shall be known as an administrative officer and who shall be appointed by the presiding justice and who shall be in the exempt class of the civil service.

Experience has proven that unfortunately the political organizations have been too prone to take advantage of such broad exemptions. The result will be that many clerkships in the Court will be glorified with the misleading, innocuous title of "administrative officer" primarily for the purpose of assuring exemptions of such positions.

Certainly there is no need for providing for the exemption of any of the positions in the new court in the provisions of the bill itself. The Civil Service Law is broad enough to permit exemption in such rare cases as are warranted by the facts surrounding the individual position. The classification of positions in the civil service, as a matter of good sound administration, should be left to the state agency created for that specific purpose, the Civil Service Commission. This broad general principle was recognized by the Court of Appeals in the case of Ottinger v. State Civil Service Commission, 240 N. Y. 435. Indeed the express exemptions so pointedly provided in the Steingut bill confirm

EXECUTIVE COMMITTEE:
HARRY W. MARSH, CHAIRMAN

ELBRIDGE L. ADAMS
HENRY DE FOREST-BALDWIN
ROSCOE C. E. BROWN
CHARLES BURLINGHAM

JOHN K. CLARK
LEWIS L. DELAFIELD, JR.
ALBERT DE ROODE
MANSFIELD FERRY

HENRY W. HARDON
SIDNEY P. HENSHAW
NICHOLAS KELLEY
FRANCIS H. KINNICUTT

MRS. G. R. LIVINGSTON
SAMUEL H. ORDWAY, JR.
ALFRED B. MEACHAM
ARTHUR W. PROCTER

KENNETH M. SPENCE
SAMUEL THORNE
ELIOT TUCKERMAN
ROGER H. WILLIAMS

April 18, 1933.

- 2 -

Hon. Herbert H. Lehman

our belief that such exemptions have been made the bargaining vehicle for helping the passage of the bill through the legislature. The situation in some measure, although on a much smaller scale, is somewhat analogous to your own difficulties with legislation relative to the Liquor Control Board, when attempts were made to use that measure to create undue patronage.

The provisions on page 12 of the bill (Section 16) are quite significant. The presiding justice of the new court is authorized to make appointments to all positions in the competitive service. But appointments to fill exempt positions are placed in the hands of the board of justices rather than the presiding justice, who is the chief administrative officer of the new court. Obviously the purpose of this distinction is to permit political control over appointments to exempt positions in the court.

We believe this is a case where the chief executive is plainly warranted in disapproving a measure however commendable, where another vitally important principle of governmental administration is flagrantly violated. It is clear that without assurance of a personnel of demonstrated qualifications and fitness, free from political and extraneous influences, the administration of the proposed new Domestic Relations Court will have little chance of success.

Respectfully yours,

Samuel H. Ordway,

President.

Send the following Message, subject to the terms on back hereof, which are hereby agreed to

APRIL 22, 1933

HON. SAMUEL H. ORDWAY, PRESIDENT
CIVIL SERVICE REFORM ASSOCIATION
521 FIFTH AVE
NEW YORK CITY

THE GOVERNOR WILL CONDUCT A PUBLIC HEARING
ON WEDNESDAY APRIL 26, AT 2 P M ON ASSEMBLY BILL INT NO 2404
PRINT 2998 RELATIVE TO ESTABLISHING A COURT OF DOMESTIC
RELATIONS IN THE CITY OF NEW YORK

M MALDWIN PERHIG
COUNSEL TO THE GOVERNOR

26

CATHOLIC CHARITIES DIOCESE OF BROOKLYN

66 BOERUM PLACE

BROOKLYN, N. Y.

April 22, 1933.

Mr. Douglas P. Falconer
285 Schermerhorn Street
Brooklyn, N. Y.

Dear Mr. Falconer:

I am pleased to receive your letter of April 21 with reference to the merging of the Family Court and Children's Court, known as the Domestic Relations Court Bill, now before Governor Lehman.

I wish to state that we share your opinion with reference to this, have been interested in its passage to date, and have already written to the Governor.

With best wishes, I am

Sincerely yours,

J. Jerome Reddy

(Rev.) J. Jerome Reddy
Director
Catholic Charities

April 22nd, 1933.

Mr. Ralph K. Jacobs,
District Attorney's Office,
Municipal Building,
Brooklyn, New York.

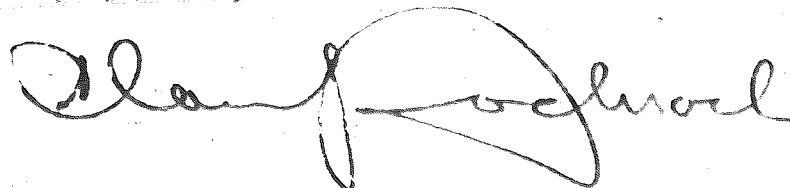
Dear Ralph,

I have your letter of April 20th, enclosing a summary of the bill to create a new court of domestic relations, and a copy of the bill itself. I have always been in favor of the general purpose of this legislation, and I regard it as of the highest importance that matters which are essentially not of a criminal character should be taken out of the criminal courts.

The board of directors of the Brooklyn Jewish Social Service Bureau does not meet until May 1st, but I shall be very glad to present the matter for their endorsement at that meeting, and also to speak in regard to the bill at the meeting of the Federation Board, as you suggest.

With best wishes,

Sincerely yours,



CGB/TS.

April 24/33.

MRS. HOWARD M. KIRKLAND
1185 PARK AVENUE
NEW YORK CITY

The Honorable Governor Lehman.

Dear Mr. Lehman:

I want to urge upon you the feeling I express for myself & my family, that you sign & make lawful the Stringent Domestic Relations Court bill now before you. (Assembly Print 2998.) This is a piece of legislation long desired & earnestly worked for by civic minded citizens.

Faithfully yours -

Elizabeth S. Kirkland

MAX HEZEL
PRESIDENT

DAVID GROBERG
VICE-PRESIDENT

LEVI ROKEACH
TREASURER

NATHANIEL BLOOM
SECRETARY

HONORARY DIRECTORS

NATHANIEL LEVI
HARRY L. LEVY
SIMON F. ROCHSCHILD

DIRECTORS

HERMAN S. BACHRACH
NATHAN BASS
MAX BLECHER
BERNHARD BLOCH
STEPHEN CAPLIN
A. BRODERICK COHEN
I. DAVID COHEN
MORRIS M. DIAMOND
ABRAHAM FEIT
ADOLPH FELDBLUM
ALBERT A. FRIEDLANDER
JACOB H. GOETZ
NATHAN L. GOLDSTEIN
MAURICE GOODMAN
EMANUEL GREENBERG
JACOB L. HOLTZMAN
HENRY HYMAN

HEBREW EDUCATIONAL SOCIETY
FOUNDED 1899

(CONSTITUENT MEMBER OF BROOKLYN FEDERATION OF JEWISH CHARITIES)

HOPKINSON AND SUTTER AVENUES

TELEPHONE DICKENS 2-0337

BROOKLYN, N. Y.

DIRECTORS

MEYER KEILSON
GUSTAVE KELLNER
AARON W. LEVY
MARK G. LEVY
BENJAMIN RAPHAEL
MAURICE B. RICH
ALBERT J. RIFKIND
ISAAC SARGENT
OSWALD SCHLOCKOW
HENRY SHAMBROOM
THOMAS A. SHAPIRO
IRWIN E. SIRIS
MARSHALL SNYDER
NATHAN SWEDLER
SAMUEL A. TELSEY
DAVID TEPLITZKY

RABBI ALTER F. LANDESMAN
SUPERINTENDENT

April 25th, 1933.

Ralph K. Jacobs, Chairman,
Courts Committee of the Brooklyn Bureau of Charities,
c/o District Attorney's Office,
Municipal Building,
Brooklyn, New York City.

Dear Mr. Jacobs:

I have read with a great deal of care the bill introduced in the Assembly on March 31st, 1933, by Hon. Irving Steingut, Int. No. 2404, entitled "To Establish in and for the City of New York a Court of Domestic Relations, to be Known as the Domestic Relations Court of the City of New York, and Defining its Powers, Jurisdiction and Procedure and Providing for its Organization", and sincerely hope that this bill passed by the Legislature will be approved by the Governor and enacted into law. I think that the system for the administration of justice therein provided is a vast improvement over our present system.

I believe that if this matter were presented to the Board of Directors of the Hebrew Educational Society, it would

MAX HERZFELD
PRESIDENT

DAVID GROBERG
VICE-PRESIDENT

LEVI ROKEACH
TREASURER

NATHANIEL BLOOM
SECRETARY

HONORARY DIRECTORS

NATHANIEL LEVI
HARRY E. LEWIS
SIMON F. ROTHSCHILD

DIRECTORS

HERMAN S. BACHRACH
NATHAN BASS
MAX BLECHER
BERNHARD BLOCH
STEPHEN CAPLIN
A. BRODERICK COHEN
I. DAVID COHEN
MORRIS M. DIAMOND
ABRAHAM FEIT
ADOLPH FELDBLUM
ALBERT A. FRIEDLANDER
JACOB H. GOETZ
NATHAN L. GOLDSTEIN
MAURICE GOODMAN
EMANUEL GREENBERG
JACOB L. HOLTZMAN
HENRY HYMAN

HEBREW EDUCATIONAL SOCIETY
FOUNDED 1899

(CONSTITUENT MEMBER OF BROOKLYN FEDERATION OF JEWISH CHARITIES)

HOPKINSON AND SUTTER AVENUES

TELEPHONE DICKENS 2-0337

BROOKLYN, N. Y.

DIRECTORS

MEYER KEILSON
GUSTAVE KELLNER
AARON W. LEVY
MARK G. LEVY
BENJAMIN RAPHAEL
MAURICE B. RICH
ALBERT J. RIFKIND
ISAAC SARGENT
OSWALD SCHLOCKOW
HENRY SHAMBROOM
THOMAS A. SHAPIRO
IRWIN E. SIRIS
MARSHALL SNYDER
NATHAN SWEEDLER
SAMUEL A. TELSEY
DAVID TEPLITZKY

RABBI ALTER F. LANDESMAN
SUPERINTENDENT

Ralph K. Jacobs, Chairman - - - -2

April 26th, 1933.

receive the approval and endorsement of every member of the Board. I wish that you would convey to his Excellency, Governor Lehman, if you will be present at the hearing, my endorsement as President of the Hebrew Educational Society of this bill, although, of course, I cannot speak for the entire Board.

Very sincerely yours,

Max Herzfeld
MAX HERZFELD

MH:AK

BROOKLYN JUVENILE PROTECTIVE ASSOCIATION

4 - 5 COURT SQUARE

BROOKLYN

TELEPHONE: TRIANGLE 5-5061



OFFICERS

DAVID T. LEAHY,
President
Mrs. A. H. ARONS,
Vice-President
Mrs. PHILIP A. BRENNAN,
Vice-President
EDGAR J. WILLIAMS,
Vice-President
DAVID H. LANMAN, Treasurer
(Pres.-Brooklyn Savings Bank)
Mrs. THOMAS L. LEEMING,
Secretary
GERTRUDE GRASSE,
Executive Secretary

BOARD OF TRUSTEES

Rev. LOCKSLEY A. APPO
Mrs. A. H. ARONS
BERNARD S. BARR
Mrs. PHILIP A. BRENNAN
Mrs. EDWARD N. BURNS
THOMAS M. BRENNAN, M. D.
Dr. LOUIS D. GROSS
WILLIAM B. HILL
JOSEPH KUNKEL
DAVID H. LANMAN
DAVID T. LEAHY
Mrs. THOMAS LEEMING
OSCAR A. LEWIS
Dr. J. HOWARD MELISH
EDGAR J. WILLIAMS

April 25, 1933

Mr. G. Anderson,
Courts Committee,
Brooklyn Bureau of Charities,
293 Schermerhorn Street,
Brooklyn, New York.

Dear Mr. Anderson:-

I have no doubt that the Board of Trustees of the Juvenile Protective Association would approve the bill now before the Governor to enlarge the jurisdiction of the Family Court and to merge that Court with the Children's Court but I have had no opportunity to take the details of the bill up with the Board nor to talk with our president about it.

I am sure we are thoroughly in favor of the principle and I wish we might have had a little more time to discuss the details of the bill as presented to give a more complete endorsement.

Sincerely yours,

Gertrude Grasse
Secretary.

GG:s

THE COMMITTEE ON CRIMINAL COURTS
OF
THE CHARITY ORGANIZATION SOCIETY
OF THE CITY OF NEW YORK

BROBSON WINTHROP, CHAIRMAN
CHARLES W. APPLETON
W. BRUCE CORNELL
VICTOR J. DOWLING

HEVER FOLLE
JOHN M. GLENN
RALPH K. JACOBS
GEORGE W. KIRCHWEY

HUGH KNOXTON
KENNETH O'BRIEN
MARGAN J. O'BRIEN
FRANK L. PULL

EMMA P. PRENTICE
NATHAN A. SMITH
HENRY W. THURSTON
LAWRENCE VEILLER

LAWRENCE VEILLER
SECRETARY

105 EAST 22 STREET, NEW YORK CITY
TELEPHONE, GRAMERCY 5 - 2860

April 25, 1933

Domestic Relations Court Bill
(A. Print 2398 - Steingut)

Hon. Herbert H. Lehman, Governor
Executive Chamber,
Albany, New York

Sir:

We are writing you on behalf of this Committee to urge your approval of the Domestic Relations Court Bill now before you.

This measure is a New York City Administration measure, sponsored by Mayor O'Brien. The basis for it had its origin with this Committee which has given unremitting and devoted attention to the improvement of the so-called Criminal Courts of New York City for nearly 25 years past, was responsible for the creation of the Family Court many years ago, and has given constant attention to the improvement of that court ever since.

About three years ago the Committee felt that the time had come when it would be desirable to have a completely new law dealing with the Family Court and at the same time a new court handling this class of cases. Before attempting to draw any legislation, however, the Committee sent out a letter to every organization and every individual in New York City who might have any knowledge of the workings of the Family Court or any interest in it. Several hundred such letters were sent out asking for definite suggestions and advice. The replies received to this letter were helpful and many definite suggestions

Domestic Relations Court Bill
Print 2998 - Steingut

were offered. Through the whole of the following year the Committee busied itself among other things with the first draft of a measure which would give the Family Court the powers which it has so long needed, and setting up a new court in this city to deal with non-support cases and cases of family adjustment where recourse to the law must be had.

After months of unremitting labor by the Committee, and not merely by some individual, a tentative bill was prepared. This was introduced in the Legislature of 1931 toward the close of the session - solely so as to have the bill printed and available for discussion during the ensuing year. Not only was there no thought of urging the enactment of that measure at that time but no effort was made even to have the bill reported out of Committee.

That measure was then given the most careful consideration through a year's discussion by a central Committee created by the Welfare Council containing representatives of those organizations which have day-by-day contact with the Family Court.

That Committee worked over the measure and made many suggestions to our Committee. There were numerous conferences and finally agreement on modifications and changes in the tentative bill, with the result that a measure was perfected and was introduced in the Legislature of 1932. That measure created a new Family Court in New York City similar to the Children's Court - a separate entity not connected with any other court system.

Owing to the financial situation which existed in 1932 the leaders of the dominant party in the Legislature - at that time the Republican party - were unwilling to be responsible for legislation which imposed on the City of New York any considerable additional expenditure of funds. The creation of this new court would have involved an

Domestic Relations Court Bill
(A. Print 2992-Steingut)

increase in city expenditures of between \$125,000 and \$150,000. Although the Legislature was in favor of the bill, for this reason—and for this reason only—the measure was not enacted at the 1932 session.

This year in view of the continuing financial situation this Committee considered what was best to do with regard to this measure — the measure being so urgently needed. After considerable thought and discussion it finally reached the conclusion that it would be desirable to combine the present Children's Court with the various Family Courts which are now part of the Magistrates Courts System, merging the two in a new court to be a Court of Domestic Relations.

This suggestion was submitted to Mayor O'Brien and the various charitable and welfare organizations that were interested in the bill and met general approval. It was also submitted to the Judges of the Children's Court who made no dissent to the proposal.

A new bill merging the two courts was accordingly prepared and it is this bill that is now before you.

A Family Court Bill - Not a Children's Court Measure

The measure before you is rightly to be considered as a measure primarily affecting the Family Court rather than a measure dealing with the Children's Court. Its relation to the Children's Court is only an incidental one.

The measure makes radical and far reaching changes with regard to the jurisdiction, powers and method of procedure of the Family Court. It makes practically no substantive change whatever with regard to the Children's Court — certainly no change as to jurisdiction, powers or procedure, but only such changes with reference to its administrative system as are made necessary by the merging of the two courts.

Domestic Relations Court Bill
(A. Print. 2998-Steingut)

What the Bill Consists of

The bill will be found divided into four Titles, as follows:

Title I: Deals with those general administrative provisions applicable to both courts including definitions, methods of appointment of justices and other employees, the transfer of existing employees and records, court buildings/ ^{&c.} - in a word, general administrative provisions.

Title II: Deals solely with the Children's Court and all of this Title is practically the present Children's Court Law reenacted verbatim. The only exception to this is that at the instance of the Corporation Counsel the Children's Court has been given power to make an order for the support of a physically handicapped child - a power similar to that found in the so-called up-State Children's Court Law, but which has not been heretofore included in the New York City Children's Court Law, with the result that the City of New York is deprived of something like \$50,000 a year revenue which it should receive as its share of certain state funds but cannot receive because of this defect of the law. There is no other change whatsoever in this Title from the present Children's Court Law.

Title III: Relates solely to the Family Court. It is a complete restatement of all existing powers and jurisdiction of the Family Court and with many new/ ^{and} additional powers and constitutes practically in itself a separate Family Court Act, so far as jurisdiction, powers and procedure are concerned.

Title IV: Consists of some five sections dealing with the relation of the Act to other laws, the repeal of other statutes, the time of taking effect, etc. - all matters that might properly be included in Title I but which according to legislative custom have been put at the end of the statute.

Domestic Relations Court Bill
(A. Print 2898 - Steinput)

The Need for a New Family Court Law

At the present time the provisions of law with regard to the Family Court in New York City will be found in §74 of the Inferior Criminal Courts Act of New York City. This single section comprises 4-1/2 pages of small type of the act. It is so badly expressed and so long and complicated that practically everyone, even the judges who have to interpret the law, despair of stating definitely just what the law is.

It is singularly defective in its lack of powers and is a relic of older days.

Although the Constitution of the State was specifically amended about ten years ago to permit the Legislature to confer larger powers and jurisdiction upon Courts of Domestic Relations, nothing has heretofore been done by the Legislature to carry out that mandate of the people. The present bill is an effort to do this.

There are many defects in the present law - the chief of which, however, may be stated to be the fact that the entire statute is based upon the liability of a wife to become a "public charge". Public sentiment clearly is desirous of having this archaic basis for the support of a wife and children done away with. The public rightly believes that when a man marries he assumes an obligation to support his wife and children and that there should be a clear statutory authority upon him so to do according to his means, irrespective of whether his wife and children are likely to become a public charge or not.

Another very serious defect of the present law is to be found in the fact that the whole process is a criminal one and that a husband

Domestic Relations Court Bill
(A. Print 2998 - Steingut)

who is charged with non-support must be haled to a criminal court and charged with a crime.

There is nothing inherent in the failure to support a wife and family which can be deemed an act of a criminal nature.

In addition a stigma is fastened upon the man who fails to support his wife. The court is without power simply to order him to provide such support but must go through the form of declaring him to be "a disorderly person", thus imposing a stigma upon many honest and decent men.

Another very serious defect of the present law is to be found in the fact that the court is without legal power to compel a man to keep away from his wife and children although required to support them. There are many cases where a husband because of dissolute or intemperate habits is a real menace to his family and should be ordered by the court to stay away. The court today is powerless to do this. Similarly, there are numerous cases where a wife whose husband has left the domestic circle refuses to allow him to see his children at various intervals. The court is without power to compel her to do so. All of which results in bitterness^{and} friction - very often resulting in physical assault.

There are numerous other reasons which might be adduced to show the need of a very radical change in the present law with regard to the Family Court but enough has been presented, we feel sure, to make evident the necessity for a very distinct change in the statute.

Some of Its Features

1. It takes the Family Court out of the Criminal Court system and abolishes the existing Family Courts that are now "special courts" in the Magistrates' Court System.

Domestic Relations Court Bill
(A. Print 2998-Steingut)

It sets up the Family Court and the Children's Court as parts of a new "Domestic Relations Court".

Under the terms of the act, all of the existing employees in the present Children's Court and Family Court are transferred bodily to the new court without any change whatsoever of salaries, titles or functions.

2. The magistrates who are now assigned to the Family Court are not transferred because no magistrate at present gives his entire time to this work, but only has this assignment in connection with other assignments. The present Judges of the Children's Court, together with a few additional judges needed, constitute the Judges of the new court.

3. Under the new bill the procedure will no longer be criminal. A wife who needs support will be known as the petitioner and the husband who is required to provide support for her as the respondent - instead of as complainant and defendant, as at the present time.

4. No longer will the stigma of being declared a "disorderly person" be attached to a man who has failed to support his family. Hereafter no stigma will attach to a man who is brought to the Family Court.

5. The court will also be empowered to make orders imposing conditions of behavior on both husband and wife. In some cases such an order should be made against the wife. At the present time the court is powerless to make such orders, though it seeks to do so wherever possible, hoping that it may find legal justification for them.

6. Under the new bill the court will be empowered to compel the wife to permit the husband to see the children under such conditions and at such intervals as the court may think appropriate.

7. On the other hand, the court will be empowered to order a

Domestic Relations Court Bill
(A. Print 2998-Steingut)

husband to keep away from the home and not harass his wife and children, giving the custody of the children to the wife.

8. No longer will it be necessary for a woman to be in danger of becoming a "public charge" before an order for her support can be entered.

These are only a few of the things which this important measure accomplishes.

The Measure Generally Supported

So far as we can learn there is no opposition of any kind to the fundamental purposes of the bill or its main provisions (except possibly opposition from some of the present Children's Court Judges). There is some slight opposition to some of the details of the bill which are in no sense essential to the measure and which we shall discuss quite fully later in this memorandum.

The bill comes to you, Sir, with the united support of all of the great religious and charitable and welfare organizations of the City of New York. It is very earnestly desired by the Catholic, Jewish and Protestant organizations who have knowledge of and dealings with the Family Court and the Children's Court.

Not a dissenting voice has been raised from any source whatever to any of the provisions contained in this bill of 72 pages - with two exceptions to be discussed later.

There has probably never been before the Legislature a measure of so much moment, so far reaching in its scope, that has had such general support from the community.

The measure not only has the backing of these welfare organizations but has the support of the Bar Association, the County Lawyers Association, civic bodies like the City Club and numerous others.

Domestic Relations Court Bill
(A. Print 2398 - Steingut)

The Opposition to the Bill

The opposition to this measure is three-fold and may be summarized as follows:

1. Opposition from some of the Judges of the Children's Court:

It is said that some of the present judges of the Children's Court do not like the idea of having the Family Court merged with their court. Some of them perhaps conscientiously believe that it is unwise. The fact remains, however, that this is an economy measure desired by Mayor O'Brien.

At the present time the judges of the Children's Court, according to their own official record of assignment are assigned to duty for a little more than half the year. Each of these judges works for 185 days out of 365 - 53% of the time. Most of these judges have 3 and a half months when they are not assigned to duty. A few of them have 3 months when they are not assigned to duty - and no judge has less than this amount of time off.

In addition, the Children's Court is entirely closed on Saturdays and legal holidays - and of course on Sundays. That is, the judges work but 5 days a week when they work. Some of these judges close their courts now at 12 or 1 o'clock and have finished their work for the day. Under the measure before you these judges will in future have to work until 4 o'clock each afternoon, will have to keep their courts open on Saturday morning and work until noon on Saturday. Some of them do not like it.

In addition, at the present time the judges of the Children's Court receive a salary of \$17,500 a year. This salary is fixed

Domestic Relations Court Bill
(A. Print 2998 - Steingut)

by a mandatory statute which the judges of the Children's Court persuaded the legislature to enact several years ago. Public sentiment in New York City is overwhelmingly in favor of having all salaries paid out of the city treasury controlled by the local authorities, viz: the Board of Estimate and Apportionment.

The bill repeals this mandatory statute fixing the salaries of the judges of the Children's Court at \$17,500. a year and provides that their salaries in future shall be as fixed by the Board of Estimate and Apportionment.

That the judges of the Children's Court - (with possibly a few slight additions to their number - are entirely capable of taking over the business of the Family Court provided they do a full day's work instead of a half day, is quite evident from a study of the diminution in the volume of business of the Children's Court in recent years, both in the number of "cases" or arraignments before the court and in the number of "hearings" as well.

In 1931, the last year for which figures are available, the Children's Court had before it 12,094 cases with 8 judges to handle them. In 1919, 5 judges handled 13,627 cases; in 1918, 13,985 cases and in 1917, 14,519 cases.

In 1931 the Children's Court had before it 47,402 "Hearings"; in 1920 it had 48,975 "Hearings"; in 1919, 50,074 "Hearings"; in 1917, 52,912.

And as before, it had but 5 judges in those earlier years as compared with 8 judges at the present time.

36
c. The provision that the Administrative Officers when appointed shall be in the Exempt Class of the Civil Service is objected to by some Civil

Domestic Relations Court Bill
(A. Print 2938 - Steingut)

Service Reformers who hold the view that there should be no statutory requirement that certain officers should be in the "exempt class".

Answer: It has been publicly stated that this provision was inserted in the bill at the last moment and represents a "deal" with Tammany Hall. This is quite untrue. This provision will be found in every form of the bill that has been drawn and in all of the bills introduced in the Legislature during the past 3 years. It has always been the deliberate intention of the sponsors of this legislation to have this important position of Administrative Officer filled not by the kind of person that one would get from civil service lists. The position is a new one, is of great importance and corresponds more closely to that of a Deputy Commissioner of a city department than to anything else.

In the bill of last year there was a mandatory provision providing specifically for the appointment of these Administrative Officers. This year, because of the financial situation, their appointment is dependent upon action by the Board of Estimate and Apportionment. At the most there could not be more than 5 such Administrative Officers - one in each Borough. As such officers are to be appointed by the Presiding Justice this should remove it from the realm of political patronage. The bill provides that pending the appropriation of money for this purpose, the Presiding Justice may in his discretion designate the Clerk of the Court to act in this capacity - temporarily only.

The creation of this Administrative Officer marks a new and, it is thought, an advance step in dealing with the court. A frequent criticism of all our courts, and particularly the criminal courts, is the lack of administrative control and system. This is particularly apparent in such socialized courts as the Family Court and the Children's Court - which are really not so much courts as social agencies. At the

Domestic Relations Court Bill
(A. Print 2938 - Steingut)

present time there is no centralized control in any one of the various parts of the Family Court. There are three or four separate bureaus in each Part - each one a law unto itself - a series of water-tight compartments having no relation to each other. They even keep separate files of records of the same family in these different bureaus in the same court.

In view of this situation the bill proposes what is frankly an experiment - the centring of responsibility for the entire administrative control of the court in all its various branches and parts in a single person, viz: the Presiding Justice, who is made responsible for the appointment, removal and control of the various employees.

In order that he may function he is given a deputy representative administrative work. The deputy is known as the Director of Administration and is the right hand of the Presiding Justice. It is his duty to see that all the administrative mechanism of the court is kept running properly and that all the rules and provisions of law are properly carried out. In order that this may be accomplished, the bill provides that when public revenues are sufficient to permit it, there shall be in each part of the court an Administrative Officer who shall be responsible to the Presiding Justice through his deputy, the Director of Administration, for all of the work at that particular part of the court.

The head of the Probation Bureau, the head of the support Bureau, the Clerk of Court, the court stenographers - all that goes with the legal process - and finally the Psychiatric Bureau, are all made responsible to the personal representative of the Presiding Justice who is stationed at the court.

To him anyone can go if things are not going right. The judge can send for him and say, "How about this?" and have it looked into and corrected, instead of having the judge report something to a central of-

Domestic Relations Court Bill
(A. Print 2998 - Steingut)

vice and then wait for some person to come to investigate it. In other words, a personal representative of the Presiding Justice; the administrative head of the whole system, will always be found in every one of the branches of the court with nothing else to do but to keep things going properly. This seems to the sponsors of this measure a sound principle of organization - one in consonance with accepted principles of business organization.

3. The work of Probation. It is claimed that the Work of Probation will be Endangered and Probation Standards Lowered and good probation work made difficult because of the fact that the Chief Probation Officer is relieved of the administrative and executive responsibility of checking up the work of the probation officers in the various Parts of the court, and because the Probation Bureau in those various Parts are made primarily responsible to the Administrative Officer at each Part. It is asserted this will mean placing a skilled professional worker - i.e. the probation officer - under the control of "a mere clerk who is nothing but a political appointee".

Answer: The method proposed in this bill of dealing with probation is frankly a departure from existing practice elsewhere.. It is a deliberate departure and is believed to be an experiment well worth trying. It is frankly an experiment and may not work advantageously. It is believed, however, that it will prove successful.

In essence, the scheme of organization proposed is as follows:

In each part of the Family Court there is a Probation Bureau. This is composed of a staff of probation officers with necessary stenographic and clerical assistance. These officers are engaged in three tasks - (1) interviewing wives and husbands;

Domestic Relations Court Bill
(A. Print 2998 - Steingut)

(2) investigating the circumstances of the cases brought to them; and (3) supervising men placed on probation.

Each such Bureau is headed by a probation officer who is known as "Chief of the Probation Bureau". Hence, there is direct responsibility on the part of every probation officer to a skilled professional person and not to any clerk or to any political employee. The Chiefs of the Probation Bureaus in the respective courts are the present Chiefs. They are continued by the bill. There is no change of any kind whatsoever in that part of the system.

Where there is a change, however, is that the Chief of the Probation Bureau in each Part now becomes responsible - as does the Clerk of Court, as does the head of the support Bureau and as does the head of the Psychiatric Bureau of that Part of the court - to the Administrative Officer at the court who, as has been pointed out, acts as the personal representative of the Presiding Justice in seeing that the various departments work together in coordination.

This is a change. At the present time, the Chief of the Probation Bureau is practically responsible to nobody; theoretically responsible to the Chief Probation Officer at Headquarters who is quite remote from the work of the court, who seldom gets to the court and who if he spent his time in visiting all the courts in the various Boroughs and checking up in detail the work of probation in those Boroughs would have no time to do the thinking, the studying and the leadership work in the probation field that he should do.

The bill, therefore, makes a real advance in the treatment of probation work. Solicitude that probation work should be competently done under proper expert supervision was one of the prime motives of the sponsors of the bill. It relieves the Chief Probation Officer of that burden of multitudinous details which keeps most Chief Probation Officers

Domestic Relations Court Bill
(S. Print 2998 - Steingut)

from doing the real work for which they are appointed. At the same time it provides proper control of the individual probation officer's work and leaves the Chief Probation Officer free to do the kind of work that he should do.

No better statement of what that work is can be had than that which is to be found in the bill (§24) describing the duties of the Chief Probation Officer:

"§24. Chief Probation Officer. The presiding justice shall appoint a chief probation officer who shall report to him at frequent intervals on the conduct of probation in the various divisions and parts of the court. Subject to the directions of the presiding justice and the administrative control and responsibility of the administrative officers, he shall have charge of the probation work of the court. He shall formulate uniform methods for the probation work of the court and develop processes in the technique of casework, including investigation, interviewing, use of records, analysis of information, diagnosis, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior. It shall be his duty to scrutinize the work of all the probation officers and instruct them as to methods and technique and imbue them with proper standards and ideals of probation work."

As has been said this is frankly an experiment. It may not work. The sponsors of the bill think it is worth trying. If it does not work it will be a very simple matter for the Legislature to change it. The bill goes into effect October 1st. The new system will not get well going before January when the Legislature will be in session and can correct any defects in the bill.

In Conclusion

41

These points are the only objections that have been raised to this important measure of 72 pages. The criticisms made, even if sound - which we believe they are not - compared to the real purposes of the measure and the great reforms accomplished by it can be said to represent not more than one percent (1%) of the bill. It is submitted that a measure which is ninety-nine percent (99%) good and a great public benefit should become a law, and that the one percent (1%) of possible

Domestic Relations Court Bill
(A. Print 2998 - Steingut)

defect should be subject for amendment and perfecting at some future time, rather than used as a basis for defeating or postponing a measure of great social importance.

The measure before you clearly is a measure in the public interests. There has been no valid objection raised to it from any source. On the contrary, it has almost universal support in the community. The only objections that have been raised have been raised by a small group and concern themselves solely with questions of detail that are foreign to the main purpose of the proposed statute.

We trust, therefore, that the measure before you will have Executive approval.

Respectfully submitted,

Nathan C. Smith
Chairman

Margaret S. Gail
Secretary

EV:EK

THE BROOKLYN A. I. C. P.

Association for Improving the Condition of the Poor

401-403 STATE STREET, BROOKLYN, N. Y.

MARCUS C. HANKINSON
PRESIDENT
GEORGE WELLING GIDDINGS
ERNEST H. PILSBURY
ARTHUR M. HOWE
JACOB C. KLINCK
ALMET REED LATSON
VICE-PRESIDENTS
FRANK L. SNIFFEN
TREASURER
JOSEPH W. CATHARINE
ASSISTANT TREASURER



PERCY G. B. GILKES
REC. SECRETARY
ALBERT HUTTON
ASSISTANT REC. SECRETARY
JULIAN P. FAIRCHILD
CORRESPONDING SECRETARY
MISS JESSIE M. HIXON
GENERAL AGENT
MRS. LAWRENCE K. BARNES
FINANCIAL SECRETARY
TELEPHONES
TRIANGLE 5-5482-5483-5485

April 25, 1933.

Hon. Herbert H. Lehman,
Governor, State of New York,
Executive Chamber,
Albany, N. Y.

Dear Governor Lehman:

After studying the provisions of the new Domestic Relations Court bill, which is now before you, I want to tell you that the bill has my hearty approval.

A family welfare organization such as this is continually coming in contact with the Family Court and the Children's Court and I definitely feel that the very socialized procedure and the merger and centralization of the administrative control over these courts, as provided for in the bill, will be most helpful to our family relief work.

The establishment of the Court of Domestic Relations will divorce from our lower criminal courts such matters as the non-support of wives and children - a step which I believe is most necessary and will place such matters in a tribunal where they will be treated as social problems.

Trusting that this bill will have your approval.

Respectfully yours,

43

E. S. Molineux
General Agent.

ESM/S

Prompt Relief—Practical Relief—Provided Entirely by Voluntary Contributions

New York Young Democratic Club

(INCORPORATED 1915)

535 FIFTH AVENUE
NEW YORK CITY

VICTOR ROUDIN
President

W. CHARLES POLETTI
First Vice-President

JOSEPH P. TUMULTY, JR.
Second Vice-President

LAWRENCE MORRIS
Third Vice-President

THOMAS F. BOYLE
Secretary

M. HARWORTH HENDLER
Treasurer

April 25th
1 9 3 3

Board of Directors

FRED A. WELLER, *Chairman*
THOMAS F. COHALAN
GEORGE H. COMBS, JR.
CLEVELAND E. DODGE
ROBERT M. FIELD
JOSEPH F. FISHMAN
EDWARD H. FOLEY, JR.
T. JOSEPH KENNEDY
CHARLES W. LEWIS
AUSTIN B. MANDEL
FREDERICK W. MCGOWAN
CHARLES R. MCNAMEE
KENNETH O'BRIEN
RICHARD C. PATTERSON, JR.
FRANK L. POLK
LANGDON W. POST
J. H. N. POTTER
JAY SHEREFF
CHARLES H. SIMON
A. MELVIN SIMS
A. MACKAY SMITH
LOUIS L. TETELMAN

Hon. Herbert H. Lehman,
Governor of the State of New York,
Albany, New York.

Dear Governor Lehman:

We submit herewith a memorandum in support of Bill No. 1689 Senate Int., 2238 Assembly Int., entitled "An Act to Establish in and for the City of New York a Court of Domestic Relations, to be known as the Domestic Relations Court of the City of New York, and defining its Powers, Jurisdiction and Procedure, and providing for its Organization", and urge your approval of the Bill.

Respectfully,



President.

VR/dd
Encl.

MEMORANDUM IN SUPPORT OF BILL NO. 1689, SENATE
INT., 2238 ASSEMBLY INT., ENTITLED "AN ACT TO
ESTABLISH IN AND FOR THE CITY OF NEW YORK A
COURT OF DOMESTIC RELATIONS, TO BE KNOWN AS THE
DOMESTIC RELATIONS COURT OF THE CITY OF NEW
YORK, AND DEFINING ITS POWERS, JURISDICTION AND
PROCEDURE, AND PROVIDING FOR ITS ORGANIZATION."

NEW YORK YOUNG DEMOCRATIC CLUB, INC.

Victor Roudin, President.

Committee on Public Affairs

Albert G. Seidman, Chairman

Subcommittee on the Measure

Robert Daru, Chairman

MEMORANDUM IN SUPPORT OF BILL NO. 1689 SENATE
INT., 2238 ASSEMBLY INT., ENTITLED "AN ACT
TO ESTABLISH IN AND FOR THE CITY OF NEW YORK
A COURT OF DOMESTIC RELATIONS, TO BE KNOWN
AS THE DOMESTIC RELATIONS COURT OF THE CITY
OF NEW YORK, AND DEFINING ITS POWERS, JURIS-
DICTION AND PROCEDURE, AND PROVIDING FOR ITS
ORGANIZATION."

To His Excellency the Governor of the State of New York.

That the family is a unit, and that it is the foundation of society, are accepted axioms of our social thought. Long observation has driven home the conclusion, apparent not only to the sociologist, but also to the average layman, that the interplay of influences within the family unit is one of the most potent forces in molding the individual. Most cases of maladjustment resulting in juvenile delinquency are traceable to home atmosphere, and problems and conflicts arising between husband and wife cannot but affect their children.

It has been recognized that the legalistic method of handling problems by public trial under rules of evidence, and the unflinching imposition of general rules of conduct, is ill adapted to the solution of the difficulties of children and of their parents, so largely involving problems of emotion, economics, psychology and pathology. Such recognition of the desirability, if not the necessity,

of handling these cases by informal hearing, searching investigation and guidance, rather than by passing judgment upon evidence, has led to the establishment of the special tribunals known in this State as the Children's Court and the Family Court.

However, the present constitution of these tribunals in the City of New York does not adequately cope with the problem, for the reason that the jurisdiction of the Children's Court is strictly limited, while the Family Court is but a term of the Magistrates' Court, and lacks the proper facilities for social, medical and psychiatric investigation and treatment. Moreover, at present family problems are parcelled out piecemeal among several tribunals; the two above-named having jurisdiction only of cases of juvenile delinquency and non-support respectively, bastardy proceedings being handled by the Court of Special Sessions; separation, divorce, alimony and the custody of children by the Supreme Court, and adoptions and guardianship by the Surrogate's Court. All of these Courts use the legalistic technic of public trial and formal judgment, except the Children's Court and the Surrogate's Court in adoptions.

From the appreciation of the superiority of the social over the legalistic technic in the treatment of

family problems inevitably flows the conclusion that all such problems should be treated in that manner. This being accepted, common sense dictates that since a delinquent child cannot be properly treated without adequate consideration of its home life, nor parents' quarrels settled without provision for the children, all family problems should be consolidated in one court having proper social equipment and procedure. This has been advocated for many years by all social service and welfare organizations, and the program was formulated in the following resolution adopted in 1917 by the National Probation Association, of which Charles Evans Hughes, Jr. is President:

"Be it resolved:

That the National Probation Association recommends the organization of Family Courts, the term 'Family Court' to supersede the present courts known as Courts of Domestic Relations;

That the Family Courts be given jurisdiction in the following classes of cases: (a) Cases of desertion and non-support; (b) paternity cases, known also as bastardy cases; (c) all matters arising under acts pertaining to the Juvenile Court, known in some states as the Children's Court, and all courts however designated in the several states, having within their jurisdiction the care and treatment of delinquent and dependent children and the prosecution of adults responsible for such delinquency or dependency; (d) all matters pertaining to adoption and guardianship; (e) all divorce and alimony matters.

That these courts be under the direction of a single judge, except in such jurisdictions where the work of the court is so great as to require more than one judge for the convenient and proper dis-

posal of the matters coming before the court. That in these cases the court have special divisions, to which are assigned certain classes of cases; the court as a whole to be under the supervision and direction of a presiding judge.

That such court be provided with ample probation departments upon which shall be conferred power to make all necessary investigations, medical, pathological, social, psychological or otherwise as shall be considered necessary, and that in pursuance of this work there be provided psychopathic laboratories sufficiently equipped to conduct the necessary scientific investigations.

That all cases involving children and intimate family relations be conducted as privately as is consistent with the law and the constitutional rights of the individual, and that publicity concerning abnormal family conditions be discouraged.

That the procedure in the Family Courts be informal and summary so far as it may be consistent with positive law, and that such civil as well as criminal jurisdiction be conferred on the courts as will enable them to deal with all cases so as to effect the adjustment of individual and family conditions without legal formality and delay."

The Quinn-Steingut bill entitled "An Act to establish in and for the City of New York a court of domestic relations, to be known as the domestic relations court of the City of New York, and defining its powers, jurisdiction and procedure, and providing for its organization", now before your Excellency, is a long stride forward on the approved path.

Roughly, the measure combines in one court the present Children's Court and the present Court of Domestic

Relations, commonly known as the Family Court. The new court is to be known as the Domestic Relations Court of the City of New York.

While the work of both former courts is to be done by one court, it nevertheless sets up a separate division within the court for each of the two functions. While this may be considered by some to be a distinction without a difference, and as nullifying all that is said in favor of having the entire family problem under one jurisdiction, on analysis the advantages of having the two functions in one court, and yet separate will manifest themselves.

The outstanding reform effected by this bill is that non-support as well as juvenile delinquency is treated as a social rather than a criminal problem. Another obvious advantage is that of records. Experience has shown that the problem child is apt to come from a problem family. When a proceeding is brought in either side of the court it often will concern individuals who have already been before the other side of the court. Great advantage will therefore be gained by consideration of the facts already recorded in such prior proceeding.

50
Uniform rules of procedure, of investigation and

of probation will be worked out. The same investigation or probation officer who has studied the parents or the child would be assigned to investigate the other if the necessity, as usually happens, arises, thus utilizing the knowledge already gained.

Despite the two divisions of the court, one of its most advantageous features is that the family can be dealt with as a unit. As regards children, both the present Children's Court Act and the present Family Court make provision for their support. It is obviously best that a uniform method of treatment be followed. Under the new procedure it will not be necessary to send people from one court to another, involving a new complaint, a new investigation and a new hearing. It is often necessary, in order to make an order for the benefit of the child, to have jurisdiction of the entire family. The new court will have such jurisdiction.

The benefit to be derived from the separation of the two divisions is that where the children's problem does not affect the entire family, the child itself is not brought into an atmosphere of quarreling adults. The provision for a Director of Administration and for an administrative officer for each county division of the court will insure the uniformity of procedure and unity of action

desired.

Other improvements in organization and treatment accomplished by this bill are:

1. Destitute and physically handicapped children, not provided for in the existing law, are placed specifically within the jurisdiction of the court, which is extended as to the physically handicapped until they reach the age of 21.

2. The Mayor is directed to appoint as Justices persons "who because of their character, personality, tact, patience and common sense are especially qualified for the court's work."

3. The buildings and rooms used for the court are to be of a type specifically adapted for its work. There are to be separate rooms for children.

4. A comprehensive annual report is required of the Director of Administration which will prove a valuable aid to research in this field.

5. The court will have power to appoint guardians for dependent minors.

6. The law with respect to enforcing liability for support is clarified and brought into line with present day requirements.

7.

7. Provision is made for regulation of behavior where such regulation is necessary for the well being of the family.

8. The court may award the custody of the child and make proper directions as to the right of visitation.

9. The court has power to order a physical and psychiatric examination of either party to a proceeding.

10. The court has power to determine disorderly conduct charges arising within the family where the parties are before it.

11. The court may investigate the parties and inquire as to them at social agencies having information before issuing a summons, although when necessary it may proceed without making a preliminary investigation. Provision is likewise made for conciliation and settlement which can be enforced by court order.

12. The court may, if necessary, make a temporary order for support pending final completion of the proceeding.

It is significant that this humane legislation has been attacked at only one point, the provisions placing the administrative officers of the court in the exempt class

of civil service. If we are to assume that the bill in this respect is violative of the spirit of Article 5, Section 6, of the State Constitution, then the mere act of the legislature would not be sufficient to defeat the right of the Civil Service Commission to place these positions in the competitive class.

People vs. Roberts

148 N. Y. 360

Chittenden vs. Warster

152 N. Y. 345

Van Fleet vs. Walsh

122 Misc. 316

On the other hand, if the objection is merely based upon a desire to extend the benefits to be derived from civil service requirements to these positions, the issue is not so clean cut, nor so important as further to delay bringing the salutary features of this measure into being. The Civil Service Law, itself, (Section 13) exempts from its provisions the position of clerk of the court. The duties of administrative officer of the Court of Domestic Relations not only embrace all those performed by the ordinary court clerk, but include many additional responsibilities and discretionary powers.

These duties are such that it may well be contended that the fitness of applicants for these positions

could not be practically determined by competitive examination. In addition to the ordinary clerical duties, there is vested in such officers complete control over the entire staff of the court, and its various bureaus, thus necessitating that such appointees be possessed of a degree of character, personality and social-mindedness which an examination could not evaluate.

It is rare indeed that legislation as first enacted is perfect in all details. Those who object to this feature of the bill are at liberty to change it by subsequent amendment. Since it provides that these positions are to be filled by the present clerks of the Children's Court, there can be no pressing issue as to the qualifications of the persons filling these positions, or the method of their selection.

We, therefore, respectfully urge your Excellency to approve Bill No. 1689 Senate Int., 2238 Assembly Int.

NEW YORK YOUNG DEMOCRATIC CLUB, INC.

Victor Roudin, President.

Committee on the Measure

Robert Daru, Chairman

Philip Blumenthal

Thomas F. Boyle

(cont'd)

Committee on the Measure

Milton Canter
Victor Gettner
Maurice Hellman
Simon Klein
Clarence F. Lewis
Joseph Prendergast
Allan Rogon
A. Melvin Sims
Elliot Weihart
Fred A. Weller
Alfred T. White

Langdon W. Post

Prepared for the Committee by

Albert G. Seidman
Augustus M. Jacobs
Lester H. Marks

Heating

	Nathan A. Smyth,	63 Wall Street	New York City
1.	W. Bruce Cobb,	11 Park Place	
7.	Ralph K. Jacobs	400 Municipal Bldg.	Brooklyn, N.Y.
2.	Charles Zupser	67 West 47th St.	New York City
	Miss Elizabeth Dutcher	285 Schermerhorn St.,	Brooklyn, N.Y.
3.	Hon. Joseph J. Goldstein	24 - 5th Avenue	New York City
4.	Lawson Paddy	72 Wall Street	
5.	John Maxim Minten, Jr.	295 Madison Ave.	
6.	Mrs. Antonio C. Gonzalez	250 West 71st St.	
7.	Ralph K. Jacobs		
9.	Mrs. Leonore U. DeKeyser,	153 East 57th St	
	Rev. Bryan McEntagart	477 Madison Avenue	
	Mrs. Mortimer Menken	Hotel Westover,	253 West 72nd St.
10.	Stephens Jackson		
11.	Ville		
12.	Smyth		

Check on 7 al

PATRONS ARE REQUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

1901 S

CLASS OF SERVICE

This is a full-rate Telegram or Cable-gram unless its deferred character is indicated by a suitable sign above or preceding the address.

SIGNS

DL = Day Letter
 NM = Night Message
 NL = Night Letter
 LOO = Deferred Cable
 NLT = Cable Night Letter
 WLT = Week-End Letter

NEWCOMB CARLTON, PRESIDENT J. C. WELLS, FIRST VICE-PRESIDENT

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at Cor. Pine and Lodge Sts., Albany, N. Y.

1933 APR 26 AM 8 32

NYC 202 22=NEWYORK NY 66 801A

MINUTES IN TRANSIT	
FULL-RATE	DAY LETTER

FROM MALDWIN FERTIG

TO GOVERNOR LEHMAN EXECUTIVE MANSION

HEARING OF YOUR HEARING ON DOMESTIC RELATIONS COURT BILL
 YOU LIKE BEING PERMITTED TO SPEAK ONE MINUTE IN FAVOR OF

EDGAR J. KOHLER.

RECEIVED

APR 26 1933

55 COUNSEL TO GOVERNOR

WESTERN UNION

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

SIGNS

- DL - Day Letter
- NM - Night Message
- NL - Night Letter
- LOO - Deferred Cable
- NLT - Cable Night Letter
- WLT - Week-End Letter

NEWCOMB CARLTON, PRESIDENT J. C. WELLES, FIRST VICE-PRESIDENT

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at Cor. Fifth and Lodge Sts., Albany, N.Y.

CLAUDE W. ... NEW YORK, N.Y.

CONVENTION HERBERT H. LEHMAN

EXECUTIVE MANSION ALBANY, N.Y.

SINCERELY PETITION YOUR APPROVAL OF STEINGUT DOMESTIC

RELATIONS COURT BILL AS A MEASURE TO IMPROVE SOCIAL

CONSTITUTIONAL

EVERSOLEY CHILDS

1933 APR 26 PM 3 11

MINUTES IN TRANSIT	
FULL-RATE	DAY LETTER

Handwritten signature

59

MEMORANDUM

of

JEWISH BOARD OF GUARDIANS

IN SUPPORT OF DOMESTIC
RELATIONS COURT BILL
ASSEMBLY INT. NO. 2404
INTRODUCED BY MR. STEINGUT

JEWISH BOARD OF
GUARDIANS

by George Z. Medalie
President

CLARENCE M. LEWIS
Chairman, LAW COMMITTEE

60

The Jewish Board of Guardians (since 1921, and prior to that time the Jewish Protective and Aid Society, its predecessor, since 1915) has voluntarily assumed and is charged by law (Chapter 330 of the Laws of 1921 and Chapter 489 of the Laws of 1902) with caring for the problem of delinquency among the Jews, particularly juveniles in New York City. For that reason it is particularly interested in the jurisdiction and administration of any and all courts dealing with family problems. With that interest in mind, we earnestly urge the approval of the "Domestic Relations Court" bill. We believe that the bill, whatever its defects may be, is a long step in the right direction. It is a truism that an ideal has to be striven for but rarely attained. Perhaps the ideal to be sought in connection with family problems requiring judicial or social influences is one court to deal with all the family problems, divorce, separation, maintenance, custody of children, non-support and delinquency of children. Such a court, however, cannot be created under our present State Constitution.

The Committee on the Judiciary of the Constitutional Convention of the State of New York of 1915 said in its report:

"Children's Courts"

"To enable the Legislature to keep pace with modern theories of dealing with delinquent children, not as criminals, but as wards of the State, and of regulating domestic relations on a broader basis than the mere enforcing of penal laws, your Committee has

reported a provision empowering the Legislature to establish inferior or local courts with territorial jurisdiction throughout the counties in which they are situated, and to confer upon them, or upon existing courts, power to try without a jury offences of the grade of misdemeanor, and to establish children's courts and courts of domestic relations, with jurisdiction found to be essential for the successful administration of such Courts."

Revised Report of New York State Constitutional Convention
1915 volume 2, page 1959

Although we have not attained the ideal, the pending bill is a great advance toward the attainment of that ideal.

In order to avoid repetition, we are annexing hereto a printed explanation of the proposed bill to be submitted by the Charity Organization Society which we have examined and which we find states correctly and accurately what the bill does. Among other things it will permit the solution of family social problems in one court instead of in two. It widens the jurisdiction of the consolidated court.

Consolidation of Courts

The consolidation of special courts has been the aim not only of those engaged in social work but also of those engaged in the scientific study of legal procedure. For years the American Bar Association, the New York State Bar Association, the County Lawyers Association and the Society of American Judicature have been advocating the unification of separate courts dealing with kindred prob-

lems upon social, economic and legal grounds. The reports of these Associations have contained addresses and articles urging a reform such as initiated by this bill.

Popular opinion concerning the bill is reflected by the editorials supporting it, which have appeared in the World Telegram of April 22, 1933 and the Evening Sun.

OPPOSITION TO THE BILL

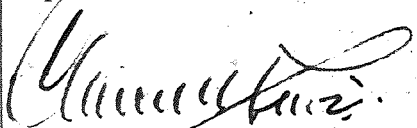
There is opposition to the bill as is inevitable to every reform, and we gladly assume that such opposition is sincere and is prompted by an honest difference of opinion.

We regret that the Judges of the Children's Court as a body have not expressed any opinion either for or against the bill. The Judges of the Children's Court will be members of the new court. They lose nothing, the bill rather adds to their powers and duties. Their positions, their salaries, their terms of office are not in any way interfered with.

The opponents of the bill are not united upon one single tenable ground. Practically all of the opponents admit the correctness of the principle involved in the bill but oppose it for various reasons and upon grounds which have nothing to do with the real purpose of the bill or its merits.

Upon the whole we strongly believe that this bill is a long step in the right direction for the social treatment of domestic problems and we strongly urge its approval.

April 26, 1933


Clarence M. Lewis,
CHAIRMAN OF LAW COMMITTEE

63

Respectfully submitted,
JEWISH BOARD OF GUARDIANS

By 
George Z. Medalie

President

Explanation of Proposed Legislation



THIS measure provides for the consolidation of the Family Court with the Children's Court in the City of New York. It is sponsored by Mayor O'Brien and has the support of many welfare organizations in the city of New York whose work brings them into touch with the Family Court.

For many years these welfare organizations and others familiar with the work of the Family Court have hoped that steps could be taken to dissociate this court from crime and from the machinery of the administration of the criminal law. A court which serves as a tribunal in which mothers and wives seek support from neglectful husbands has no part in a criminal system. It is there today solely as a relic of olden times, going back to the days of justices of the peace and the administration of the Poor Laws.

WHAT THE BILL DOES

1. It takes the Family Court out of the Criminal Court system and abolishes the existing Family Courts that are now "special courts" in the Magistrates' Court system.

It sets up the Family Court and the Children's Court as parts of a new "Domestic Relations Court."

Under the terms of the act, all of the existing employees in the present Children's Court and Family Court are transferred bodily to the new court without any change whatsoever of salaries, titles or functions.

2. The magistrates who are now assigned to the Family Court are not so transferred because no magistrate at present gives his entire time to this work, but only has this assignment in connection with other assignments. The present Judges of the Children's Court, together with a few additional judges needed, constitute the Judges of the new court.

3. Under the new bill the procedure will no longer be criminal. A wife who needs support will be known as the petitioner and the husband who is required to provide support for her as the respondent—instead of as complainant and defendant as at the present time.

4. No longer will the stigma of being declared a "disorderly person" be attached to a man who has failed to support his family. Hereafter no stigma will attach to a man who is brought to the Family Court.

5. The court will also be empowered to make orders imposing conditions of behavior on both husband and wife. In some cases such an order should be made

[OVER]

against the wife. At the present time the court is powerless to make such orders, though it seeks to do so wherever possible, hoping that it may find legal justification for them.

6. Under the new bill the court will be empowered to compel the wife to permit the husband to see the children under such conditions and at such intervals as the court may think appropriate.

7. On the other hand, the court will be empowered to order a husband to keep away from the home and not harass his wife and children, giving the custody of the children to the wife.

8. No longer will it be necessary for a woman to be in danger of becoming a "public charge" before an order for her support can be entered.

3

THIS measure promises to mark a great advance in the treatment of this class of cases. It probably constitutes one of the most important pieces of social legislation enacted in this state in many years.

There are no serious elements of opposition to the measure, though a small group object to some details of the bill—a matter that can easily be corrected when the legislature meets again.

The bill has general support in the community and passed both Houses of the Legislature unanimously.

If you believe in this measure, won't you write Gov. Lehman at Albany asking him to sign it?

April 19, 1933.