

# NOTICE OF PUBLIC HEARING

## NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES Public Hearings on Financial Eligibility for Assignment of Counsel in Family Matters

**NOTICE:** Executive Law § 832(3)(c) requires the NYS Office of Indigent Legal Services (“ILS”) to issue criteria and procedures for determining whether a person is financially unable to hire a lawyer and therefore eligible for publicly-funded legal representation (“assigned counsel”) in certain family law matters as set forth in Family Court Act § 262 and Surrogate’s Court Procedures Act § 407.

ILS will conduct four (4) public hearings to solicit the views and experiences of institutional and individual providers of assigned counsel representation, current and former clients of assigned counsel providers, county officials, judges, and others interested in assisting ILS in fulfilling this statutory obligation.

### Testimony (written and/or oral) is requested regarding current and/or recommended guidelines, policies, and practices relating to the following topics:

- The criteria for deciding whether an individual is eligible for assignment of counsel, such as: the actual cost of hiring private counsel; type and complexity of the case; income needed to meet basic life necessities of the applicant and any dependents; ownership of a vehicle necessary for basic life activities; home ownership, and ownership of other property and non-liquid assets, including the current valuation thereof; income and assets of family or other household members; income from child support or need-based public assistance; debts and financial obligations; employment status; applicant’s housing status, including a person’s residency in a correctional or mental health facility; the use of presumptions of eligibility, including a rebuttable presumption of eligibility for parents in child welfare (Family Court Act Article 10) cases; the use of fixed income guidelines (“poverty guidelines”); and any other criteria or factors that may be considered.
- The process of applying for assigned counsel, including the use of technology for prequalification and processing of financial eligibility applications.
- The process for reviewing, appealing and/or reconsidering eligibility decisions.
- Methods for public dissemination of information about the criteria and procedures for determining financial eligibility for assigned counsel.
- Confidentiality of information submitted by an applicant for assigned counsel.
- Any other topic pertinent to the implementation of equitable, efficient, and fair criteria and procedures for determining financial eligibility for assigned counsel.

**SUBMISSIONS AND TESTIMONY:** Persons interested in presenting oral testimony or making a written submission, or both, are asked to follow the procedures and timelines described below.

**WRITTEN SUBMISSIONS:** Any person wishing to submit written testimony only must do so by **5:00 p.m., Friday, July 19, 2019**, at the contact information below.

**ORAL TESTIMONY:** If you are interested in testifying at a hearing, please send your request by mail to ILS at the address below, or by email to [publichearings@ils.ny.gov](mailto:publichearings@ils.ny.gov). **Your request must be received no later than fourteen (14) days before the hearing at which you propose to testify.** Oral testimony will be limited to 10-15 minutes. Due to time constraints, we cannot guarantee that you will be selected to present oral testimony.

When requesting an invitation to provide oral testimony, please provide the following information:

1. Name and organizational affiliation;
2. A prepared statement or brief description of the topic(s) that you intend to address at the Public Hearing; and
3. The Public Hearing (details below) at which you wish to testify.

If requesting to give oral testimony, please indicate any accommodations (e.g., Americans with Disabilities Act, language access services, etc.) necessary to facilitate your participation.

Selected individuals will be notified of the proposed date and time of their testimony.

**NAME, ADDRESS AND AGENCY CONTACT:** Please send written submissions and requests to testify as follows:

E-mail: [publichearings@ils.ny.gov](mailto:publichearings@ils.ny.gov), or

Regular Mail: Tammeka Freeman  
ATTN: Eligibility Public Hearings  
NYS Office of Indigent Legal Services  
80 S. Swan Street, Room 1147  
Albany, New York 12210

### DATE, TIME, AND LOCATION OF HEARINGS

**FRIDAY, MAY 31, 2019, 1:00–4:00 P.M.**  
Appellate Division, First Department  
27 Madison Avenue, New York, NY 10010

**WEDNESDAY, JUNE 19, 2019, 1:00–4:00 P.M.**  
Appellate Division, Third Department  
Robert Abrams Building for Law and Justice  
State Street, Room 511, Albany, NY 12223

**WEDNESDAY, JULY 17, 2019, 1:00–4:00 P.M.**  
Appellate Division, Second Department  
45 Monroe Place, Brooklyn, NY 11201

**WEDNESDAY, AUGUST 14, 2019, 1:00–4:00 P.M.**  
Appellate Division, Fourth Department  
50 East Avenue, Rochester, NY 14604