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At 1:00 pm, Judge Carchman (Appellate Division) denied the state's emergent application for a stay of the lower court's ruling in Pasqua v. Council (appointment of counsel for indigent child support obligors facing jail at an enforcement hearing).

Bottom line -- It is finally, really happening: As per Judge Feinberg's order, ALL INDIGENT, CURRENTLY INCARCERATED CHILD SUPPORT OBLIGORS WILL BE RELEASED OVER THE NEXT 72 HOURS as per the instructions of the Administrative Office of the Courts in compliance with Judge Feinberg's ruling. Until some mechanism for the appointment of counsel (pro bono pool? funding from the legislature?) is in place, THE FAMILY COURT CAN NO LONGER JAIL INDIGENT "DEADBEAT PARENTS."

Of course, as always, this ruling isn't about - and won't help - the (RARE) noncustodial parent who actually has the ability to pay but is refusing to do so; it effects and helps only those without the ability to pay who were being subjected to debtors' prison without having the ability to secure their release.

Anyone who wants a copy of the Appellate Division's order from yesterday and the AOC memo faxed, give me a call at 732-274-9444.

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