



NEW YORK STATE SENATOR

Velmanette Montgomery

Governor Cuomo Signs Proximity Legislation into Law Bringing Parents and Children Closer Together

THE OSBORNE ASSOCIATION December 25, 2020

| ISSUE: **CRIMINAL JUSTICE REFORM, KEEPING FAMILIES TOGETHER, SENATOR MONTGOMERY'S LEGACY, CHILDREN AND FAMILIES, APRIL'S LAW**

| COMMITTEE: **CHILDREN AND FAMILIES**



Press release courtesy of The Osborne Association:

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Measure will direct New York’s Department of Corrections and Community Supervision to place incarcerated parents in facilities closer to their minor children.

December 25, 2020 – Last night, just in time for the holidays, Governor Andrew Cuomo signed the Proximity Bill (S724A/A6710A) into law representing a huge victory and welcome news for children and their families who will no longer face traveling very long distances to visit an incarcerated loved one. This long-awaited law directs the New York State Department of Corrections and Community Supervision (DOCCS) to place incarcerated parents in the facility in closest proximity to their minor children that also meets parents’ designated security level, and program and health needs.

The evidence that children love and need their parents is all around us, and yet families face high barriers to staying connected: many of our state’s 52 prisons are not accessible by public transportation, and are hundreds of miles away from where families of those incarcerated live. For more than nine years, children, family members, and advocates have worked to pass this legislation to support family relationships and children’s wellbeing.

The pandemic has made it difficult for all families to see one another and been particularly hard on children who anxiously worry about their incarcerated parents’ well being inside prison. For approximately 80,000 children in NY State whose parents are in State prisons, the inability to visit parents and spending holidays apart has been a longstanding reality predating the pandemic. By signing this legislation, Governor Cuomo has set a national example that supports children’s health and wellbeing by acknowledging and supporting their access to their moms and dads in prison.

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In 2011, New York State Senator Velmanette Montgomery introduced the Proximity bill, or “April’s Law” after meeting with our Youth Action Council years ago and hearing from April how difficult it was for her to visit her mom who was held in a prison far from home.

Since it was first introduced, this bill has been championed by several legislators, including Assemblymember Nily Rozic who carried the bill in the Assembly, spoke at numerous rallies, and secured the support of her colleagues; and Corrections Chairs Senator Luis R. Sepúlveda, Assemblymember David Weprin, and Senator Hon. Gustavo Rivera who carried an earlier version of this bill and championed it along with many others.

As a statewide collaborative of families, community-based organizations, and partners representing government agencies and the faith based community, we look forward to collaborating with DOCCS on how best to implement the new law.

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“I am so happy to see the Proximity Bill (April’s Law) signed by the Governor. Children should not be deprived of the opportunity to have a relationship with their parents because of incarceration. This law will support vulnerable families by placing incarcerated parents at facilities closest to their children,” said State Senator Velmanette Montgomery, Senate sponsor of the new law. “I thank my colleagues, the advocates and especially Alonicha (April) Triana who shared with me how deeply affected she was by her mother’s incarceration and proposed this legislation.”

"The Proximity Bill- or Close to Home Act- is a step forward in making visiting more convenient and affordable for families experiencing the strain of separation along with their loved ones who are incarcerated. This new law will go a long way in not only maintaining family bonds but also reducing recidivism across the state. To those on Osborne's Youth Action Council who lent their voice and story in support of this bill, today's bill signing is a moment to celebrate your advocacy and feel empowered to stay involved in the work ahead."
- Assemblymember Nily Rozic, Assembly sponsor of the new law.

“I commend Governor Cuomo on signing the Proximity bill. Incarcerated parents should be located in facilities that are closer to their children when possible. Incarceration already creates a multitude of trauma for families and the incarcerated individual. These relationship barriers should not exist because of incarceration. This will help preserve essential bonds between parents and their children and support devastated families. We all know that any kind of isolation from our loved ones has a profound impact and does not build healthy outcomes for the incarcerated individuals and the child too. I thank my

colleagues in government specifically Senator Montgomery and Assembly Member Rozic as well as the Osborne Association for their fight in passing this legislation.” - Senator Luis Sepulveda, Chair of the Senate Crime, Crime Victims, and Corrections Committee

“The Osborne Association applauds the passage and signing of this bill that recognizes the love between children and their parents despite incarceration,” said Osborne Association President and CEO Elizabeth Gaynes. “Senator Montgomery first developed this bill after young people shared just how hard it was for them to visit their parents in prisons hours from their homes. Today, NY State removes a significant barrier to family connection and wellbeing, affirming the importance of maintaining the parent-child relationship during a period of incarceration. We thank Governor Andrew Cuomo for signing this law and Senator Montgomery and Assemblymember Rozic for their leadership and look forward to working with DOCCS to implement this important law.”

"It's hard for me to encompass what this law truly means to families in just a couple of sentences. My daughter was 8-months-old when I left her. Special moments like the one we shared this weekend when we visited the Museum of Ice Cream are largely possible because of the years I spent in Sing Sing--less than an hour away from home. That proximity helped me nurture and maintain our bond. Now, children will not have to sleep in a van overnight to make it to a facility 6 hours away or be woken at 4AM to travel. Thank you Governor Cuomo for doing the right thing and signing this bill into law." - Martin Garcia, Worth Rises, NYCIP Partner, and Osborne Speakers Bureau Member

“I commend Governor Cuomo for signing the Proximity Bill into law. It is never too late to do what is right and today the Govnor showed that he understands the importance of family for ALL New Yorkers. This is a celebratory occasion and I encourage everyone to enjoy the day. However, tomorrow we must wake up and get back to work, reforming this unjust system that impacts so many. I hope that this action shows that Governor Cuomo will be an ally in that fight.” - Whitney Hollins, PhD., Educator, Author, NYCIP Partner and Osborne Speakers Bureau Member

“We commend the Governor for signing the Proximity Bill into law. In doing so, he recognizes the importance of children being able to visit their parents during periods of incarceration. In many cases, this contact is critical to children’s well-being and healthy growth and development. Distance has for too long been a barrier that severed essential ties between

children and parents. Keeping parents closer also means that foster care agencies will be able to ensure that visits happen more often, so that children in foster care may stay connected to their parents when it is in their best interests. This is an important moment for thousands of children and families." - Sheila S. Boston, President of the New York City Bar Association

"When a child and parent visit, they become more deeply bonded, emotionally secure, and hopeful. Proximity means that these visits can happen more often and with less toll on our kids who no longer have to travel long distances to experience the embrace of a loving parent. It also means that more parents who were formerly incarcerated have the foundation of a strong relationship with their children when they return home, benefiting them, their children and their community. We at Graham Windham are thrilled that the Senate and Assembly have passed the proximity bill and that Governor Cuomo has signed it into law. Our kids deserve nothing less." - Jess Dannhauser, President & CEO, Graham Windham

"As a child, I looked forward to visiting my father at a state maximum security prison. The unfortunate thing about visits was that the prison was far from home. There were times we could not make visiting day because there was no accessible transportation, or funds. I am elated to know that Governor Andrew Cuomo has signed the Proximity Bill into law. This is great for children and families to keep their bond with loved ones who are in prison. Visits are essential to an incarcerated person and gives everyone involved something to look forward to. Keeping families together can help reinforce positive goals and rehabilitation. I applaud the Governor for signing the Proximity Bill into law. This will make a world of difference for children and their incarcerated parents." - Zudaydah Rivera, The Osborne Association

"Visiting is a lifeline for families who are separated by incarceration, reducing the trauma of separation and helping maintain or strengthen critical parent-child attachment. For parents with both criminal legal and family regulation system involvement, the ability to spend time with their children is critical for successful community reentry and can make all of the difference between whether there is family reunification or termination of parental rights." said Lauren Shapiro, Managing Director of the Family Defense Practice at Brooklyn Defender Services.

"Most people incarcerated in NYS prisons are over 100 miles from their homes and their families. Foster care agencies are often unable or unwilling to transport children hundreds of

miles to see their parents. A6710A/S724 will ensure that DOCCS considers the proximity to minor children when determining which facility an incarcerated person will be placed. We thank the youth advocates and children of incarcerated parents who made this law a reality, Senator Montgomery and Assemblymember Rozic for championing this legislation, and Governor Cuomo for signing the bill into law.”

“For young children whose lives have been upended by the incarceration of a parent, being able to maintain loving relationships is critical to their wellbeing. This is even more important for children in foster care, who often have experienced compounding traumas and instability. We commend the Governor for signing the Proximity Bill, which will strengthen and sustain the connections families need to remain stable and successful.” - Ronald Richter, CEO and Executive Director, JCCA

"Visiting and connection to family support children's wellbeing and are one of the leading ways to reduce recidivism. The Greater Hudson Promise Neighborhood is thrilled that the proximity bill was signed into law. Placing incarcerated parents closer to their children will make it easier for children to visit consistently, and will have positive impacts on children and families statewide." - Joan E. Hunt, Executive Director of the Greater Hudson Promise Neighborhood and Coordinator of the Greater Hudson Initiative for Children of Incarcerated Parents

"Ensuring that parents are placed close to their minor children means better outcomes for incarcerated people and their children, but more importantly it's simply the humane thing to do in a society that proclaims family values." - Colleen Kristich, Community Researcher at Partnership for the Public Good