

## New York State Senator **VELMANETTE MONTGOMERY**

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## Legislative Report from NYS Senator **VELMANETTE MONTGOMERY** Chairperson, NYS Senate Committee on Children and Families

### Legislators And Human Rights Advocates Hail Passage Of Montgomery Bill Banning The Shackling Of Pregnant Women In Prison

Human rights advocates and champions of criminal justice reform joined with Senator Montgomery, sponsor of the “Anti Shackling Bill” (S.1290-A/A.3373-A), to hail the passage of legislation that prohibits the inhumane practice of shackling pregnant inmates who are in labor. The announcement was made at the State Capitol. The “Anti-Shackling Bill” is sponsored in the Assembly by Brooklyn Assemblymember Nick Perry.

The bill prohibits state and local correctional authorities from using restraints on a pregnant female inmate who is being transported for childbirth, during labor and delivery, and in post-natal recovery. An exception to this rule is made under extraordinary circumstances where restraints are determined to be necessary to prevent a woman from injuring herself, medical or correctional personnel. In these instances, a pregnant woman may be cuffed by one wrist.

“This practice is barbaric and unconscionable,” said Senator Montgomery, noting that among the women incarcerated in New York State prison during 2007 and 2008, 61 and 69 were pregnant, respectively. Montgomery, who chairs the Senate Committee on Children and Families, said that the use of shackles presents a grave health risk for both the mother and her unborn child.

The American College of Obstetricians and Gynecologists and the American Public Health Association have condemned the practice of shackling, recognizing that it compromises women’s health and causes severe pain and trauma. The Center for Reproductive Rights points out that unrestrained movement is critical during labor, delivery, and the post-delivery recovery period. Shackles hamper a woman’s ability to move to alleviate the pain of her contractions, which increases stress on the woman’s body and may decrease the flow of oxygen to her fetus.

Since 2000, four states – California, Illinois, Vermont and New Mexico – have passed legislation restricting the unnecessary use of restraints on pregnant women in prison. “Our State must join ranks with other leaders in the fight for human rights and support healthy pregnancies and deliveries for all New Yorkers,” declared Senator Montgomery.

“Restricting the use of restraints on incarcerated women in labor will not jeopardize the safety of correctional or medical staff. Revising New York’s statute will provide clear guidance for state and local correctional facilities and eliminate inconsistencies in shackling policies across the state. The Montgomery/Perry bill takes a critical step toward ensuring safe and humane treatment for women in prison and their babies,” **Serena Alfieri, Associate Director of Policy Women in Prison Project, The Correctional Association of New York.**

The “Anti-Shackling Bill” is awaiting the Governor’s signature for enactment into law.



Announcing their support for the bill are (l-r) Tamar Kraft-Stolar, Women in Prison Project Director Correctional Association of New York; Serena Alfieri, Women in Prison Project Associate Director of Policy, The Correctional Association of New York; Carole, formerly incarcerated woman who was pregnant in prison; Tina, formerly incarcerated woman who was pregnant in prison; Senator Montgomery; M., Tracey Brooks, President and CEO of Family Planning Advocates of New York State; Dana Sussman, The Center for Reproductive Rights; Meghan Rhoad, Women’s Rights Division, Human Rights Watch.

## Montgomery Bills Give Helping Hand To Children And Families

### CHILD SUPPORT

A single mother who cannot find safe and affordable child care is a single mother who cannot work. That is why New York offers help paying for child care. State law, however, denies single mothers the financial help to which they are entitled unless they first try and obtain a child support order from the child's father. Many mothers do not apply as a result; they would rather struggle to pay for day care or a babysitter, or stay home and not work, then have to start the court process. **The Senate and Assembly approved Senator Montgomery's legislation (S.2091) that would end this practice, and would encourage but not require a mother to obtain an order against her child's father.**

### KINSHIP GUARDIANSHIP

Grandparents who raise their grandchildren, and uncles and aunts who raise their nephews and nieces, are New York's unsung heroes. Their strength and courage helps keep families intact when parents are unable to care for their own children. Further, when they provide for a child's safety, they relieve the strain on the foster care system. The challenge is especially great because most of these grandparents have limited incomes. **Senator Montgomery is advancing legislation (S.3895), which would tap streams of federal funding to help these families in the same way that the State helps parents who adopt.**

### CPR CERTIFICATION FOR DAY CARE WORKERS

Accidents are the leading cause of deaths among infants, yet most day care facilities do not have staff trained to respond if crisis strikes. Those who we trust to watch over our children must be capable of protecting them. **Senator Montgomery's legislation (S.3644) requires that one day care facility employee trained in CPR and first aid be on site whenever children are present.**

### HELPING YOUTH SUCCEED

Young people who commit crimes and are assigned to a juvenile detention facility still attend class, remain on track to take their Regents' exams, and in general improve their academic performance. However, when the youth are released and return to their home communities, some school districts refuse to accept their academic credits. This action can delay their academic progress. **Senator Montgomery's legislation (S.5268) requires that any city school which is accepting a returning student must also accept any of their validly earned credits.**

### MAKING HIGHER EDUCATION COUNT

We are in the throes of tough economic times, and people are still losing their jobs. Now is the time to help people get back on their feet and find new work. To this end and to help people transition from welfare to financial independence, **Senator Montgomery has proposed legislation (S.5846) to allow public assistance recipients to have their time spent pursuing a college education count towards work participation requirements as authorized under federal law.**

## Unemployment Insurance Extended

Last month, the New York State Senate passed critical legislation (S.4110-A), which will provide an additional 13 weeks of extended unemployment benefits to nearly 120,000 current or soon-to-be unemployed New Yorkers. The Governor has since signed the legislation into law.

Thousands of New Yorkers, many of whom are receiving unemployment benefits for the first time in their lives, were about to lose their benefits. Unemployment benefits for approximately 56,000 jobless New York residents were set to expire and nearly 5,000 more people would have lost benefits every week over the next 2-3 months. Now these people will have an opportunity to find fair-paying jobs and get back on their feet.

New York will receive more than \$645 million through the American Recovery and Reinvestment Act of 2009 to extend unemployment benefits for an additional 13 weeks to those currently unemployed. Additionally, Federal stimulus dollars will also stabilize New York's Unemployment Insurance Trust Fund, which pays out all benefits for unemployed workers.

Because of the rising unemployment rates, with more than 160,000 jobs lost in the last year alone, that fund has been running in deficit since January of this year.



AFSCME members from the 18th Senate District discuss their legislative agenda outside the Senate Chamber with Senator Montgomery and Senator Diane Savino (D-Staten Island/Brooklyn).

### HELP FROM THE HEART: CALL 211

These days, most of us know someone – a family member, neighbor, or friend – who needs help. This may be someone who has lost their job or health insurance, a frail senior citizen who needs transportation but has no family or friends to call, someone who is having trouble paying the utility bills, or a family with a loved one called to war.

Residents of New York City are now just one phone call away from getting the information and help they need. Many New Yorkers already use 311 to find out about city services. Most recently, though, the City has teamed up with the United Way of New York City to offer a similar service to help with these kinds of problems.

When you call 211, you will be connected to a person who is trained to direct you to the appropriate government or not-for-profit agency that can answer your particular questions and respond to your needs. Like 311, **211 is available 24 hours every day, year round, and can serve people in a variety of languages. Your call is free and confidential.**

Last year in the 18th Senate District, "211 at 311" received **130,629 calls**. Frequently requested services included help with basic needs such as the location of a food pantry or soup kitchen; help with food stamps and public assistance; and questions about the senior citizen rent exemption program.

## Applications For The New York Prescription \$aver Discount Card Now Being Accepted

New Yorkers who are having trouble affording expensive medications are encouraged to look into a new prescription drug discount card that is now being offered by New York State. New Yorkers who may be eligible to participate in the savings program are those who are aged 50 to 64, who are not already receiving Medicaid, and whose incomes do not exceed \$35,000 annually if single, and \$50,000 if married. Persons who have been determined as disabled by the Social Security Administration are also eligible to join, regardless of age.

Those interested in learning more about the program may call the **New York Prescription Saver Card Helpline at 1-800-788-6917** or may visit the program's website and download an applications at "http://nyprescriptionsaver.fhsc.com" http://nyprescriptionsaver.fhsc.com. Applications for the program are also available by calling the Senator's office at 718-643-6140.



Seniors citizen from Brooklyn to Buffalo visit Senator Montgomery to express their support for her work to help grandparents care for their kin.

## Senator Montgomery Celebrates Brooklyn Artist Lynn Nottage

**Senator Montgomery honored Brooklyn's Pulitzer Prize-winning playwright, Lynn Nottage, for her outstanding contributions to the arts in New York.**

A formal tribute to Ms. Nottage was made through a Legislative Resolution, introduced by Senator Montgomery and unanimously approved by the full Senate. The Resolution celebrates Nottage's many artistic achievements, including her Pulitzer Prize-winning play, *Ruined*. She was also lauded for her designation as a MacArthur Genius Award winner.

"Lynn is a constituent, a friend, a 'sister' and the daughter of the late Jeannette 'Ruby' Nottage. Ruby was a dear friend of mine whose love of the arts contributed to Lynn's becoming the magnificent woman that she is. If Lynn's mother were alive today, she would be so very proud of her. I know that I am," said Senator Montgomery.



Honoring Lynn Nottage (fourth from left) in the Senate Chamber are (from l-r) Senator Liz Krueger (D-Manhattan), Senator Andrea Stewart-Cousins (D-Westchester), Senator Montgomery, Senator Shirley Huntley (D-Queens), Senator Suzi Oppenheimer (D-Westchester), Senator Toby Stavisky (D-Queens) and Senator Diane Savino (D-Staten Island/Brooklyn).

"As a fourth generation New Yorker, and proud daughter of Brooklyn, I'm so moved to be receiving this lovely honor from Senator Velmanette Montgomery. Our Brooklyn district is home to many artists and writers, and it's so refreshing and encouraging to see our creative contributions recognized and celebrated," said Nottage.

Lynn Nottage's most recent work, *Ruined*, is set in a small town in the Democratic Republic of Congo. It follows a shrewd businesswoman, Mama Nadi, and the women she protects and

profits from in a land torn apart by civil war. Other productions of this artist include *Intimate Apparel*, *Fabulation*, the *Re-Education of Undine*, *Crumbs from the Table of Joy*, and *Las Meninas*, which have been produced and developed at theatres throughout the United States and abroad.

Lynn Nottage is a graduate of Brown University and the Yale School of Drama, where she is currently a visiting lecturer. She resides in Senator Montgomery's district with her husband, Tony Gerber and their daughter Ruby.

## 18th Senate District Artist Danny Simmons Named To The NYS Council On The Arts

At the recommendation of Senator Montgomery, **Brooklyn artist Danny Simmons** was nominated and confirmed by the State Senate to serve as a member of the NYS Council on the Arts.

Danny Simmons is the Vice-Chairman and Co-founder of Rush Philanthropic Arts Foundation, a New York-based foundation dedicated to providing disadvantaged urban youth with significant exposure and access to the arts, as well as providing exhibition opportunities to under-represented artists and artists of color.

"Danny and his Foundation staff have helped to expose youth from my Senate District to the visual and cultural arts," said Senator Montgomery in expressing her appreciation to Mr. Simmons for his many philanthropic contributions. Among the local organizations that Simmons has supported and worked with on behalf of youth include the Brooklyn Museum, Pratt Institute and the Brooklyn Academy of Music.

The NYS Council on the Arts, which is comprised of 20 members, is responsible for promoting all fields of the arts as a State cultural resource and administering grants-in-aid to nonprofit cultural organizations.

In acknowledging the Senator's support of the arts, Simmons said, "As you know the arts are a vital and integral part of Brooklyn's development. Brooklyn is fast becoming the 'go to' place in New York State for cutting edge arts and culture and your support of the arts has paved the way for this to happen."

Mr. Simmons is also the Executive Producer of Def Poetry Jam; the owner of Corridor Gallery; and a member of the executive boards of the New York Foundation for the Arts, the Brooklyn Museum, the Brooklyn Public Library, and the Brooklyn Academy of Music.



Newly appointed NYS Council on the Arts member, Danny Simmons, gives Senator Montgomery a tour of his Rush Galleries in Brooklyn.

# YOUTH

## Brooklyn Youth Lobby



**Summer Jobs and After-School Funding:** Senator Montgomery delivers great news to young people from the Center for Family Life in Sunset Park when she announces her "Budget Wins" for youth, which included \$35 million for the Summer Youth Employment Program and more than \$30 million for Advantage After-School programs.



**School-Based Health:** Senator Montgomery, a long-time supporter of School-Based Health Centers, welcomes hundreds of young people from across the state to "Youth Lobby Day" in Albany. The SBHCs provide young people access to comprehensive medical care and mental health services in the school setting where youth spend a majority of their day. Students from Brooklyn's P.S. 307 (pictured with the Senator) have a SBHC at their school, which is administered by The Brooklyn Hospital Center.



## Senator Montgomery's Brooklyn

# BROOKLYN

### ATLANTIC YARDS

Senator Montgomery and Senator Bill Perkins, chair of the Committee on Corporations, Authorities and Commissions, held the first ever Senate hearing on the Atlantic Yards project. The hearing, held Friday, May 29, 2009 at Higgins Hall on the Brooklyn campus of the Pratt Institute, was an opportunity to hear from the public authorities and the developer on what exactly is now being proposed for the site. The developer, Forest City Ratner, declined to participate despite repeated invitations. The testimony from the MTA and the ESDC indicates that the project is being redesigned and the already insufficient public benefits are being reduced.



Senator Montgomery and Assemblywoman Annette Robinson bring government to the people at an event hosted by Reverend David Hampton (second from left) at his Bethany Baptist Church. Young adults from the 79th Precinct Explorers Program participated.

### GOWANUS SUPERFUND

The Gowanus Canal runs for 2 miles from Gowanus Bay to the center of south Brooklyn. Fully one half of the Canal is located in the 18th NYS Senate district. Over 100 years of industrial activity has left the Canal one of the most polluted waterways in the United States, so it was with great satisfaction that Senator Montgomery in early May announced her support for the proposed listing of the Canal as a Superfund cleanup site.



Senator Montgomery celebrates Cultural Diversity Day with the Brooklyn Amity School Folklore members. They are joined by youth from Brooklyn's Acorn High School For Social Justice (far right).

In a recent letter to the U.S. Environmental Protection Agency, Senator Montgomery recognized the economic potential of the area and said, "While the economic development of this artery is crucial to the future of New York City, sustainable, healthy development is only possible in a sustainable, healthy environment." She continued, "Much of the development proposed for the areas surrounding the Gowanus Canal, such as the Public Place project, envision much needed affordable housing with parks and playgrounds for the families living there. However I cannot in good conscience support development on contaminated land. The area must be made safe for current and future generations."



Senator Montgomery joins Rise Up & Walk Youth Outreach Center Executive Director Carl Evans, Jr. (second from left) and Project Re-Generation Executive Director Barnabus Shakur (pictured right of Senator) at a rally for youth services funding at Polytechnic University.