

## ADOPTEE RIGHTS LAW TAKES EFFECT

The historic Clean Bill of Adoptee Rights Law (S3419 Montgomery/A5494 Weprin) went into effect on January 15, 2020, restoring unrestricted access to original birth certificates for all adult adoptees. To apply for a pre-adoption birth certificate online, visit [www.VitalChek.com](http://www.VitalChek.com).

For more info and FAQs, visit <https://www.nysenate.gov/newsroom/articles/2020/velmanette-montgomery/pre-adoption-birth-certificate-faq-sheet>



Dear Neighbor,

It is my honor to serve as your representative in the New York State Senate.

In spite of these unprecedented times, please know that Leader Andrea Stewart-Cousins and the members of the Legislature continue our important work to pass legislation to assist New Yorkers through the pandemic, pass landmark legislation to increase police accountability and criminal justice reforms and address issues impacting all New Yorkers.

I look forward to our continued partnership and dialogue. Please continue to stay safe and be well.

Sincerely,  
Senator Velmanette Montgomery

Follow me on social media:

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NEW YORK  
STATE SENATE

New York State Senate  
Albany, NY 12247



## NEWS FROM STATE SENATOR VELMANETTE MONTGOMERY

Fall 2020

### New York State Senator VELMANETTE MONTGOMERY

25th Senate District

**DISTRICT OFFICE:**  
55 Hanson Place, Suite 702  
Brooklyn, NY 11217  
Tel: (718) 643-6140  
Fax: (718) 237-4137

**ALBANY OFFICE:**  
915 Legislative Office Building  
Albany, NY 12247  
Tel: (518) 455-3451  
Fax: (518) 426-6854

E-MAIL: [montgome@nysenate.gov](mailto:montgome@nysenate.gov)  
WEBSITE: [montgomery.nysenate.gov](http://montgomery.nysenate.gov)

## SENATOR MONTGOMERY WELCOMES THE NEXT GENERATION OF LEADERS TO ALBANY



Children's Defense Fund members fight for Solutions Not Suspensions bill.



Senator Montgomery with members of Future Farmers of America (FFA).



Advocates meet with Senator Montgomery in the New York State Senate Chamber in support of funding for school-based health centers.

# SPOTLIGHT ON LEGISLATION

## SENATOR MONTGOMERY'S BILLS SIGNED INTO LAW

**STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT (SCR) REFORM (ELFA Budget bill S.7506B, Part R)** - Reforms the SCR to increase the standard of proof for unfounded and indicated reports of neglect, the admissibility of reports of cases on neglect and makes a differentiation between child neglect and child abuse. It also increases the standard regarding evidence for child neglect, which will ultimately relieve individuals from the prospect of being persecuted for the "crime" of being poor. This bill also updates fair hearing rights as it relates to employment for subjects of maltreatment reports.

**CREATION OF FAMILY SUPPORT SERVICES (ELFA Budget bill S.7506B, Part Y)** - Establishes family support centers for youth at risk of being, or alleged or adjudicated to be, juvenile delinquents or someone in need of supervision; as well as authorizing reimbursements to the localities for this effective model of community-based intervention.

**JUVENILE COURT FEES BILL (S3457 Montgomery/A5045 Davila)** - As part of Raise the Age reform, this law allows the court to waive certain surcharges and fees when it is determined that the defendant is under 21 years of age and demonstrates either that the fee would impose an undue hardship, it prevents successful reintegration, or that the interests of justice require it. The State currently collects \$3 million annually from fees from youth in New York State (ages 18-21).

**CREDIT UNION BILL (S727A Montgomery/A3320 Zebrowski)** - Enables credit unions to receive the same economic incentives as banks to operate in underserved communities through the Banking Development District (BDD) program.

**MATERNAL MORTALITY BILL (S4637A Montgomery/A2957A Richardson)** - Requires information on possible complications from pregnancy that can endanger the life or health of the newborn or mother be provided to her.

**S5514A Montgomery/A8033 Seawright** - Provides notification of allowance for infant support to ensure that all persons legally responsible for an infant, regardless of gender or status as a parent or legal guardian, will receive equal notice of that infant's right to support.

**S5516-B Montgomery/A8092 Jaffee** - Amends the Family Court Act (FCA) to allow for the determination of a juvenile respondent's capacity to stand trial to be conducted at the place where the respondent is being held in custody, instead of in a hospital's psychiatric center.

**S6215 Montgomery/A7974 Richardson** - Ensures that all parties and children's attorneys are informed promptly of any changes in placement and of any indicated reports of maltreatment that may warrant family court intervention.

**KIN CARE BILL (S6405 Montgomery/A8059 Jaffee)** - Amends the Family Court Act to expand the definition of people who are eligible to petition the court to become foster parents and receive kinship resources to include those who are related to the child by blood, marriage, adoption, half-sibling, or fictive kin, those with a close, positive relationship.

**S6436 Montgomery/A7748A Rosenthal** - This bill would implement a State policy to ensure public employees receive fair and equal pay for substantially similar work. This policy is extended to all employees regardless of age, race, creed, color, national origin, sexual orientation, disability and more.

## PASSED SENATE AND ASSEMBLY & AWAITING ACTION BY THE GOVERNOR

**"APRIL'S LAW" (S724A Montgomery/A6710A Rozic)** - Also known as the "The Proximity Bill," requires the Department of Corrections and Community Supervision to place incarcerated parents at correctional institutions and facilities closest to their children's home.

## CHILDREN OF INCARCERATED PARENTS TRANSFORMING THE CRIMINAL JUSTICE SYSTEM



Over 100,000 children have a parent incarcerated in one of New York's prisons. Since prisons are located all over the State, travel is a major barrier for families to visit. These facilities are many hours away and most families have to take the bus. Consistent in-person visitation is the single most important factor in whether a family will reunite after a prison term. It reduces the strain of separation on everyone involved and lowers the chances of recidivism.

In 2011, Senator Montgomery met with three young people from the Osborne Association's Youth Action Council

whose parents were incarcerated. Each young person shared their personal experiences with the Senator and suggested reforms to the criminal justice system. From that meeting, the Senator introduced legislation to address each of their concerns and named them Ashley's Bill, April's Bill and Raymond's Bill. In 2014, Ashley's Bill was signed into law to increase access to visitation at correctional facilities. April's Bill passed both houses and awaits the Governor's signature. Raymond's Bill to institute child-sensitive arrest policies is in Committee.

**JUVENILE VIDEO INTERROGATION (S6533 Montgomery/A7970 Frontus)** - Requires the video recording of any juvenile subject to interrogation when taken into custody by a police officer without a warrant. Such video recording is to include the giving of any required notice to the child, as to his or her rights and the child's waiver of any rights. A copy of the recording will be subject to discovery.

**JONAH BICHOTTE COWAN LAW (S8525 Montgomery/A2770C Bichotte)** - Requires hospitals to inform expectant mothers if they are going into preterm labor, and provide care to women with high-risk pregnancies.

**S8834 Montgomery/A10581B Wright** - Authorizes former foster care youth who have been discharged from foster care to return to foster care placement during the COVID-19 State of Emergency.

## PASSED THE SENATE ONLY

**S753A Montgomery/A7873 Jean-Pierre** - Directs the Office of Children and Family Services to study, make recommendations on, and report on child day care and child care assistance and the availability of funding.

**"NEW YORK STATE YOUTHBUILD ACT" (S839A Montgomery/A9587 Steck)** - Mandates the Department of Labor create a codified, comprehensive statutory structure to authorize grants and establish program requirements to support YouthBuild programs throughout the State.



Senator Velmanette Montgomery, Senator Zellnor Myrie, Program Director Ditashiah Kohn and members of DREAMS YouthBuild celebrate passage of the NYS YouthBuild Act in the State Senate.

**"ZIP CODE BILL" (S854 Montgomery/A5926 Mosley)** - Requires the Division of Budget to submit annual reports to the Legislature detailing the distribution of State funding to community-based organizations by zip code.

**S6214 Montgomery** - Amends the Family Court Act to provide parents and guardians in child protective proceedings with the opportunity to receive adjournments in contemplation of dismissal and suspended judgments; and expanding case resolution options to allow these families to access services to repair the problems that precipitated court action without the disruption and the trauma of out-of-home placement.

**YOUTH SHACKLING BILL (S6534 Montgomery)** - Prohibits the use of handcuffs, chains, shackles, irons, straitjackets and other restraints on children under the age of twenty-one appearing before Family Court.

**"SMART SCHOLARS BILL" (S6537 Montgomery/A7501 Benedetto)** - Codifies the Smart Scholars Early College High School Program and the Pathways in Technology Early College High School Program within the NYS Education Department. Both programs provide students, including those traditionally underrepresented in postsecondary education, with the opportunity to access college-level courses and college degree credits at the high school level with the combined support of high school and college staff and resources, and for the NYS P-TECH programs, career training and employment in a highly skilled job upon completion of the program.

To learn more about Senator Montgomery's legislation and bills signed into law, visit [montgomery.nysenate.gov](http://montgomery.nysenate.gov)



(l to r): Raymond, Senator Montgomery, Ashley and April.





(l to r): Senator Parker, Senator Metzger, Senator Biaggi, Senator Rivera, Senator Bailey, Senator Benjamin, Senator Sepúlveda, Van Jones, Senator Myrie, Senator Montgomery, Senator Ramos, Senator Jackson and Senator Sanders.

CNN commentator, author and activist, Van Jones, met with members of the Senate Majority Conference to discuss criminal justice reforms to parole, probation and addressing the recidivism pipeline. During the 2019-2020 Legislative Session, New York State passed laws to address:

### CRIMINAL JUSTICE REFORM

- **Reforming Bail and Pretrial Detention** - Eliminate cash bail for misdemeanors and non-violent felonies and ensure that no New Yorker is incarcerated because of their inability to pay. All misdemeanors and certain felonies where a Judge would have discretion in some cases to use other methods to ensure defendants attend court dates. Methods include: house arrest, pre-trial supervision, surrendering passports and other travel restrictions.
- **Speedy Trial Reform** - Defendants will no longer sit in jail awaiting a trial while dates keep getting postponed by requiring that misdemeanors are resolved within 90 days and felonies within 180 days. The Enacted Budget includes legislation that requires courts to take a proactive role in advising litigants on how time will be charged and inquire into the government's readiness to proceed to trial and require the government to file all suitable paperwork before a statement of readiness is accepted.
- **Transforming the Discovery Process** - Prosecutors are afforded 20 days to comply with discovery laws if the defendant is in jail and 35 days if they are not. This allows a defendant ample time to adequately review crucial evidence that will determine whether or not they are innocent. This legislation will also ensure that both victims and witnesses are protected from intimidation and other forms of coercion by providing prosecutors the ability to petition a court for a protective order.

### POLICE REFORM LEGISLATIVE PACKAGE

- **Repeal of 50-a** - Repeal section 50-a of the Civil Rights Law that provides additional protections to the personnel records of police officers, firefighters, and correction officers. This protection has been interpreted to include disciplinary records of law enforcement officers. This repeal would subject these records to FOIL, while protecting the sensitive personal contact and health information of these officers.
- **Special Prosecutor Bill** - Codifies Governor Cuomo's Executive Order making the State Attorney General a special prosecutor in situations that result in the death of unarmed people at the hands of law enforcement officers.
- **Anti-Chokehold Bill** - Prohibits the use of chokeholds by law enforcement and establishes the crime of aggravated strangulation as a Class-C Felony.
- **911 Bill** - Establishes a civil right of action for people when another person calls a police or peace officer on them without any reason to suspect a crime threat to them or property has occurred.
- **Discharge Notification Bill** - Requires a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident within 6 hours, whether they are on or off-duty.
- **Police STAT Act** - Requires New York State to capture and report the race, ethnicity and sex of anyone arrested and charged with a misdemeanor or violation, as well as of anyone who dies while in police custody or an attempt to establish custody. This bill creates new reporting requirements to shine a light on policing practices in New York.
- **Right to Record Bill** - Unambiguously affirms, by statutory enactment, the right of New Yorkers to record, with expressed exceptions, the actions of persons acting under the color of law.
- **Law Enforcement Medical Attention Bill** - Affirms the duty of police officers, peace officers, and other law enforcement representatives and entities to provide attention to medical and mental health needs of persons in custody.
- **Body Camera Bill** - Mandates the New York State Police Troopers to use body-worn cameras while on patrol to promote accountability, and keep video records of all interactions that Troopers have with individuals who are stopped on suspicion of a crime or a traffic violation.
- **Law Enforcement Misconduct Investigative Office Bill** - Establishes the Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, to increase the public's confidence in law enforcement.

### COMMON SENSE GUN REFORMS

- Allow law enforcement officers responding to a domestic violence incident the right to temporarily seize firearms to keep domestic violence victims safe.
- Ban gun ownership based on out-of-state convictions, ensuring crimes that prohibit individuals from owning guns in New York prevent gun ownership regardless of where they were committed.
- Ensure that domestic violence convictions can be properly identified through criminal background checks to prevent gun ownership by domestic abusers.



Senator Montgomery and Councilmember Laurie Cumbo with members of Gangsta's Making Astronomical Community Changes (GMACC).

# RESHAPING PATHWAYS FOR OUR YOUTH



Senator Montgomery joins members of Urban Youth Collaborative, a NYC based group of students who are advocates for change, to call for reform of the school disciplinary system and urge passage of the Solutions Not Suspension bill.

## SOLUTIONS NOT SUSPENSIONS

Senator Montgomery continues her legacy of criminal justice reform with her sponsorship of the **Judge Judith Kaye Solutions Not Suspension bill (S767B/A1981B)**. This legislation would address another key piece of the school-to-prison pipeline and reform the school disciplinary system by:

- \* Ending the suspension of elementary aged children (K-3).
- \* Reducing long term suspensions from 180 days to no longer than 20 school days.
- \* Provide notice and due process protections for short-and-long-term

suspensions.

- \* Mandate schools develop a code of conduct that would provide equitable guidelines for educators to follow when dealing with young people.
- \* Require the development of an education plan for suspended students within 24 hours.
- \* Incorporate restorative justice measures.

It is no longer a secret that the excessive use of suspensions creates a direct path to the criminal justice system and that they are disproportionately used to discipline black and brown children. The school-to-prison pipeline must be dismantled .

## RAISE THE FLOOR

Under New York law, children as young as seven can be handcuffed, tried for delinquency and locked up at times with teenagers twice their size. Senator Montgomery joins constituents and over 50 organizations across the State in fighting for additional Raise The Age reforms not addressed in the 2019 law.

Under the **“Raise the Floor” proposal (S8685 Montgomery/A10727 Jaffee)** no child younger than age 12 can be arrested for delinquency offenses, while anyone younger than age 13 would be barred from higher-security detention facilities. Prosecuting children as young as seven as Juvenile Delinquents raises significant concerns about a child's capacity to understand and exercise their rights in a meaningful way. Contact with the juvenile system can have lasting and negative psychological and health impacts on children. It can also lead to an increase in likelihood of adult criminal justice system contacts.

# HOW TO VOTE EARLY AND SAFELY

## ABSENTEE BALLOT

You can vote even if you cannot get to the polling place on Election Day.

**To Apply for a Ballot: Online:**

<https://nycabsentee.com>

**Email:** [Apply4Absentee@boe.nyc](mailto:Apply4Absentee@boe.nyc)

**Call:** 1-866-VOTE-NYC (1-866-868-3692)



ceived by the Board of Elections and accepted as valid or invalid. Directions on curing an invalid ballot will be provided as well as info on additional voting options available to the voter.

The ballot tracking system is available in all covered languages. Both the absentee application portal and tracking portal are available on the Board's home page at [www.vote.nyc](http://www.vote.nyc).

## NEW BALLOT BOX

Governor Cuomo signed an Executive Order allowing absentee ballots to be returned to drop boxes without a

wait at locations Statewide.

Ballot boxes will be placed in New York City Board of Election offices, Early Voting Sites and Election Day Poll Sites across the five boroughs, **providing voters over 1,300 locations to hand-deliver their ballots.**

**Under State law, ballots may be hand-delivered no later than 9pm on Election Day.**

**For more information or questions, call 1-866-Vote-NYC or visit <https://www.vote.nyc/>**



## EARLY VOTING POLL SITES

Park Slope Armory YMCA	361 15th Street 11215
Barclays Center - Lobby	620 Atlantic Avenue 11217
Brooklyn Museum	200 Eastern Parkway 11238
Masonic Temple	317 Clermont Avenue 11205
Dance Atlantic Studio	2796 Fulton Street 11207
Our Lady of Perpetual Help	552 59th Street 11220
IS 33	70 Tompkins Avenue 11206
New York City College of Technology	285 Jay Street 11201
Saratoga Village	940 Hancock Street 11233
St. John's Recreation Center	1251 Prospect Place 11213
Joseph A. Miccio Community Center	110 West 9th Street 11231

## EARLY VOTING DAYS AND HOURS

Saturday, October 24, 2020	10 AM to 4 PM
Sunday, October 25, 2020	10 AM to 4 PM
Monday, October 26, 2020	7 AM to 3 PM
Tuesday, October 27, 2020	12 PM to 8 PM
Wednesday, October 28, 2020	12 PM to 8 PM
Thursday, October 29, 2020	10 AM to 6 PM
Friday, October 30, 2020	7 AM to 3 PM
Saturday, October 31, 2020	10 AM to 4 PM
Sunday, November 1, 2020	10 AM to 4 PM