



2019 Annual Report

**New York State Standing Committee
on Children And Families**

**Senator Velmanette Montgomery
Chairperson**

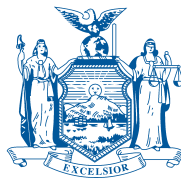


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THE SENATE
STATE OF NEW YORK
ALBANY

MAJORITY SECRETARY
CHAIR
CHILDREN & FAMILIES
COMMITTEES:
AGRICULTURE
CRIME VICTIMS, CRIME & CORRECTION
EDUCATION
FINANCE
HEALTH

December 2019

Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
903 LOB
Albany, NY 12247

Dear Temporary President and Majority Leader Stewart-Cousins,

It is my privilege to serve as Chairwoman of the Senate Standing Committee on Children and Families. I have spent my time as a New York State Senator championing and relentlessly advocating in support of young people, especially our most vulnerable. Pursuant to Rule VIII, Section 5(d), I am pleased to present you with the Committee's 2019 Annual Report.

The following report details the activities of the Committee from January 2019 through June 2019. During this time period, the Committee held a total of 7 committee meetings and reported 36 bills that seek to improve the lives of children and families in New York.

As Chairwoman, I work tirelessly every day, together with my colleagues, committee members, community leaders, advocates, and stakeholders to improve the lives of children and families across New York State to give every parent, child, and guardian the opportunity to succeed. I have done this by analyzing, and bringing to the forefront bills that propose to make real, lasting change in the lives of the children and families across the state.

In addition to this, I have done my best to ensure that these efforts were ever-present through the allocations and policies put forth in the SFY 2019-2020 enacted budget. As such, our efforts are to ensure that individuals are afforded the resources, services, and the programs that are most vital to protecting the future of the state's most vulnerable-and important population.

I would like to thank each member of the Committee on Children and Families - Ranking Member James Tedisco, Senator Joseph P. Addabbo Jr., Senator Anna M. Kaplan, Senator Roxane Persaud, Senator Julia Salazar, and Senator Sue Serino for their work and service to the Committee.

Sincerely,

A handwritten signature in black ink that reads "Velmanette Montgomery". The signature is written in a cursive, flowing style.

Senator Velmanette Montgomery
25th Senate District



2019 LEGISLATIVE SESSION REPORT
NEW YORK STATE SENATE
STANDING COMMITTEE ON CHILDREN AND FAMILIES

Senator VELMANETTE MONTGOMERY, Chairperson

Committee Members

Senator Joseph P. Addabbo Senator Anna M. Kaplan Senator Roxanne Persaud Senator Julia Salazar	Senator James Tedisco Senator Sue Serino
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Committee Staff

Racquel Saddler-Committee Director

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Children and Families has legislative oversight responsibilities for issues concerning : 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; 4) adult protective services; 5) residential and non-residential domestic violence services; and 6) other services and programs for children and their families, including Family Court processes.

During the 2019 Legislative Session, 74 bills were referred to the Committee for its review. Of these bills, 36 were reported from the Committee. 13 were passed by the Senate, and 7 passed in both houses. This work was conducted through a series of 7 committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

In addition to its regular meetings, the Committee held three roundtable meetings. Over the past few months, the Chairs of the Children and Families (Senator Montgomery), Social Services (Senator Persaud), Mental Health and Developmental Disability (Senator Carlucci) Committees have hosted a series of roundtables across the state where they heard from stakeholders, organizations, community leaders, members of the judiciary, caregivers and individuals. The attendees provided important perspectives on the state of many different issues that affect not only our youth—who are our most vulnerable and important population—but our families. These topic areas include foster care, mental health, providing job opportunities for youth upstate, youth housing and homelessness.

Held in New York City, Syracuse and Sullivan County and co-sponsored in partnership with the local elected officials, the Senators were able to get a comprehensive look at issues that persist throughout the state as well as issues that are specific to certain parts of the state. The Senators have used some of the anecdotal experiences and concerns raised to conduct further research, and work with advocates to develop legislative responses to address the concerns in the upcoming legislative session.

Major Overarching Issue Areas to Address from these Roundtables Include:

Child Protective Services (CPS) Reform

- Assessing the rights of birth parents in a CPS proceeding.
- CPS reform that highlights and reinforces reunification with parents
- Making the court system easier to navigate.
- The ability to providing low-income families with access to counsel at the inception of a CPS investigation.
- Providing funding for increased parental legal representation.

Legislative Response: Senator Montgomery has held meetings with parents affected, professors, judges across the state, caretakers and major stakeholders to create a package of legislation that addresses these issues.

Statewide Central Register of Child Abuse and Maltreatment (SCR) Reform

- Addressing unfounded cases on the SCR.
- Reforming employment restrictions for those who are wrongfully placed on the SCR.

Medicaid Redesign

-Providing state funds to the residual rate so that agencies do not have to negotiate with manage care for their funds, but get what they need to function right off the bat.

Family Support Services Implementation

-Ensuring a system that makes a magistrate available for youth, especially important for the rest of state where magistrates are not as readily accessible as in NYC.

Legislative Response: Legislation that Senator Montgomery authored regarding Family Support Centers made it into the 2019-2020 New York State budget to reinvest some of the resources currently used for Persons In Need of Supervision out of home detention and placement to support a model of effective community-based intervention.

Cultural Competency/Not Punishing Poverty

- Creating more culturally supportive programming for youth.
- Remedying workforce shortages of employees and increasing staff diversity to reflect population of youth and families served.
- Creating pathways to leadership positions for people of color to ensure that youth feel adequately represented
- Providing kids with productive settings that provide them with the tools and access, which should broaden their horizons and give them a better chance at life while in the system.
- Establishing more mentorship opportunities in the workforce/foster care world

Foster Care/Adoption

- Providing more support services for children that do not fit kinGAP criteria.
- Assessing what happens to individuals who are victims of failed adoptions when they age out at 21 with little to no services available until they are 26. Is there a program that assimilates them into life after foster care?
- Dismantling drug use stigmatizations.
- Providing more resources to parents to help them them navigate the family court system.
- Focusing on family reunification.
- Facilitating unsupervised visits with families if it is within the best interest of the child.

Legislative Response:

Senator Montgomery's Kincare Bill was signed into law and expands the definition of people who are eligible to petition the court to become foster parents, to include those related to the child:

- Through blood, marriage or adoption
- Through a half-sibling of the child through blood, marriage, or adoption and the person is or are the prospective or appointed relative guardian of the half-sibling; or

- By a positive relationship with the child, including, but not limited to, a stepparent, godparent, neighbor or family friend.

Senator Parker's Reuniting Families Act was signed into law and serves to protect and provide resources for reuniting families and children of immigrants who are at the center of a CPS proceeding.

Support of LGBTQI+ Youth

- Helping youth who are questioning their sexual orientation or gender identity.
- Use of Correct and preferred pronouns by social workers and foster parents alike.

Legislative Response: Senator Hoylman's bill creates a sense of security for LGBTQI+ youth by creating training programs for staff to make them more sensitive to the needs of these individuals. This safe space mentality will establish better outcomes for them and more sensitivity to the issues they face.

Housing for Young People

- Exploring a way to include matching funds for the Supervised Independent Living Program (SILP), which was terminated in the most recent New York State budget.
- Implementation of more supportive housing for young people that aims to help them after they "aren't worth money anymore".
- Ensuring youth are able to survive on their own by assisting them in this endeavor.

COMMITTEE HIGHLIGHTS

Clean Bill of Adoptee Rights Sen. Montgomery (S3419/A8059 Chap. 491 OF 2019):

Seeing the ways in which adopted people (who range from state elected officials, to many of Senator Montgomery's constituents) are unable to receive a clean copy of their birth records, Senator Montgomery worked with the coalition of Adoptee advocates to revamp prior proposed legislation regarding an adoptees access to a clean version of their birth certificate. This bill passed both houses of the legislature overwhelmingly. The provisions of this piece of legislation provides adoptees over the age of 18 with the opportunity to access a "clean" non-redacted version of their birth certificate. This is intended to ensure that all adult adoptees adopted in New York will have the same unimpeded right as non-adopted people born in New York to access their birth certificates, or the true and correct information that would have appeared on them. If signed into law, the bill would take effect on January 20th, 2020.

Guardianship Notification Bill – Sen. Savino (S.2714/A569 Chap. 399 of 2019)

Provides that when a local social services district is in contact with a relative or non-relative kinship caregiver or a suitable person who the district has approached about being a kinship caregiver, such district shall provide written information to such caregivers or prospective suitable persons; further provides that such information shall include, but not be limited to, information relating to child only grants; information about how to become a kinship foster parent and other options for care; and information on how to contact the department of family assistance kinship programs and any resources funded through or operating in the local social services district for relative and non-relative kinship caregivers, including those that provide supportive services for all relative and non-relative kinship caregivers in the district.

Parental Sleep Bill – Sen. Savino (S3420A/A413A Chap. 344 of 2019)

Mandates counties all over the state who do not provide a childcare subsidy for those low-income parents who work the night shift the opportunity to receive the subsidy to get adequate sleep regardless of where they live.

Sex Offender Custody Limitation Bill- Sen. Savino (S2836C/A4784 Chap. 182 of 2019)

This Law increases the protections of minors, against felony sex offenders. It keeps Minors from being placed in the custody of an individual who has been convicted of rape in the first or second degree, sexual conduct against a child in the first degree or predatory sexual assault against a child. This also prevents registered sex offenders from having unsupervised visits with anyone who has been convicted of a similar felony sexual offense. While these aspects have always been a consideration for placement, this law mandates such requirements be implemented always.

LGBTQ Sensitivity Training Bill – Sen. Hoylman (S1481A/A3619 Chap. 361 of 2019)

Requires the employees of programs and organizations providing care to runaway and/or homeless youth complete training providing instruction in issues pertaining to lesbian, gay, bisexual, and transgender youth-allowing them to be more sensitive to issues faced by this demographic.

Parental Recognition Bill- Sen. Hoylman (S.3999/A460 Chap. 258 OF 2019)

This law extends protections for same-sex couples by prohibiting New York State courts from denying child adoptions to petitioners who are already a legally-recognized parent solely on that basis. Extending protections to those parents whose names were not on the birth certificate, same-sex couples, and parents who had a child through surrogacy, all from being denied an adoption when the parent petitioning is already recognized as the child's parent.

New York State Reuniting Families Act- Sen. Parker (S.5024A/A2106A Chap. 125)

Enacts the New York State Reuniting Families Act. This law extends the resources and flexibility afforded to parents who's immigration statuses intersect with the placement of their child or children in the foster care system, allowing for delays in the filing of parental termination petitions. It prioritizes keeping children with their families and out of the public welfare system whenever possible, and ensures that separated families receive appropriate care and due process.

Statewide Central Register of Child Abuse and Maltreatment (SCR) Reform

This legislative session, we were able to propose some very important changes to the standard of proof in the Statewide Central Register. Through diligent, tireless work with advocates, agencies, organizations, and judges across the state, we have started the conversation about the standard of proof for indicated cases that are reported to the register.

This is an issue of economic and racial injustice that has a disproportionate effect on low-income families, single mothers and families of color. The New York Office of Children and Family Services that maintains the SCR reports that: "black children make up a substantially higher percentage of the child welfare population at each stage in the process than their share of the general population of children . . . black children are more likely than Hispanic children, and Hispanic Children are more likely than white children, to be reported to SCR [and] indicated for abuse/neglect."

Senator Montgomery's SCR Bill would reduce the harsh and disproportionate consequences of having an indicated case on the New York's Statewide Central Register of Child Abuse and Maltreatment. It will also ensure fairness and due process for people facing significant barriers to employment for up to 28 years because of their name being on the SCR. It eliminates harsh and disproportionate consequences by eliminating duplicative proceedings, limiting employment consequences for cases that do not involve alleged abuse, and, where the person has demonstrated rehabilitation, updating the statute to reflect accurately current procedures.

TWO HOUSE BILLS

In 2019, 9 of the 74 bills referred to the Standing Committee on Children and Families passed both houses of the Legislature. Of these bills, the Governor has signed 8 and vetoed none. One of them has been delivered to the Governor and is awaiting action from him.

Bill	Sponsor	Summary	Action
S2714	Savino	Relates to Services for relative and non-relative kinship caregivers.	Chapter 399 of 2019
S3420	Savino	Provides that parents and caretakers who are otherwise eligible for child care assistance shall be able to utilize such assistance when care is necessary to enable them to sleep	Chapter 344 of 2019
S4203A	Savino	Relates to orders committing guardianship and custody of a child	Delivered to Governor
S4990A	Biaggi	Relates to standards and training to child day care	Chapter 675 of 2019
S5024A	Parker	Enacts the New York State Reuniting Families Act	Chapter 125 of 2019
S5516B	Montgomery	Relates to the determination of capacity to stand trial in juvenile delinquency proceedings in family court	Chapter 602 of 2019

S6215	Montgomery	Relates to indicated reports of child maltreatment	Chapter 732 of 2019
S.3999	Hoylman	This law extends protections for same-sex couples by prohibiting New York State courts from denying child adoptions to petitioners who are already a legally recognized parent solely on that basis. Extending protections to those parents whose names were not on the birth certificate, same-sex couples, and parents who had a child through surrogacy, all from being denied an adoption when the parent petitioning is already recognized as the child's parent.	Chapter 258 of 2019

S1481A	Hoylman	Requires the employees of programs and organizations providing care to runaway and/or homeless youth complete training providing instruction in issues pertaining to lesbian, gay, bisexual, and transgender youth-allowing them to be more sensitive to issues faced by this demographic.	Chapter 361 of 2019
S273A	Gallivan	Relates to child abuse in an educational setting; clarifies that it includes individuals employed by a school and individuals employed by a person or entity that contracts with a school to provide transportation services.	Chapter 164 of 2019
S3248	Salazar	Relates to allowing a person having a lawful order of custody of a child to make medical decisions for such child	Chapter 623 of 2019



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