



2021 ANNUAL
REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON CHILDREN AND FAMILIES

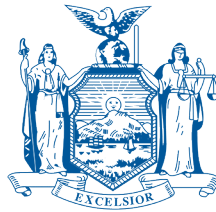


**SENATOR
JABARI BRISPORT**
CHAIR

CHAIR
CHILDREN AND FAMILIES

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JABARI BRISPORT
SENATOR, 25TH DISTRICT

December 17, 2021

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Children & Families for the 2021 Legislative Session. As Chair, I am proud to continue to lead our efforts to address the important matters under my committee's jurisdiction, and to carry on this important work. This committee met four times during the 2021 session and reported twenty-four bills. We have worked tirelessly with the advocate community, labor leaders, parents, and administrators to address important issues in New York State, such as the current crisis of our child care system, our unacceptably high rates of childhood poverty, youth homelessness, and parental rights.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and for their work in advocating for adequate funding for child care in New York. If we continue to all work together, we can achieve a truly universal system in 2022. I also thank the Majority Conference in the committee's operations for all their assistance this past year, especially for assistance and dedication from the incomparable Tamara Frazier.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Brisport".

Sen. Jabari Brisport (NY-25)

2021 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON CHILDREN & FAMILIES**

Senator Jabari Brisport, Chairperson

Committee Members

Jabari Brisport (Chair) Jamaal Bailey John Mannion Roxanne Persaud Julia Salazar	Daniel Stec (Ranking Member) Mike Martucci
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Committee Staff

Tamara Frazier, Senior Counsel
Lahmar Louis, Senior Analyst
James Ostaszewski, Committee Director

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Children and Families has legislative oversight responsibilities for issues concerning child care, foster care, child abuse, adoptions, custody and support, neglect and visitation, juvenile delinquency, determinations of any need of supervision, and protective and preventive services.

During the 2021 Legislative Session, ninety-seven bills were referred to the Committee for its review. Of these bills, twenty-four were reported from the Committee. Twenty-two of those bills were passed by the Senate, and seven were passed in both houses. This work was conducted through a series of four committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2021:

- **Raise the Age 2.0.** This year, the legislature passed the “Raise the Age 2.0” legislation, which raises the lower age of juvenile delinquency jurisdiction from seven to twelve years of age (with certain exceptions).
- **Direct deposit.** The legislature passed legislation that would require local social services districts (“LSSDs”) to pay childcare providers via direct deposit, which allows for payments to be processed quickly and effectively.
- **Language accessibility for OCFS forms.** This legislation requires the Office of Children and Families (“OCFS”) to publish certain information in the six most common non-English languages.
- **Preventing homeless youth from aging out of shelter services.** This legislation, which passed the Senate but not the Assembly, would increase the maximum age at which a homeless youth can continue to receive shelter services, from twenty-one to twenty-four. This legislation would be particularly important for LGBT youth, allowing them three more years of services to create a cleaner transitional period.
- **Jurisdictional changes for adolescent guilty pleas.** In response to the “Raise the Age 1.0” legislation that passed in a previous legislative session, the legislature passed legislation that would modify certain laws regarding the jurisdiction of adolescent offender proceedings. By making certain technical adjustments to the Penal Law and Criminal Procedure Law, this legislation provides that an adolescent offender who pleads down to misdemeanor charges will have the case removed to Family Court (pleas for felonies can also be removed to Family Court). The legislation also clarifies that an adolescent offender whose case is removed to Family Court is eligible for certain adjustments that the “Raise the Age 1.0” legislation contemplated.
- **Providing diplomas to youth in confinement.** Because educational programs available to children in confinement are not registered as high schools, they cannot issue diplomas to students who have completed the graduation requirements. The legislature therefore passed legislation that requires that school districts in which juvenile justice facilities are located must issue diplomas to children in confinement who complete the necessary requirements.
- **Expanding child care access based on work schedules.** Under current law, LSSDs are permitted to provide child care to residents if there is sufficient funding and the family is eligible to receive the service. Unfortunately, however, the eligibility requirements are somewhat restrictive. This service is only available in cases of the “inability of the parents to provide care and supervision for a substantial part of the day,” and is strictly based on the parents' work, training, or educational schedule. The federal funds that are available are not similarly restricted, and this legislation would have removed the state-level restrictions for access to child care services. This legislation, which passed the Senate but not

the Assembly, would help low-income, homeless and other families on public assistance who are working part time, have rotating schedules, or who are participating in educational and vocational activities.

- **Expanding child care access based on income levels.** Under current law, LSSDs are permitted to provide child care to residents if there is sufficient funding and the family is eligible to receive the service. The eligibility requirements include certain income requirements, such that only families with incomes up to “two hundred percent of the state income standard” are eligible. This legislation, which passed the Senate but not the Assembly, would modify those numbers, allowing for child care access for families that make up to 85% of the state median income.
- **Studying child care deserts in New York State.** This legislation, which passed the Senate but not the Assembly, would direct OCFS to conduct a study on the availability of child care within New York State, and make recommendations regarding the expansion of coverage.
- **Modifying the child care task force.** In the 2017 legislative session, New York created a child care availability task force to evaluate the need for and availability of child care throughout the state, and to make certain recommendations for legislation. This legislation extends the task force through 2024, and changes the composition of its membership to include additional parents. Particularly as New York attempts to move towards a system of universal child care, this body can provide important guidance.
- **Providing a right to counsel in guardianship proceedings.** This legislation, which passed the Senate but not the Assembly, would expand the right to assistance of counsel to include respondents in guardianship proceedings and kinship caregivers in custody and guardianship proceedings.

TWO HOUSE BILLS

In 2021, seven of the twenty-four bills referred to the Standing Committee on Children & Families passed both houses of the Legislature. Of these bills, the Governor has signed five and vetoed none.

Bill	Sponsor	Summary	Action
S.54	Persaud	Providing a legal definition for “kinship caregivers.” This legislation provides a legal definition for kinship caregivers, to assist kinship caregivers to navigate the courts and the administrative agencies more smoothly.	Signed Chap. 246
S.2585	Brisport	Post-adoption services. This legislation requires the Office of Children and Families Services (“OCFS”) to provide certain information on its website regarding post-adoption services.	Signed Chap. 659
S.2737	Salazar	Eliminating the use of the word “incorrigible” in the Family Court Act. This legislation eliminates the word “incorrigible” from the Family Court Act, so that young people do not receive that stigmatizing designation in Persons In Need of Supervision (PINS) proceedings.	Signed Chap. 97
S.4051	Bailey	Raise the Lower Age 2.0. This legislation raises the lower age of juvenile delinquency jurisdiction from seven to twelve years of age (with exceptions for children aged seven to twelve who commit certain acts of homicide).	On the Governor’s Desk
S.5162	Brisport	Direct deposit. This legislation requires local social services districts (“LSSDs”) to pay childcare providers via direct deposit.	Signed Chap. 650
S.6357	Savino	Permitting post-termination visitations by parents. This legislation allows judges to permit visitations of children by their biological parents after their parental rights have been terminated, provided that doing so is in the best interests of the child.	On the Governor’s Desk
S.7008	Benjamin	Language accessibility for OCFS forms. This legislation requires OCFS to publish certain information in the six most common non-English languages.	Signed Chap. 145

S.7033	Brisport	Jurisdictional changes for adolescent guilty pleas. In response to the “Raise the Age 1.0” legislation that passed in a previous legislative session, this legislation would modify certain laws regarding the jurisdiction of adolescent offender proceedings. By making certain technical adjustments to the Penal Law and Criminal Procedure Law, this legislation provides that an adolescent offender who pleads down to misdemeanor charges will have the case removed to Family Court (pleas for felonies can also be removed to Family Court). The legislation also clarifies that an adolescent offender whose case is removed to Family Court is eligible for certain adjustments that the “Raise the Age 1.0” legislation contemplated.	On the Governor’s Desk
S.7101	Brisport	Providing diplomas to youth in confinement. Because educational programs available to children in confinement are not registered as high schools, they cannot issue diplomas to students who have completed the graduation requirements. This legislation therefore requires that school districts in which juvenile justice facilities are located must issue diplomas to children in confinement who complete the necessary requirements.	On the Governor’s Desk
S.7128	Brisport	Modifying the child care task force. In the 2017 legislative session, New York created a child care availability task force to evaluate the need for and availability of child care throughout the state, and to make certain recommendations for legislation. This legislation extends the task force through 2024, and changes the composition of its membership to include additional parents.	On the Governor’s Desk
S.7171	Brisport	Automatically sealing juvenile delinquency records. This legislation provides for the automatic sealing of certain juvenile delinquency records without the necessity of a motion.	On the Governor’s Desk

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S.63	Persaud	Diaper cost allowances. This legislation would allow for TANF-eligible families to receive allowances for the costs of diapers, up to \$80 for a three-month period.	Passed Senate
S.813	Biaggi	Preventing homeless youth from aging out of shelter services. This legislation would increase the maximum age at which a homeless youth can continue to receive shelter services, from twenty-one to twenty-four. This legislation would be particularly important for LGBT youth, allowing them three more years of services to create a cleaner transitional period.	Passed Senate
S.996	Hoylman	Preventing gender reassignment discrimination in family court. This legislation would prevent a judge from prohibiting a parent from undergoing gender reassignment when making a determination in a child custody case. Unfortunately, there have been cases where a judge has, in a divorce proceeding, categorically denied a person's right to pursue this medically approved procedure if they wished to get custody of a child.	Passed Senate
S.1488	Serrano	Eliminating background check costs for non-profit mentoring programs. Under New York law, non-profit mentoring programs are required to conduct certain background checks that can, at times, be expensive. This legislation would provide such criminal history background checks free of charge to mentoring programs operated by not-for-profit corporations.	Passed Senate
S.2586	Brisport	Enhancing the ability of kinship caregivers to seek assistance without threat of retaliation. New York offers a special Temporary Assistance to Needy Families ("TANF") public financial assistance benefit that is sadly under-utilized by kinship caregivers. Part of the reason behind this under-utilization is because kinship caregivers are afraid that LSSDs will seek support from absent parents before issuing such awards, over their	Passed Senate

		objections, thus triggering conflict within the family and disrupting their chosen living arrangements. This issue is particularly delicate when the absent parent is struggling with drug or alcohol abuse, and contact by state authorities is unwanted. This legislation would direct the LSSDs to take no action when there is “good cause” to refuse to cooperate in such an action.	
S.4349	Brouk	Studying child care deserts in New York State. This legislation directs OCFS to conduct a study on the availability of child care within New York State, and make recommendations regarding the expansion of coverage.	Passed Senate
S.4554	Bailey	Criminal justice reform for discovery in juvenile delinquency proceedings. This legislation would modify the conduct of discovery in juvenile delinquency proceedings, to bring them more in line with the recently-enacted practices for adult criminal court. The intent of the bill is to afford juvenile defendants the same legal rights to discovery that are available to adults in criminal court.	Passed Senate
S.5419	Brisport	Increasing rent subsidies for preventive services. New York State participates in certain “preventive services” that are intended to keep children from being placed into the foster care system. In cases where families are struggling with poverty, however, the rental assistance that New York State affords is pathetically small, at a mere \$300/month. These guidelines were created in the 1980s before the massive real estate value inflation that New York experienced in recent decades, and badly needs to be updated. This legislation would increase these rent subsidies up to \$600/month, as a means of keeping families together.	Passed Senate
S.5628	Bailey	Limiting criminal history checks for foster youths. This legislation would provide that background checks of foster youth turning eighteen are not required as a matter of course, unless their parents are adopting a new child who will reside with the family.	Passed Senate
S.6074	Salazar	Providing a right to counsel in guardianship	Passed Senate

		proceedings. This legislation would expand the right to assistance of counsel to include respondents in guardianship proceedings and kinship caregivers in custody and guardianship proceedings.	
S.6287	Mannion	Requiring cytomegalovirus training. This legislation would require child care providers to be trained on the impacts and dangers of congenital cytomegalovirus infection.	Passed Senate
S.6389	Brisport	Enhancing the legal rights of fathers to obtain custody in appropriate cases. This legislation would allow non-marital fathers to contest the placement of their children through public adoptions.	Passed Senate
S.6655	Brisport	Expanding child care access based on work schedules. Under current law, LSSDs are permitted to provide child care to residents if there is sufficient funding and the family is eligible to receive the service. Unfortunately, however, the eligibility requirements are somewhat restrictive. This service is only available in cases of the “inability of the parents to provide care and supervision for a substantial part of the day,” and is strictly based on the parents' work, training, or educational schedule. The federal funds that are available are not similarly restricted, and this legislation would have removed the state-level restrictions for access to child care services. The legislation would help low-income, homeless and other families on public assistance who are working part time, have rotating schedules, or who are participating in educational and vocational activities.	Passed Senate
S.6706	Brisport	Expanding child care access based on income levels. Under current law, LSSDs are permitted to provide child care to residents if there is sufficient funding and the family is eligible to receive the service. The eligibility requirements include certain income requirements, such that only families with incomes up to “two hundred percent of the state income standard” are eligible. This legislation would modify those numbers, allowing for child care access for families that make up to 85% of the state median income.	Passed Senate

S.6875	Persaud	Child care waiting list data. This legislation would require LSSDs to maintain waiting lists for families who have applied for child care assistance, and would require the collection of certain data regarding family income.	Passed Senate
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