



New York State Senate Standing Committee on **Children and Families** **Senator Jabari Brisport**

Chair



Senator Andrea Stewart-Cousins
President Pro Tempore
NYS Senate Majority Leader

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December 16, 2022

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 2022 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. During the 2022 session, this committee reported twenty-five 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 child care system, and a more just juvenile legal system. I want to thank the Majority Conference in the committee's operations for all their assistance this past year, and staff members Nic Rangel and Lahmar Louis for all their assistance.

Sincerely,



Sen. Jabari Brisport (NY-25)

**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

Nick Rangel, 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 2022 Legislative Session, eighty-one bills were referred to the Committee for its review. Of these bills, seventeen were reported from the Committee. Sixteen of those bills were passed by the Senate, and nine were passed in both houses. 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 2022:

- **Preventing homeless youth from aging out of shelter services.** This year, the legislature passed legislation that 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.
- **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 local social services districts (“LSSDs”) will seek support from absent parents before issuing such awards, over their 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 year, the legislature passed legislation that would direct the LSSDs to take no action when there is “good cause” to refuse to cooperate in such an action.
- **Limiting criminal history checks for foster youths.** The legislature passed legislation that 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.
- **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.
- **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 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.
- **Brendan’s Law.** This legislation would require cordless window coverings in child day care centers, to avoid further tragic incidents of child strangulation from roll-up window blinds.

TWO HOUSE BILLS

In 2022, nine of the bills referred to the Standing Committee on Children & Families passed both houses of the Legislature. Of these bills, the Governor has signed one and vetoed four.

Bill	Sponsor	Summary	Action
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.	On the Governor's Desk
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 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.	Vetoed, Memo #102
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.	On the Governor's Desk
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.	Signed, Chapter 653
S.6389	Brisport	Enhancing the legal rights of fathers to obtain	On the Governor's

		custody in appropriate cases. This legislation would allow non-marital fathers to contest the placement of their children through public adoptions.	Desk
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.	On the Governor’s Desk
S.6900	Brisport	Brendan’s Law. This legislation would require cordless window coverings in child day care centers, to avoid further tragic incidents of child strangulation from roll-up window blinds.	On the Governor’s Desk
S.8046	Mannion	Study of the number of children with developmental disabilities in foster care. This legislation would direct the commissioner of the office of children and family services, in consultation with the commissioner of the office for people with developmental disabilities, to determine the number of children who have been placed in foster care and who have been diagnosed with a developmental disability.	Vetoed, Memo #59
S8231	Salazar	Reporting incidents of juvenile recidivism. This legislation would require the office of children and family services to submit an annual report about juvenile recidivism, and the cost of juvenile incarceration.	Vetoed, Memo #81
S.8320	Brisport	Task force for responding to adverse childhood experiences. This legislation would establish a task force to identify evidence-based solutions to responding to adverse childhood experiences (“ACEs”).	Vetoed, Memo #51

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.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.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 \$725/month, as a means of keeping families together.	Passed Senate

S.6074	Salazar	Providing a right to counsel in guardianship 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.	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
S.7173	Bailey	Adjournments in contemplation of dismissal. This legislation provides various clarifications regarding adjournments in contemplation of dismissal, and the disposition of suspended judgment, with respect to the resolution of child abuse and neglect proceedings in Family Court.	Passed Senate
S.8044	Mayer	Citizen review panels. This legislation would expand and regionalize the citizen review panels that oversee child protective services cases.	Passed Senate



Annual Report 2022

New York State Senate
Standing Committee on Children and Families