

4185

2013-2014 Regular Sessions

I N S E N A T E

March 13, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, the social services law and the executive law, in relation to enacting the New York State Reuniting Family Act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 State Reuniting Family Act."

3 S 2. Section 1054 of the family court act is amended by adding a new
4 subdivision (c) to read as follows:

5 (C) THE IMMIGRATION STATUS OF A PARENT OR OTHER PERSON RESPONSIBLE FOR
6 CARE SHALL NOT DISQUALIFY SUCH PERSON FROM BEING GRANTED CUSTODY UNDER
7 THIS SECTION.

8 S 3. Section 651 of the family court act is amended by adding a new
9 subdivision (g) to read as follows:

10 (G) DETAINMENT FOR IMMIGRATION VIOLATIONS; EFFECT ON CHILD CUSTODY
11 ORDERS. UNLESS WHERE THE CHILD HAS BEEN DETERMINED AN ABANDONED INFANT
12 OR THE PARENT HAS BEEN CONVICTED OF COMMITTING A VIOLENT FELONY AGAINST
13 HIS OR HER CHILD, THE FAMILY COURT MAY POSTPONE FOR A MAXIMUM OF TWEN-
14 TY-FOUR MONTHS ITS DETERMINATION OF A PETITION FOR CUSTODY PENDING
15 CONSIDERATION OF A PARENT'S CIRCUMSTANCES IF A PARENT HAS BEEN ARRESTED
16 AND ISSUED AN IMMIGRATION HOLD; HAS BEEN DETAINED BY THE UNITED STATES
17 IMMIGRATION AND CUSTOMS ENFORCEMENT; OR HAS BEEN DEPORTED TO HIS OR HER
18 COUNTRY OF ORIGIN.

19 S 4. Subdivision (i) of section 17 of the social services law, as
20 relettered by section 1 of part K-3 of chapter 57 of the laws of 2007,
21 is relettered subdivision (j) and a new subdivision (i) is added to read
22 as follows:

23 (I) PROVIDE INFORMATION AND TRAINING TO ALL EMPLOYEES OF A CHILD
24 PROTECTIVE SERVICE AND ALL OTHER EMPLOYEES ASSIGNED WITH THE DUTY OF

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09379-02-3

1 PLACING CHILDREN IN THE FOSTER CARE SYSTEM, ON U-VISAS AND THE EMPLOY-
2 EE'S ABILITY TO CREATE A U-VISA TO PROVIDE IMMIGRATION RELIEF FOR
3 CERTAIN UNDOCUMENTED INDIVIDUALS.

4 S 5. Section 1016 of the family court act, as amended by chapter 41 of
5 the laws of 2010, is amended to read as follows:

6 S 1016. Appointment of attorney for the child. 1. The court shall
7 appoint an attorney to represent a child who has been allegedly abused
8 or neglected upon the earliest occurrence of any of the following: (i)
9 the court receiving notice, pursuant to paragraph (iv) of subdivision
10 (b) of section one thousand twenty-four of this [act] ARTICLE, of the
11 emergency removal of the child; (ii) an application for an order for
12 removal of the child prior to the filing of a petition, pursuant to
13 section one thousand twenty-two of this [act] ARTICLE; or (iii) the
14 filing of a petition alleging abuse or neglect pursuant to this article.
15 THE COURT SHALL REQUIRE THAT APPOINTED ATTORNEYS HAVE RECEIVED INFORMA-
16 TION AND TRAINING ON U-VISAS AND AN ATTORNEY'S ABILITY TO CERTIFY A
17 U-VISA TO PROVIDE IMMIGRATION RELIEF FOR CERTAIN UNDOCUMENTED INDIVID-
18 UALS.

19 2. Whenever an attorney has been appointed by the family court pursu-
20 ant to section two hundred forty-nine of this act to represent a child
21 in a proceeding under this article, such appointment shall continue
22 without further court order or appointment during (i) an order of dispo-
23 sition issued by the court pursuant to section one thousand fifty-two of
24 this article directing supervision, protection or suspending judgment,
25 or any extension thereof; (ii) an adjournment in contemplation of
26 dismissal as provided for in section one thousand thirty-nine of this
27 article or any extension thereof; or (iii) the pendency of the foster
28 care placement ordered pursuant to section one thousand fifty-two of
29 this article. All notices and reports required by law shall be provided
30 to such attorney for the child. Such appointment shall terminate upon
31 the expiration of such order, unless another appointment of an attorney
32 for the child has been made by the court or unless such attorney makes
33 application to the court to be relieved of his or her appointment. Upon
34 approval of such application to be relieved, the court shall immediately
35 appoint another attorney for the child to whom all notices and reports
36 required by law shall be provided.

37 3. The attorney for the child shall be entitled to compensation pursu-
38 ant to applicable provisions of law for services rendered up to and
39 including disposition of the petition. The attorney for the child shall,
40 by separate application, be entitled to compensation for services
41 rendered subsequent to the disposition of the petition.

42 4. Nothing in this section shall be construed to limit the authority
43 of the court to remove the attorney for the child from his or her
44 assignment.

45 S 6. The social services law is amended by adding a new section 383-a
46 to read as follows:

47 S 383-A. FOSTER YOUTH IDENTIFICATION. THE COMMISSIONER SHALL PROVIDE A
48 FOSTER YOUTH IDENTIFICATION CARD TO THE FOSTER PARENT OR FOSTER PARENTS
49 OF ANY CHILD UPON THE REQUEST OF SUCH PARENT OR PARENTS. SUCH IDENTIFI-
50 CATION CARD SHALL INCLUDE A RECENT PHOTOGRAPH, THE PHONE NUMBER OF THE
51 LOCAL CITY OR COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE DOCKET OR
52 FILE NUMBER OF THE CASE PLACING SUCH CHILD IN FOSTER CARE.

53 S 7. The executive law is amended by adding a new section 501-i to
54 read as follows:

55 S 501-I. VIRTUAL STATEWIDE INFORMATION SYSTEM. THE OFFICE SHALL ESTAB-
56 LISH AND MAINTAIN A WEBSITE TO PROVIDE A VIRTUAL STATEWIDE INFORMATION

1 SYSTEM DESIGNED TO ASSIST THE LOCAL CITY OR COUNTY DEPARTMENT OF SOCIAL
2 SERVICES AND THE COURT SYSTEM WITH ASSISTANCE ON IMMIGRATION LAW RELATED
3 ISSUES AFFECTING CHILDREN AND RELATIVES OF CHILDREN IN THE FOSTER CARE
4 SYSTEM. THE WEBSITE SHALL INCLUDE:

5 1. EXISTING LINKS TO SOCIAL SERVICES, LEGAL SERVICES AND ADVOCACY
6 ORGANIZATIONS AND OTHER GOVERNMENT ORGANIZATIONS WITH EXPERTISE IN WORK-
7 ING WITH COURTS OR CHILD PROTECTION AGENCIES; AND

8 2. LIVE HELP CASE CONSULTATION.

9 S 8. The department of family assistance is hereby directed to provide
10 guidance, no later than July 1, 2014, to counties and municipalities in
11 contacting the home governments of detained parents and assisting with
12 family reunification.

13 S 9. This act shall take effect on the ninetieth day after it shall
14 have become a law.