

4185--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Families 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 Families 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. THE CHILD WELFARE AGENCY SHALL ACCEPT A FOREIGN CONSULATE
8 IDENTIFICATION CARD, A FOREIGN PASSPORT, OR SUCH OTHER FOREIGN IDENTIFI-
9 CATION DOCUMENT AS MAY BE ALLOWED AS SUFFICIENT IDENTIFICATION FOR
10 PURPOSES OF INITIATING A CRIMINAL RECORDS CHECK OR A FINGERPRINT BASED
11 CHECK.

12 S 3. Clause (D) of subparagraph (i) of paragraph (1) of subdivision 3
13 of section 384-b of the social services law, as amended by chapter 113
14 of the laws of 2010, is amended to read as follows:

15 (D) the parent or parents are incarcerated, INVOLVED IN IMMIGRATION
16 REMOVAL PROCEEDINGS, INCLUDING DETENTION OR DEPORTATION, or participat-
17 ing in a residential substance abuse treatment program, or the prior
18 incarceration, INVOLVEMENT IN IMMIGRATION REMOVAL PROCEEDINGS, INCLUDING
19 DETENTION OR DEPORTATION, or participation of a parent or parents in a
20 residential substance abuse treatment program is a significant factor in
21 why the child has been in foster care for fifteen of the last twenty-two
22 months, provided that the parent maintains a meaningful role in the

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

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1 child's life based on the criteria set forth in subparagraph (v) of this
2 paragraph and the agency has not documented a reason why it would other-
3 wise be appropriate to file a petition pursuant to this section.

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

8 (I) PROVIDE GUIDANCE, INFORMATION AND TRAINING TO ALL EMPLOYEES OF A
9 CHILD PROTECTIVE SERVICE AND ALL OTHER EMPLOYEES ASSIGNED WITH THE DUTY
10 OF PLACING CHILDREN IN THE FOSTER CARE SYSTEM, ON SPECIAL IMMIGRANT
11 JUVENILE STATUS (SIJS), U-VISAS, T-VISAS, VIOLENCE AGAINST WOMEN ACT
12 (VAWA) SELF PETITIONS AND OTHER SUCH IMMIGRATION RELIEF OPTIONS FOR
13 CERTAIN UNDOCUMENTED INDIVIDUALS.

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

16 S 1016. Appointment of attorney for the child. 1. The court shall
17 appoint an attorney to represent a child who has been allegedly abused
18 or neglected upon the earliest occurrence of any of the following: (i)
19 the court receiving notice, pursuant to paragraph (iv) of subdivision
20 (b) of section one thousand twenty-four of this [act] ARTICLE, of the
21 emergency removal of the child; (ii) an application for an order for
22 removal of the child prior to the filing of a petition, pursuant to
23 section one thousand twenty-two of this [act] ARTICLE; or (iii) the
24 filing of a petition alleging abuse or neglect pursuant to this article.
25 THE COURT SHALL REQUIRE THAT APPOINTED ATTORNEYS HAVE RECEIVED INFORMA-
26 TION AND TRAINING ON SPECIAL IMMIGRANT JUVENILE STATUS (SIJS), U-VISAS,
27 T-VISAS, VIOLENCE AGAINST WOMEN ACT (VAWA) SELF PETITIONS AND OTHER SUCH
28 IMMIGRATION RELIEF OPTIONS FOR CERTAIN UNDOCUMENTED INDIVIDUALS.

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

47 3. The attorney for the child shall be entitled to compensation pursu-
48 ant to applicable provisions of law for services rendered up to and
49 including disposition of the petition. The attorney for the child shall,
50 by separate application, be entitled to compensation for services
51 rendered subsequent to the disposition of the petition.

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

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

1 S 383-A. FOSTER YOUTH IDENTIFICATION. THE COMMISSIONER SHALL PROVIDE A
2 FOSTER YOUTH IDENTIFICATION CARD TO THE CHILD THEMSELVES, THE ATTORNEY,
3 SOCIAL WORKER OR FOSTER PARENT OF THE CHILD. SUCH IDENTIFICATION CARD
4 SHALL INCLUDE A RECENT PHOTOGRAPH, THE PHONE NUMBER OF THE LOCAL CITY OR
5 COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE DOCKET OR FILE NUMBER OF
6 THE CASE PLACING SUCH CHILD IN FOSTER CARE.

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

9 S 501-I. VIRTUAL STATEWIDE INFORMATION SYSTEM. THE OFFICE SHALL ESTAB-
10 LISH AND MAINTAIN A WEBSITE TO PROVIDE A VIRTUAL STATEWIDE INFORMATION
11 SYSTEM DESIGNED TO ASSIST THE LOCAL CITY OR COUNTY DEPARTMENT OF SOCIAL
12 SERVICES AND THE COURT SYSTEM WITH ASSISTANCE ON IMMIGRATION LAW RELATED
13 ISSUES AFFECTING CHILDREN AND RELATIVES OF CHILDREN IN THE FOSTER CARE
14 SYSTEM. THE DEPARTMENT SHALL SEEK PRIVATE AND FEDERAL FUNDING FOR THE
15 DEVELOPMENT OF THIS SYSTEM. THE WEBSITE SHALL INCLUDE:

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

19 2. LIVE HELP CASE CONSULTATION.

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

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