STATE OF NEW YORK

S. 9139 A. 11271

SENATE - ASSEMBLY

July 25, 2018

IN SENATE -- Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Epstein) -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to reporting of unaccompanied alien children by authorized agencies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known as and may be cited as the "SCAR Act" or the "Separation of Children Accountability Response Act".

§ 2. Section 372 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (a) An authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of this title shall be required to report the following information to the commissioner every fifteen days:

(i) the number of unaccompanied alien children newly accepted into the authorized agency's care within the previous fifteen days under a contract, grant, or other agreement with the federal government;

(ii) the number of unaccompanied alien children released from the authorized agency's care within the previous fifteen days under a contract, grant, or other agreement with the federal government;

(iii) the number of unaccompanied alien children currently under the authorized agency's care under a contract, grant, or other agreement with the federal government at the time of the report;

(iv) the median and mean number of days unaccompanied alien children have spent in the care of the authorized agency under a contract, grant, or other agreement with the federal government and the total number of days spent in the custody of the federal government, if known;

(v) (1) the number of unaccompanied alien children in the authorized agency's care who were removed from the care or custody of their parents by an official, agent or agency of the federal government while entering

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

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or attempting to enter the United States or after having entered the United States, and (2) the number of unaccompanied alien children previously removed from the custody of their parents and placed in the authorized agency's care that have been restored to the custody of their parents;

(vi) the number of unaccompanied alien children in the authorized agency's care whose primary language is not English, including the number of children speaking each language and the primary language spoken by such children;

(vii) the number of unaccompanied alien children placed into particular types of care or custody including, but not limited to, transitional foster care, long-term foster care, secure care or staff-secure care; and

(viii) any other information the commissioner deems necessary.

(b) Reports to the commissioner shall not reveal identifying information about specific cases or individuals, and the commissioner shall ensure that all reporting requirements comply with federal laws, regulations, and policies. A person who knowingly submits false information required by this subdivision shall be guilty of offering a false instrument for filing under article one hundred seventy-five of the penal law.

(c) The commissioner may deny, revoke, or terminate an authorized agency's existing licensures or registrations for failure to provide such information in the prescribed time frame.

(d) The commissioner shall compile such data utilizing the office of children and family services' bureau of research, evaluation and performance analytics (hereinafter referred to as the "bureau"). The bureau, or its successor agency, shall supply such information to the commissioner and government officials upon request, and shall make such information available to the public in a manner accessible to the public in real-time.

(e) For purposes of this subdivision, the term "alien" is defined as any person not a citizen or national of the United States, the term "child" shall have the same meaning as defined in section three hundred seventy-one of this title, and the term "unaccompanied" with regard to an alien child is defined consistent with federal law and shall include children who were unaccompanied when they crossed the border and children who were not accompanied when they crossed the border but were rendered unaccompanied by removal from the care or custody of their parent or guardian.

§ 3. This act shall take effect immediately.