STATE OF NEW YORK

222--B

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, ADDABBO, BAILEY, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, MAYER, METZGER, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Reporting Act".

§ 2. The social services law is amended by adding a new section 372-a to read as follows:

§ 372-a. Reporting of unaccompanied alien children. 1. The department shall collect, aggregate and report the number of unaccompanied alien children that are placed by the federal office of refugee resettlement in the care of an authorized agency, as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of this title, to the governor, the temporary president of the senate and the speaker of the assembly. The report shall include the following information:

a. the number of unaccompanied alien children newly accepted into the authorized agency's care under a contract, grant, or other agreement with the federal government at the time of the report;

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

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b. the number of unaccompanied alien children placed in the authorized agency's care under a contract, grant, or other agreement between an authorized agency and the federal government since the last report;

c. the number of unaccompanied alien children discharged from the authorized agency's care that were placed under a contract, grant or other agreement between an authorized agency and the federal government at the time of the report;

d. the number of unaccompanied alien children discharged from the authorized agency's care that were placed under a contract, grant, or other agreement between an authorized agency and the federal government since the last report;

e. 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 or attempting to enter the United States or after having entered the United States at the time of the report and since the last report;

f. 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 at the time of the report and since the last report;

g. the number of unaccompanied alien children placed by the federal government that were discharged to a sponsor in the state at the time of the report and since the last report;

h. the countries of origin for the unaccompanied alien children placed in the care of an authorized agency; and

i. the number of unaccompanied alien children placed into particular types of care, including, but not limited to, family foster care homes and congregate care residential programs.

2. The commissioner shall compile such information required by subdivision one of this section utilizing the department's bureau of research, evaluation and performance analytics.

3. Such information shall be reported semi-annually on a statewide aggregated basis and shall be published on the department's website. However, such information shall be provided no later than thirty days upon request by the governor, temporary president and speaker of the assembly, in the event of an emergency.

4. Reports to the governor and legislature shall not reveal identifying information about specific children, cases, individuals, or authorized agencies. The commissioner shall ensure that all reporting and data collection requirements comply with federal laws, regulations, and policies.

5. For purposes of this section, 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 accompanied 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 on the one hundred eightieth day after it shall have become a law.