

STATE OF NEW YORK

1436--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. EPSTEIN, L. ROSENTHAL, DE LA ROSA, SIMOTAS, TAYLOR, GOTTFRIED, ENGLEBRIGHT, ARROYO, AUBRY, DICKENS, WEPRIN, CRUZ, MOSLEY, CRESPO, D'URSO, ORTIZ, ABBATE, HYNDMAN, BLAKE, RIVERA, ROZIC, STERN, COOK, KIM, CYMBROWITZ, D. ROSENTHAL, FALL, SEAWRIGHT, REYES, RODRIGUEZ, GLICK, FRONTUS, QUART, JEAN-PIERRE, GRIFFIN, HUNTER, FERNANDEZ, RAMOS, RICHARDSON, OTIS, LIFTON, DINOWITZ -- Multi-Sponsored by -- M. of A. DenDEKKER, LENTOL, NOLAN -- read once and referred 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 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 thirty days:

(i) the number of unaccompanied alien children newly accepted into the authorized agency's care within the previous thirty 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 thirty 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;

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

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

5 (v) (1) the number of unaccompanied alien children in the authorized
6 agency's care who were removed from the care or custody of their parents
7 by an official, agent or agency of the federal government while entering
8 or attempting to enter the United States or after having entered the
9 United States, and (2) the number of unaccompanied alien children previ-
10 ously removed from the custody of their parents and placed in the
11 authorized agency's care that have been restored to the custody of their
12 parents;

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

17 (vii) the number of unaccompanied alien children placed into partic-
18 ular types of care or custody including, but not limited to, transi-
19 tional foster care, long-term foster care, secure care or staff-secure
20 care; and

21 (viii) any other information the commissioner deems necessary.

22 (b) Reports to the commissioner shall not reveal identifying informa-
23 tion about specific cases or individuals, and the commissioner shall
24 ensure that all reporting requirements comply with federal laws, regu-
25 lations, and policies. A person who knowingly submits false information
26 required by this subdivision shall be guilty of offering a false instru-
27 ment for filing under article one hundred seventy-five of the penal law.
28 In order to minimize the administrative burden of law, the commissioner
29 shall provide that these reporting procedures shall be consistent in
30 manner and process to the information provided to the federal Office of
31 Refugee Resettlement.

32 (c) The commissioner may levy a fine of not less than five hundred but
33 no more than ten thousand dollars, or deny, revoke, or terminate an
34 authorized agency's existing licensures or registrations for failure to
35 provide such information in the prescribed time frame.

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

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

52 § 3. This act shall take effect on the thirtieth day after it shall
53 have become a law.