

STATE OF NEW YORK

222

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, BAILEY, CARLUCCI, COMRIE, GIANARIS, HOYLMAN, KAMINSKY, KAVANAGH, KENNEDY, KRUEGER, MAYER, PARKER, PERSAUD, RIVERA, SAVINO, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 § 3. This act shall take effect immediately.