

# STATE OF NEW YORK

222--A

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, ADDABBO, BAILEY, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, MAYER, MONTGOMERY, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, 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

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 thirty days:

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

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.