

# STATE OF NEW YORK

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222--B

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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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:

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

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

5 § 372-a. Reporting of unaccompanied alien children. 1. The department  
6 shall collect, aggregate and report the number of unaccompanied alien  
7 children that are placed by the federal office of refugee resettlement  
8 in the care of an authorized agency, as defined in paragraphs (a) and  
9 (b) of subdivision ten of section three hundred seventy-one of this  
10 title, to the governor, the temporary president of the senate and the  
11 speaker of the assembly. The report shall include the following infor-  
12 mation:

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

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

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

12 e. the number of unaccompanied alien children in the authorized agen-  
13 cy's care who were removed from the care or custody of their parents by  
14 an official, agent or agency of the federal government while entering or  
15 attempting to enter the United States or after having entered the United  
16 States at the time of the report and since the last report;

17 f. the number of unaccompanied alien children previously removed from  
18 the custody of their parents and placed in the authorized agency's care  
19 that have been restored to the custody of their parents at the time of  
20 the report and since the last report;

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

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

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

29 2. The commissioner shall compile such information required by subdi-  
30 vision one of this section utilizing the department's bureau of  
31 research, evaluation and performance analytics.

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

37 4. Reports to the governor and legislature shall not reveal identify-  
38 ing information about specific children, cases, individuals, or author-  
39 ized agencies. The commissioner shall ensure that all reporting and  
40 data collection requirements comply with federal laws, regulations, and  
41 policies.

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

51 § 3. This act shall take effect on the one hundred eightieth day after  
52 it shall have become a law.