STATE OF NEW YORK

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IN SENATE

April 22, 2026

Introduced by Sen. BRISPORT -- (at request of the Unified Court System) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, in relation to protection of the confidentiality rights of youth over the age of 18 in foster care with respect to permanency hearings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (b) and (e) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, subparagraphs (i) and (ii) of paragraph 1 of subdivision (b) as amended by chapter 573 of the laws of 2015, subparagraph (iii) of paragraph 1 as amended and paragraph 1-a as added by chapter 14 of the laws of 2016, and paragraph 2 of subdivision (b) as amended by section 8 of part B of chapter 327 of the laws of 2007, are amended to read as follows:

(b) Notice of permanency hearings. (1) No later than fourteen days before the date certain for a permanency hearing scheduled pursuant to this section, the local social services district shall serve the notice of the permanency hearing and the permanency hearing report by regular mail upon:

(i) **except as provided in paragraph one-b of this subdivision,** the child's parent, including any non-respondent parent, unless the parental rights of the parent have been terminated or surrendered**,** and any other person legally responsible for the child's care at the most recent address or addresses known to the local social services district or agency, and the foster parent in whose home the child currently resides, each of whom shall be a party to the proceeding;

(ii) the agency supervising the care of the child on behalf of the social services district with whom the child was placed, the child's attorney, and the attorney for the respondent parent; and

(iii) the attorney for the child.

(1-a) If the child is age ten or older, no later than fourteen days before the date certain for a permanency hearing scheduled pursuant to

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

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this section, the local social services district shall serve the notice of the permanency hearing by regular mail upon the child. Nothing herein shall be deemed to prevent an attorney for the child from consulting with the child about the child's participation in the permanency hearing as required by section one thousand ninety-a of this article prior to the service of the notice required pursuant to this paragraph.

(1-b) (i) If the child will be eighteen years of age or older on the date certain of the permanency hearing scheduled pursuant to this section, no later than forty-five days before such date certain, the child or the child's attorney may apply to the court by motion or order to show cause for an order dispensing with provision of the notice and copy of the permanency hearing report in accordance with subparagraph (i) of paragraph one and paragraph two of this subdivision and/or for an order redacting portions of the permanency hearing report prior to dissemination of the report to the individual or individuals named in such subparagraph. The application shall set forth grounds as to why the provision of such notice and permanency report or unredacted portions of the report to such individual or individuals would violate the confidentiality of medical or other information and would not be in the child's best interests. The motion or order to show cause may also request a court order on confidentiality that would apply prospectively to any future permanency hearings that may be scheduled during the remainder of the child's stay in foster care.

(ii) The motion or order to show cause filed pursuant to this paragraph shall be served by mail or by electronic means upon such individual or individuals and the agency supervising the care of the child, each of whom shall have an opportunity to be heard in person or in writing no later than thirty days before the date certain for the permanency hearing.

(iii) The court shall determine the application no later than twenty days before the date certain for the permanency hearing and shall provide its determination forthwith to the agency supervising the care of the child, the child and the child's attorney, such that the agency can provide notices and permanency reports, if any, in compliance with paragraph one of this subdivision. In no event shall an application under this paragraph delay the permanency hearing beyond the deadlines specified in paragraph two of subdivision (a) of this section.

(2) [~~The~~] **Except as provided in paragraph one-b of this subdivision,** notice and the permanency hearing report shall also be provided to any pre-adoptive parent or relative providing care for the child and shall be submitted to the court. The notice of the permanency hearing only shall be provided to a former foster parent in whose home the child previously had resided for a continuous period of twelve months in foster care, if any, unless the court, on motion of any party or on its own motion, dispenses with such notice on the basis that such notice would not be in the child's best interests. However, such pre-adoptive parent, relative, or former foster parent, on the basis of such notice, shall have the right to be heard but shall not be a party to the permanency hearing. The failure of such pre-adoptive parent, relative or former foster parent to appear at a permanency hearing shall constitute a waiver of the right to be heard. Such failure to appear shall not cause a delay of the permanency hearing nor be a ground for the invalidation of any order issued by the court pursuant to this section.

(e) Service of court order and permanency hearing report. [~~A~~] **Except as provided in paragraph one-b of subdivision (b) of this section, a** copy of the court order which includes the date certain for the next

permanency hearing and the permanency hearing report as approved, adjusted, or modified by the court, shall be given to the parent or other person legally responsible for the child.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.