

STATE OF NEW YORK

8854--A

IN SENATE

January 9, 2026

Introduced by Sens. RAMOS, GOUNARDES, HARCKHAM, MAYER, SCARCELLA-SPANTON
-- 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 commit-
tee

AN ACT to amend the family court act, in relation to the jurisdiction of
the family court to determine guardianship of minors and infants when
there are extraordinary circumstances, including parental deportation

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

1 Section 1. Subdivision (a) of section 661 of the family court act, as
2 amended by chapter 404 of the laws of 2008, is amended to read as
3 follows:

4 (a) Guardianship of the person of a minor or infant. 1. When making a
5 determination regarding the guardianship of the person of a minor or
6 infant, the provisions of the surrogate's court procedure act shall
7 apply to the extent they are applicable to guardianship of the person of
8 a minor or infant and do not conflict with the specific provisions of
9 this act. For purposes of appointment of a guardian of the person pursu-
10 ant to this part, the terms infant or minor shall include a person who
11 is less than twenty-one years old who consents to the appointment or
12 continuation of a guardian after the age of eighteen.

13 2. Notwithstanding paragraph one of this subdivision or any other
14 provision of law to the contrary, when making a determination regarding
15 the guardianship of the person of a minor or infant, the family court
16 shall have jurisdiction when extraordinary circumstances exist that
17 prevent reunification of the minor or infant with one or both parents.
18 For the purposes of this paragraph, "extraordinary circumstances" shall
19 include, but not be limited to, the deportation, removal, or forced
20 departure of a parent from the United States, or other circumstances of
21 comparable severity beyond the control of the minor or infant.

22 (i) The office of court administration shall revise any special find-
23 ings order or form used by the family court in proceedings involving
24 findings related to the care, custody, guardianship, or best interests

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

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1 of a minor or infant, including but not limited to findings made pursu-
2 ant to federal immigration law, to include:

3 (A) A specific option allowing the court to indicate that reunifica-
4 tion with one or both parents is not viable due to extraordinary circum-
5 stances; and

6 (B) Non-exhaustive examples of such extraordinary circumstances, which
7 shall include, but not be limited to, parental deportation or removal,
8 prolonged involuntary separation due to immigration enforcement, and
9 other comparable circumstances as determined by the court.

10 (ii) Nothing in this paragraph shall be construed to limit the author-
11 ity of the family court to make findings of abuse, neglect, or abandon-
12 ment, nor shall this paragraph require a finding of abuse, neglect, or
13 abandonment, where extraordinary circumstances are found to exist.

14 3. In cases where extraordinary circumstances are established pursuant
15 to paragraph two of this subdivision and a final order of guardianship
16 has been issued pursuant to this article based upon a parent being
17 subject to deportation, removal, forced departure, or other comparable
18 circumstances effectuated by federal immigration authorities, or any
19 entity or agent acting on behalf of federal immigration authorities, a
20 parent shall be permitted to seek a modification of any such final order
21 upon their return to New York state. Such a petition may be originated
22 in the county which issued the final order or in the county where the
23 child resides.

24 4. A parent's return to New York state following deportation, removal,
25 forced departure, or other comparable circumstances effectuated by
26 federal immigration authorities, or any entity or agent acting on behalf
27 of federal immigration authorities, shall constitute a substantial
28 change of circumstances sufficient to seek a modification of a final
29 order issued pursuant to this article.

30 § 2. This act shall take effect immediately.