

STATE OF NEW YORK

1650

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. FERNANDEZ -- 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, the executive law, and the public health law, in relation to providing for supports and services for unaccompanied minors with no lawful immigration status

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

Section 1. Section 2 of the social services law is amended by adding a new subdivision 41 to read as follows:

41. "Unaccompanied minor" shall mean a child who, prior to release to a New York resident sponsor, was in the custody of the federal office of refugee resettlement and:

(a) has no lawful immigration status in the United States;

(b) had not attained eighteen years of age prior to being taken into federal custody; and

(c) was not accompanied by a parent or legal guardian upon entry to the United States or was accompanied by a parent or legal guardian but subsequently separated from that parent or legal guardian upon entry to the United States.

§ 2. Article 5 of the social services law is amended by adding a new title 12-B to read as follows:

TITLE 12-B

SUPPORTS AND SERVICES FOR UNACCOMPANIED MINORS

Section 370-f. Supports and services for unaccompanied minors.

370-g. Informational materials.

§ 370-f. Supports and services for unaccompanied minors. 1. Unaccompanied minors, as defined under section two of this chapter, shall be eligible for a range of appropriate services and supports, which shall be beneficial to the health, safety, and well-being of such minors. Such services shall include, but not be limited to: health and behavioral health services covered under paragraph (k) of subdivision two of

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

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section twenty-five hundred eleven of the public health law; individual counseling sessions with social workers; legal services provided under section three hundred ninety-three-a of this chapter, which shall include culturally and linguistically appropriate services provided by attorneys, interpreters, and other support staff for representation in state court proceedings, federal immigration proceedings, and any appeals arising from such proceedings; language services; employment assistance; bilingual support groups; and assistance with educational rights and enrollment in public schools. Such support and services shall not be deemed public benefits that would affect an unaccompanied minor's immigration status under 8 USC 1182, as amended, and any regulations promulgated thereunder.

2. Such services and supports shall be identified by an immigration services liaison under section ninety-four-b of the executive law, which shall, to the extent practicable, connect each unaccompanied minor with resources in order to access such supports and services identified in subdivision one of this section. The immigration services liaison shall connect with unaccompanied minors prior to release to a sponsor determined to be appropriate by the federal office of refugee resettlement, to the extent practicable, but no later than upon referral pursuant to section three hundred seventy-four-g or three hundred ninety-three-b of this chapter.

3. Any individual or program providing such services and supports or otherwise providing assistance to the unaccompanied minor shall ensure they receive trauma informed training as well as training on how to identify and appropriately react to unaccompanied minors who may have experienced adverse childhood experiences. In addition, any services, supports or assistance shall be provided in a culturally competent manner.

§ 370-g. Informational materials. 1. The office of children and family services, in consultation with the office of mental health and the office for new Americans, shall develop informational materials for authorized agencies, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this chapter and out of state care providers. Such informational materials shall include contact information for immigration services liaisons, as well as a general description of the benefits unaccompanied minors as defined in section two of this chapter are eligible for, pursuant to subdivision one of section three hundred seventy-f of this title.

2. The informational materials shall be made available in English and the six most common non-English languages spoken by individuals with limited-English proficiency in the state of New York, based on United States census data, and shall be published on the office of children and family services, the office of mental health and the office for new Americans' websites.

§ 3. The social services law is amended by adding a new section 393-a to read as follows:

§ 393-a. Legal representation of unaccompanied minors. 1. An unaccompanied minor, as defined in section two of this chapter, or minor in the custody of the federal office of refugee resettlement while in the care of an authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this article, who is present in this state and against whom an immigration proceeding may be or has been commenced shall be entitled to representation by counsel through the completion of such proceeding, including appeals and/or obtaining status and other related assistance, pursuant to section ninety-four-d of the

1 executive law, including interpretation or translation services pursuant
2 to subdivision five of this section.

3 2. Representation and related assistance provided in accordance with
4 this section shall be a state charge, pursuant to section ninety-four-d
5 of the executive law.

6 3. (a) Upon receipt from a federal immigration authority of a civil
7 immigration detainer, or a request for transfer, notification, inter-
8 view, interrogation or other request, an authorized agency, or agent
9 thereof, shall provide to the child, who is the subject of such detainer
10 or request, such child's sponsor, if sponsored, and such child's coun-
11 sel, if represented:

12 (i) notification of such detainer or request;

13 (ii) a copy of such detainer or request;

14 (iii) notice regarding such child's right to counsel pursuant to this
15 section if such child is without counsel at the time of such detainer or
16 request; and

17 (iv) information as to whether or not such agency intends to comply
18 with such detainer or request.

19 (b) If such child is under the age of five at the time such detainer
20 or request is received, such information required pursuant to paragraph
21 (a) of this subdivision shall only be provided to such child's sponsor,
22 if sponsored, and such child's counsel, if represented.

23 4. Notwithstanding the provisions of subdivision one of this section,
24 a child in the care of an authorized agency may request to be inter-
25 viewed by a federal law enforcement agency or an agent thereof only with
26 written authorization by such child's counsel, provided that if such
27 child is not represented and is entitled to counsel pursuant to this
28 section, the child shall be notified of such right and provided a
29 reasonable opportunity to obtain such counsel before any such interview.

30 5. In addition to any other right to the assistance of interpretation
31 or translation services, any foreign-born child, or child not proficient
32 in the English language, to whom inquiry is made pursuant to this
33 section shall be entitled to the assistance of a neutral and qualified
34 interpreter or translator, as the case may be, with respect to such
35 inquiry, provided at no cost or expense to such child.

36 6. This section shall supersede conflicting local laws, rules, poli-
37 cies, procedures and practices, except to the extent that the provisions
38 of any such local law, rule, policy or any such procedure or practice
39 may provide any additional or greater right or protection. Nothing in
40 this section shall prohibit any authorized agency from cooperating with
41 a federal immigration authority to the extent required by federal law.
42 Nothing in this section shall be interpreted or applied so as to create
43 any power, duty or obligation in conflict with federal law.

44 § 4. Paragraphs (m) and (n) of subdivision 5 of section 94-b of the
45 executive law, as added by chapter 206 of the laws of 2014, are amended
46 and a new paragraph (o) is added to read as follows:

47 (m) Encourage and assist local governments in the development of
48 activities to enhance civic engagement among immigrants and in immigrant
49 communities; [and]

50 (n) Beginning in two thousand fifteen, by June fifteenth of each year,
51 produce a report to the governor, the speaker of the assembly, and the
52 temporary president of the senate describing the activities of the
53 office, including but not limited to, summarizing calls received through
54 the hotline and website, information on ESOL training services provided
55 by the office, the number of immigrants assisted through the opportunity

centers, or an estimation thereof, the status of any workforce development programs, and any other relevant information[-]; and

(o) Establish an immigration services liaison to assist unaccompanied minors as defined in section two of the social services law, in order to access appropriate supports and services for such minors. The office may work in conjunction with the office of temporary and disability assistance, the office of children and family services and the office of mental health in order to effectuate their duties under this provision.

§ 5. Paragraphs (o) and (p) of subdivision 5 of section 94-b of the executive law, as added by chapter 625 of the laws of 2024, are amended and a new paragraph (q) is added to read as follows:

(o) Encourage the development of and provide for the establishment of a state military immigrant family legacy program liaison, as provided in section twenty-nine-b of the veterans' services law; [and]

(p) Request individuals seeking assistance from the office answer the following questions: "Have you served in the United States military?" "Has someone in your family served in the United States military?" Individuals identifying themselves or a family member as "intended recipients" of the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program as such term is defined in paragraph (e) of subdivision one of section twenty-nine-b of the veterans' services law, shall be advised of such program. In addition, such individuals shall be informed that the department of veterans' services and local veterans' service agencies established pursuant to section seventeen of the veterans' services law provide assistance to uniformed service members, veterans and their families regarding benefits available under federal and state law. Information regarding veterans and military status provided by assisted individuals shall be protected as personal confidential material, and used only to identify such individuals as "intended recipients" of the staff sergeant Alex R. Jimenez New York State military immigrant family legacy program, and to assist such individuals in matters relating to immigration status and citizenship, and in referring such individuals to the department of veterans' services or local veterans' service agencies for information and assistance with regard to benefits and entitlements under federal and state law[-]; and

(q) Establish an immigration services liaison to assist unaccompanied minors as defined in section two of the social services law, in order to access appropriate supports and services for such minors. The office may work in conjunction with the office of temporary and disability assistance, the office of children and family services and the office of mental health in order to effectuate their duties under this provision.

§ 6. The social services law is amended by adding a new section 374-g to read as follows:

§ 374-g. Unaccompanied minors released by authorized agencies. 1. Every authorized agency as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this title, that releases an unaccompanied minor, as defined in section two of this chapter, in New York to a sponsor that is a New York resident, and deemed to be appropriate by the federal office of refugee resettlement, shall provide the unaccompanied minor and their sponsor with: (a) direct referrals to immigration services liaisons under section ninety-four-b of the executive law; (b) informational materials developed by the office of children and family services, informing them of available supports and services the unaccompanied minor is eligible for upon release into New York as defined in section three hundred seventy-f of this chapter; and

(c) notification of such minor's right to counsel under section three hundred ninety-four of this title.

2. Such informational materials shall be provided to both the unaccompanied minor and the sponsor, unless such unaccompanied minor is under the age of five, in which case such informational materials may be provided solely to the sponsor.

§ 7. The social services law is amended by adding a new section 393-b to read as follows:

§ 393-b. Unaccompanied minors released by out of state care providers.

1. Every out of state care provider that releases an unaccompanied minor, as defined in section two of this chapter, in New York to a sponsor that is a New York resident, and deemed to be appropriate by the federal office of refugee resettlement, shall provide the unaccompanied minor and their sponsor with: (a) direct referrals to an immigration services liaison under section ninety-four-b of the executive law; (b) informational materials developed by the office of children and family services, informing them of available supports and services the unaccompanied minor is eligible for upon release into New York as defined in section three hundred seventy-f of this chapter; and (c) notification of such minor's right to counsel under section three hundred ninety-three-a of this title.

2. Such informational materials shall be provided to both the unaccompanied minor and the sponsor, unless such unaccompanied minor is under the age of five, in which case such informational materials may be provided solely to the sponsor.

§ 8. Subdivision 2 of section 2511 of the public health law is amended by adding a new paragraph (k) to read as follows:

(k) Where an applicant for a subsidy payment pursuant to subdivision three of this section is an unaccompanied minor as defined in section two of the social services law, such unaccompanied minor shall be eligible for such subsidy.

§ 9. Subdivision 7 of section 2510 of the public health law, as amended by section 1 of part DDD of chapter 56 of the laws of 2022, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; inpatient health care services; laboratory tests; diagnostic x-rays; prescription and non-prescription drugs, ostomy and other medical supplies and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; outpatient blood clotting factor products and other treatments and services furnished in connection with the care of hemophilia and other blood clotting protein deficiencies; emergency room services; ambulance services; hospice services; emergency, preventive and routine dental care, including orthodontia but excluding cosmetic surgery; emergency, preventive and routine vision care, including eyeglasses; speech and hearing services; inpatient and outpatient mental health, alcohol and substance abuse services, including children and family treatment and support services, children's home and community based services, assertive community treatment services and residential rehabilitation for youth services which shall be reimbursed in accordance with the ambulatory patient group (APG) rate-setting methodology as utilized by the department of health, the office of addiction services and supports, or the office of mental health for rate-setting purposes or any such other fees established pursuant to article forty-three of

1 the mental hygiene law; and health-related services provided by volun-
2 tary foster care agency health facilities licensed pursuant to article
3 twenty-nine-I of this chapter; as defined by the commissioner. For unac-
4 companied minors, as such term is defined by section two of the social
5 services law, covered health care services shall also include: (a) chil-
6 dren's mental health rehabilitation services including, but not limited
7 to, those added to the Medicaid state plan in January of two thousand
8 nineteen, other licensed practitioner services, community psychiatric
9 support and treatment services, and psychosocial rehabilitation
10 services, assuming such children's mental health rehabilitation services
11 are provided by individuals acting within their lawful scope of practice
12 as established under the education law; and (b) trauma informed care
13 that includes the identification of and appropriate reaction and treat-
14 ment to adverse childhood experiences. "Covered health care services"
15 shall not include drugs, procedures and supplies for the treatment of
16 erectile dysfunction when provided to, or prescribed for use by, a
17 person who is required to register as a sex offender pursuant to article
18 six-C of the correction law, provided that any denial of coverage of
19 such drugs, procedures or supplies shall provide the patient with the
20 means of obtaining additional information concerning both the denial and
21 the means of challenging such denial.

22 § 10. The executive law is amended by adding a new section 94-e to
23 read as follows:

24 § 94-e. Representation for unaccompanied minors. 1. The office for new
25 Americans, in consultation with the office of court administration and
26 indigent legal services, shall be responsible for facilitating access to
27 representation and related assistance in immigration-related matters
28 provided pursuant to section three hundred ninety-three-a of the social
29 services law. Any services provided shall be compensated in accordance
30 with this section. The office may enter into an agreement with a legal
31 aid society or other not-for-profit organization with appropriate exper-
32 tise and experience in immigration-related matters for the society or
33 organization to provide such representation and related services. The
34 agreement shall be in a form approved by the director of the office for
35 new Americans and shall provide a general plan for a program of services
36 to be provided by such society or organization.

37 2. All expenses for services provided under this section shall be a
38 state charge to be paid out of funds appropriated to the office for that
39 purpose. Counsel utilized hereunder shall receive compensation at an
40 hourly rate for time expended in court and for time reasonably expended
41 out of court, and shall receive payment for expenses reasonably
42 incurred. The director of the office for new Americans shall establish
43 rules and regulations regarding reasonable compensation and reimburse-
44 ment for other services provided. No counsel or other service provider
45 utilized pursuant to this section shall seek or accept any fee for
46 representing such person.

47 § 11. Severability. If any clause, sentence, paragraph, section or
48 part of this act shall be adjudged by any court of competent jurisdic-
49 tion to be invalid and after exhaustion of all further judicial review,
50 the judgment shall not affect, impair or invalidate the remainder there-
51 of, but shall be confined in its operation to the clause, sentence,
52 paragraph, section or part of this act directly involved in the contro-
53 versy in which the judgment shall have been rendered.

54 § 12. This act shall take effect immediately; provided, however,
55 sections one, two, four, six, seven, eight, nine, and ten of this act
56 shall take effect on the sixtieth day after it shall have become a law;

1 and provided, further, that section five of this act shall take effect
2 on the same date and in the same manner as section 4 of chapter 625 of
3 the laws of 2024, takes effect.