# STATE OF NEW YORK

8854

# IN SENATE

January 9, 2026

Introduced by Sen. RAMOS -- 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 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 Assembly, do enact as follows:**

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

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

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

**(i) The office of court administration shall revise any special findings order or form used by the family court in proceedings involving findings related to the care, custody, guardianship, or best interests of a minor or infant, including but not limited to findings made pursuant to federal immigration law, to include:**

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

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(A) A specific option allowing the court to indicate that reunification with one or both parents is not viable due to extraordinary circumstances; and

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

(ii) Nothing in this paragraph shall be construed to limit the authority of the family court to make findings of abuse, neglect, or abandonment, nor shall this paragraph require a finding of abuse, neglect, or abandonment, where extraordinary circumstances are found to exist.

§ 2. This act shall take effect immediately.