

Memorandum Urging Approval

COMMITTEE ON CHILDREN AND THE LAW

Children #11-GOV

August 8, 2016

S.6859

By: Senator Avella

A.9759

By: M. of A. Buchwald

Senate Committee: Children and Families

Assembly Committee: Codes

Effective Date: 90th day after it shall have become a law

AN ACT to amend the family court act and the social services law, in relation to contact by siblings in child protective, permanency and termination of parental rights proceedings

LAW AND SECTIONS REFERRED TO: Sections 1027-a, 1055 & 1089 of the family court act and section 384-b of the social services law.

THE COMMITTEE ON CHILDREN AND THE LAW STRONGLY SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL

This bill would amend Family Court Act (FCA) §§ 1027-a and 1055 pertaining to placement of siblings to provide a requirement for appropriate and regular sibling visitation when a determination is made not to place a sibling group together and to establish standing for a child to file a petition or move for an order regarding placement or contact with their sibling on notice to the respondent in the proceeding, the local social services official having the care of the child, other persons having care, custody and control of the child, the parents or other persons having care, custody and control of the sibling to be visited or with whom contact is sought, any non-respondent parent in the proceeding under this article; the sibling himself or herself if ten years of age or older and the sibling's attorney, if any.

The term “siblings” is defined to include half-siblings and those who would be deemed siblings or half-siblings but for the termination of parental rights or death of a parent.

Additionally, the bill would amend Social Services Law (SSL) §384-b make clear that the right to contact with a sibling is not terminated with the termination of a parent's right.

Removal from home and placement into foster care is traumatic for children. Placement with siblings provides some ongoing normalcy for children by maintaining these important attachments. When that cannot happen, children often worry about how a sibling is faring and miss daily contact. It is crucial that regular visiting happen between siblings placed apart in foster care. The bill strengthens existing requirements regarding visitation and ensures an avenue for redress if the visits are not occurring.

Equally as important, the bill makes clear that a termination of parental rights does not also terminate an existing visitation order between siblings. Oftentimes in foster care, the younger children in a sibling group are adopted separately. This in itself is heartbreaking for an older sibling. Losing all contact with a younger brother or sister compounds the devastation. The clarification is necessary to keep those vital, lifelong bonds intact.

Based on the foregoing, the Committee on Children and the Law **SUPPORTS** this legislation and urges its **APPROVAL** by the Governor.

Betsy Ruslander, Chair
Committee on Children and the Law

Kathleen DeCataldo, Chair
Legislative Subcommittee