

## Memorandum Urging Approval COMMITTEE ON CHILDREN AND THE LAW

Children # 13 -GOV

September 17, 2018

S. 5714  
A. 7557

By: Senator Avella  
By: M. of A. Davila  
Senate Committee: Children and Families  
Assembly Committee: Children and Families  
Effective Date: Ninety days after becoming  
law

**AN ACT** to amend the Family Court Act, in relation to truancy allegations in persons in need of supervision and child protective proceedings in Family Court.

**LAW AND SECTIONS REFERRED TO:** Sections 735, 736, 742, 1012, 1031, & 1035 of the Family Court Act.

### **THE COMMITTEE ON CHILDREN AND THE LAW STRONGLY SUPPORTS THIS BILL AND URGES APPROVAL**

In many respects, this bill represents a desirable and necessary sequel to the 2005 enactment of the Person In Need of Supervision (PINS) diversion act, which requires that local school and social services authorities engage in concerted efforts to resolve a youngster's truancy as a pre-condition to filing a petition in Family Court. The 2005 Act has been successful in resolving potential cases, assisting truant youths, and serving families. Lengthy, traumatic and costly adversarial litigation in Family Court has been largely averted; see the Vera Institute report "Rethinking Educational Neglect for Teenagers: New Strategies for New York State (Nov. 2009).

The 2005 act is nevertheless incomplete. Specifically, it does not encompass truancy petitions filed by parents as opposed to school authorities. Further, the current act does not mandate involvement by educational and social service officials in cases where the parent or parents are charged with educational neglect. This bill would remedy both, probably, unintended gaps in the 2005 act. The bill would particularly benefit New York City children and families. (New York City educational officials unfortunately rely on the parents of truant students to prosecute their own children).

Last, the bill would provide relief to the court system by diverting truancy cases and minimizing the need to file educational neglect cases by social services officials. Of greater significance, this legislation would greatly benefit children throughout New York State.

Accordingly, the Committee on Children and the Law strongly urges the Governor to approve the bill.