

Memorandum Urging Approval

COMMITTEE ON CHILDREN AND THE LAW

Children #25-GOV

August 24, 2020

S. 8834

By: Senator Montgomery

A. 10581-B

By: M. of A. Wright

Senate Committee: Rules

Assembly Committee: Rules

Effective Date: Immediately.

AN ACT to amend the family court act, in relation to the placement of a former foster care youth during a certain state of emergency.

LAW AND SECTIONS REFERRED TO: Section 1055 of the family court act.

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

The Committee on Children and the Law urges Governor Cuomo to sign S8834/A10581-B into law, in order to protect the safety of youth who are in need of foster care services during New York's State of Emergency.

Youth who leave foster care to live on their own are among the most vulnerable in our state; and, unfortunately, that vulnerability is magnified during this crisis. In the best of times, these youth are overrepresented among the population of homeless and unemployed young adults in New York. Recognizing the struggles faced by youth who leave care prematurely, Family Court Act § 1091 allows youth who have no other alternative to seek judicial approval to return to foster care.

Because access to New York's family courts has been restricted by the pandemic, and there are delays in matters being heard by the courts, this legislation provides an important safety net for youth who have prematurely left foster care. This bill allows those youth to return to placement pending judicial approval, so that they can obtain placement and services while waiting for their application to be heard by the court.

Continuing foster care in these circumstances will not have an untenable fiscal impact. Youth who leave foster care prematurely during the pandemic are more likely to need and receive costly services from other state-funded government support systems for longer periods of time - including the public assistance and shelter systems. Investing in foster care for them until they are able to obtain permanent housing and a stable source of income makes sound fiscal sense.

At a time when young people are returning to the homes of their parents all over the country, we ask that the state consider the plight of youth who do not have that option. The state stepped in and took over for their parents because the youth were abused or neglected and their parents could not provide a safe home for them. The state needs to keep its doors open to these youth during this crisis.

Based on the forgoing, the NYSBA's Committee on Children and the Law **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL** by the Governor.