

## Memorandum Urging Approval

NYSBA #20 - GOV

July 24, 2019

S. 5024-A  
A. 2106-A

By: Senator Parker  
By: M. or A. Kim  
Senate Committee: Children and Families  
Assembly Committee: Children and Families  
Effective Date: 90<sup>th</sup> day after it shall have  
become a law

**AN ACT** to amend the social services law, in relation to enacting the New York State Reuniting Families Act.

**LAW & SECTION REFERRED TO:** Section 384-b of the social services law.

### **THE NEW YORK STATE BAR ASSOCIATION SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL**

The New York State Bar Association supports this bill, which would amend section 384-b of the Social Service law prioritizes keeping children with their families and out of the public welfare system whenever possible and ensures that separated immigrant families receive appropriate care and due process.

#### **BACKGROUND**

In 2015, more than 4.5 million foreign-born immigrants comprised 22.9 percent of New York's population. Recent immigration enforcement actions by the federal government have separated immigrant families across the State with immigrant children of detained parents being placed in the foster care system. It is extremely difficult for immigrant parents in detention to navigate the foster care system and satisfy the requirements to reunite with their children, risking a termination of parental rights and the possibility of a permanent separation of the family.

#### **ANALYSIS**

A mandatory petition to terminate parental rights is automatically filed after a child has been in foster care for 15 of the most recent 22 months unless certain exceptions exist. The amendment to section 34-b of the Social Service law would recognize an exception if the parent of the child is held in immigration detention or an immigration removal proceeding, subject to several other considerations. This provision reflects the hard reality of immigration detention, with many immigrants held for indefinite terms and

without easy access to an attorney – let alone the means to navigate the foster care system. The bill would allow help preserve families cruelly torn apart by the immigration enforcement actions of the federal government, help to reunite parents with their children, and safeguard the right to due process of law and access to justice that New York State owes to its thousands of immigrant families.

## **CONCLUSION**

Based on the foregoing, the New York State Bar Association **SUPPORTS** this legislation and **URGES ITS APPROVAL** by the Governor.