



November 14, 2023

The Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

*Re: AN ACT to amend the family court act, in relation to expungement of records in persons in need of supervision cases in the family court (A6544/S7444)*

Dear Governor Hochul:

The New York State Bar Association Committee on Children and the Law urges you to sign the above-referenced legislation into law.

Persons in Need of Supervision (PINS) proceedings are used to address non-criminal behaviors, such as refusal to attend school regularly, failure to comply with curfew, and non-compliance with the rules set by their parents. The vast majority of families who seek assistance pursuant to the PINS statute do not have the resources to obtain the services and supports that can help address the concerning behaviors – family therapy, access to high quality after school programming, educational assessments and tutoring to help address educational anxiety. These families come to court seeking help for their children – not to stigmatize them. It is not surprising, then, that in most cases, the family is connected with appropriate services and the matter resolved before the family ever appears before a judge.

This bill would amend the Family Court Act to provide for the automatic sealing or expungement of records pertaining to children who are the subject PINS proceedings in appropriate circumstances. The protections provided by this bill are similar to the protections given to children who are the subject of delinquency proceedings under Family Court Act Art. 3 and voluntary placement proceedings pursuant to Social Services Law § 358-a, which are shielded from disclosure pursuant to Social Services Law § 372. By assuring parents that their child will not experience collateral consequences of a PINS petition, this bill may encourage parents to seek help and assistance through the PINS procedure.

In addition, PINS petitions filed against children fall disproportionately on Black and Latine young people. In 2021, 100 percent of children involved in PINS Pre-Dispositional Placements in New York City and 89 percent of children statewide were children of color.<sup>1</sup> This is consistent with the racial disproportionality seen throughout the juvenile legal system in New York State. Black youth constitute a much larger proportion of arrests and probation intakes than their percentage of the

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<sup>1</sup> 2021 Data prepared by OCFS Bureau of Research, Evaluation, and Performance Analytics, 02/16/2022.

general population, and across NYS's confinement settings the majority of youth are Black or Hispanic.<sup>2</sup> PINS filings similarly disproportionately affect families of color.

The Committee on Children and the Law supports this bill because it protects children from collateral consequences related to allegations of youthful misbehavior – particularly when those allegations are unproven and when they are successfully addressed/resolved. In so doing, it provides parity with the treatment of records regarding other allegations of misbehavior, as well as reflects the rehabilitative purpose of the Family Court Act.

Based on the foregoing, the Committee on Children and the Law supports the enactment of this legislation and urges you to sign A6544/S7444. If you have any questions or seek further information, please contact NYSBA's General Counsel, David Miranda, at dmiranda@nysba.org or 518-487-5524.

Respectfully,

The Committee on Children and the Law

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<sup>2</sup> New York State Raise the Age Implementation Task Force, Final Report, p.6 (2020.)