



## Memorandum in Support

March 23, 2026

A. 8272

By: M. of A. Davila

Assembly Committee: Children and Families

Effective Date: 90<sup>th</sup> day after enactment

**AN ACT** to amend the family court act, in relation to representation of adults and children in family court proceedings; and to amend the social services law, in relation to access by attorneys for adults and children to records of the statewide registry of child abuse and maltreatment

**LAW AND SECTIONS REFERRED TO:** Amends Sections 261, 262 and 1094 of the Family Court Act, adds Section 1016-a of the Family Court Act and amends Section 422 of the Social Services Law

### **THE NEW YORK STATE BAR ASSOCIATION SUPPORTS THIS LEGISLATION**

The New York State Bar Association's 2022 [Committee on Families and the Law's Report and Recommendations on Racial Justice and Child Welfare](#) provided a number of recommendations in relation to reforming the child welfare system with a particular look at the structural racism that exists within the system.<sup>1</sup> An important component of this reform is to ensure timely representation for children and families, particularly in matters involving the potential of family separation.

In her 2018 State of Our Judiciary address, Chief Judge Janet DiFiore announced the creation of the Unified Court System's Commission on Parental Legal Representation. In creating this Commission, Chief Judge DiFiore emphasized that the court system is focused on supporting the well-being of children by supporting the legal needs of their parents. The Commission's mandate was "to examine the current state of representation for indigent parents in constitutionally and statutorily mandated family-related matters, and to develop a plan to ensure the future delivery of quality, cost-effective parental representation across the state."<sup>2</sup>

NYSBA's 2022 Report by the Committee on Families and the Law supports advocating for the reforms proposed by the Commission on Parental Legal Representation including early representation to provide free parental and child legal services when a child protective investigation begins and ahead of hearings to determine imminent risk leading to family separation; presumed financial eligibility of parental respondents in Article 10 cases; continued support of pre-petition assignment of counsel pursuant to FCA § 262 at all stages of the proceedings when separation is at issue and assignment of counsel to a child as soon as a voluntary petition is signed by their parent.

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<sup>1</sup> [Committee-on-Families-and-the-Law-April-2022-approved.pdf](#)

<sup>2</sup> Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (Feb. 2019), [http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR\\_Commission-Report.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf) (Interim Report).

This legislation will facilitate early access to counsel by amending the Family Court Act to ensure that: (a) determinations of financial eligibility for assigned counsel are made in accordance with the Family Court rules; and (b) pre-petition representation in child protective and destitute minor proceedings is considered part of the legal representation to which parents are entitled and is eligible for compensation under County Law § 18-b. Additionally, the bill amends Social Services Law § 422 to ensure that prospective attorneys for both parents and children have access to reports made to the Statewide Central Register of Child Abuse and Maltreatment, which will facilitate timely representation both to parents and their children even before a Family Court child protective petition has been filed.

Quality, and timely, legal representation for parents and children can be expected to have valuable effects on the experiences and outcomes of impacted families, including keeping children safely with their families; reducing the time children spend in foster care; and ensuring access to individualized, culturally appropriate, and supportive services and resources.

For the foregoing reasons, and the attached report, the New York State Bar Association supports A.8272.