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**\*\*\*For Immediate Release\*\*\***

## ***Children, Family Advocates Urge Governor Hochul to Sign the Preserving Family Bonds Act***

*Legislation to Allow for Open Adoptions from Foster System Passed Both Houses of Legislature*

(NEW YORK, NY) – A broad coalition of legal services providers and non-profit organizations that work with foster system-involved children and families sent a [letter urging](#) Governor Kathy Hochul to sign the Preserving Family Bonds Act ([A6700/S6357](#) - Joyner/Savino). The bill passed both houses of the New York State legislature in June.

The letter states:

*“Research shows that children benefit from strong, healthy family bonds, including continued contact with their birth families after they have been adopted. The Preserving Family Bonds Act gives Family Court judges the discretion to order continued visitation and/or contact between children and their families of origin after a parent’s rights are terminated if it is truly in the best interest of the children to stay connected with their families, and it permits judges to direct contact that is safe and appropriate based on the circumstances of the individual case.”*

Client letter 1 to Gov. Hochul: <https://tinyurl.com/4dtxyvw9>

Client letter 2 to Gov. Hochul: <https://tinyurl.com/3ct6sexb>

Client letter 3 to Gov. Hochul: <https://tinyurl.com/2p9dv2y2>

“The Preserving Family Bonds Act would provide help that some children in foster care so desperately want -- the ability to maintain some contact with their families after the termination of parental rights” said **Dawne A. Mitchell, Attorney-in-Charge of The Legal Aid Society, Juvenile Rights Practice**. “We know that giving Family Court judges the discretion to order continuing contact works, because judges in parts of New York State did it for years without grave consequences. Our young clients should be entitled to a hearing when they wish to continue contact with family, and that is what this bill gives them. It allows all parties a chance to be heard and would not allow the court to order contact over a reasonable objection or if it is not in the child’s best interest. Governor Hochul should not let another day go by without signing this critical legislation into law.”

“As attorneys and advocates who have worked with thousands of families involved in the family regulation system, we see how traumatic the permanent severing of familial bonds is for children and families,” said **Nila Natarajan, Supervising Attorney & Policy Counsel, Family Defense Practice, Brooklyn Defender Services**. “We know that research shows that openness in adoptions is beneficial for children. Yet, current law requires families to choose between fighting against the termination of parental rights and the ability to maintain these bonds. The Preserving Family Bonds Act recognizes the importance of maintaining critical family ties for children in the foster system. We urge Governor Hochul to sign this vital legislation into law.”

“As attorneys who represent children, we have witnessed the damage that can be wrought by failing to consider the individual circumstances of each child when severing all contact with biological parents following an

adoption,” said **Karen Freedman, Executive Director of Lawyers For Children**. “This law does not infringe upon the rights of adoptive parents, but gives judges a tool to help ensure that contact continues only when and if it would be in the best interests of the child. A judge’s ability to continue post-adoption contact would be used in the rare circumstance when the judge finds that an adoptive parent’s failure to consent is not reasonable. This legislation will be crucial to ensure the emotional well-being of children who are adopted out of foster care.”

“The social science is clear that following adoption, children benefit from having more, not fewer loving relationships in their lives,” said **Chris Gottlieb, Co-Director, NYU School of Law Family Defense Clinic**. “All children deserve to know where they come from and to stay connected to family whenever possible. We urge Governor Hochul to sign Preserving Family Bonds -- a common sense measure that will allow judges to do what’s best for children.”

“Preserving Family Bonds is essential legislation that Governor Hochul must sign into law. Social science research and common sense tell us that completely severing the relationship between a parent and a child only complicates the experience of adopted children,” said **Zainab Akbar, Managing Attorney of the Family Defense Practice at Neighborhood Defender Service of Harlem**. “The bond between parent and child is eternal and should be preserved where it is safe to do so, even if a parent cannot be the primary caretaker. New York law leads the nation in providing due process protections to families when children are sent to the foster care system; Preserving Family Bonds would extend those essential protections to families in the adoption process.”

“We call on Governor Hochul to sign the Preserving Family Bonds Act,” said **Susan C. Bryant Executive Director, New York State Defenders Association**. “This legislation will finally give judges the discretion to allow children to have contact with their biological parents and siblings after a parent’s rights are terminated, if the court determines it to be in the best interest of the children. It is long past time that the laws of New York recognize that children benefit from strong, healthy family bonds, including continued contact with their birth families after they have been adopted.”

“Research is clear that children benefit from strong family bonds and a relationship with their biological parents after adoption,” said **Jennifer Feinberg, Litigation Supervisor with The Center for Family Representation**. “It’s time to enact the Preserving Family Bonds Act (PFB) and allow children adopted out of foster care the benefit of those enduring bonds, a benefit that’s currently denied children if their biological parent chooses to exercise their constitutional right to fight against the termination of their parental rights. PFB will allow courts to maintain family bonds by ordering ongoing visitation and contact between children and their biological parents after a termination when it is in the best interest of the child. This important bill will allow courts to make decisions that make sense for each family and child and which will improve outcomes for foster children across New York State.”

“We urge the Governor to sign S6357/A6700, which is a critical step towards preserving the family bonds that are best for children, families, and communities,” said **Jessica Prince, Policy Counsel to the Family Defense Practice at The Bronx Defenders**. “This legislation will give adopted children the chance to maintain connections with their parents and siblings. It will empower courts to give children the best chance at adjusting to their adopted families and at developing a strong sense of self by maintaining a connection with their family of origin when the court determines that it is in their best interest.”

“The termination of rights is the death sentence of the family court process--TPR’s kill all legal relationships and prohibit a young person’s ability to get vital information from their families. This can even limit the chances a person has to survive a medical crisis,” said **Joyce McMillan Executive Director, JMacForFamilies**. “Instead the Preserving Family Bonds Act would allow the law to match the experience of parents whose biological connection to their children never fades. When parents and their children want to maintain a relationship, and that relationship is in the child’s best interests, courts should allow that to happen. Open adoptions make families stronger.”

Signatories include:

The Bronx Defenders  
Brooklyn Defender Services  
Center for Family Representation  
Families, Fathers & Children  
Lawyers For Children  
Legal Aid Bureau of Buffalo, Inc., Attorneys for Children Unit  
The Legal Aid Society, Juvenile Rights Practice  
The Legal Aid Society of Rochester, Inc., Juvenile Justice Program  
Legal Aid Society of Suffolk County, Inc., Children's Law Bureau  
Monroe County Public Defender's Office  
Neighborhood Defender Service of Harlem  
New York State Council of Churches  
New York State Defenders Association  
NY Adoptee Equality  
NYU School of Law Family Defense Clinic  
RISE

**Background:**

The Preserving Family Bonds Act provides Family Court judges with discretion to order continued visitation and/or contact between children and their families of origin after a parent's rights are terminated, and recognizes the value that post-termination contact has for many children and their families of origin.

The Act was vetoed by Governor Cuomo in 2019. The bill language passed by the Legislature this year addresses the concerns raised by Governor Cuomo in his veto message.

The current law in New York allows open adoption and post-termination contact when parents voluntarily surrender their parental rights, but deprives courts of the authority to allow for contact between children and their biological parents after a parent's rights have been involuntarily terminated.

Most children placed in foster care have significant ties to their biological families. Even some children who enter foster care at birth and are ultimately adopted will have had regular contact with their biological families for a lengthy time period, even years, and developed strong bonds with them prior to termination of parental rights.

A growing body of research shows that retaining contact with biological family members may be in the child's best interest. Even when a biological parent is unable to care for their child, post-termination contact allows the child to retain a relationship with his or her family, and allows a biological parent to play a positive role in the child's life. It can help a child develop a more secure sense of self by offering them the ability to better understand their biological family and what led to the termination of their legal relationship.

The Act is consistent with the federal government's latest guidance regarding state efforts to obtain permanency for children in foster care, issued in January 2021, which placed significant emphasis on the importance of maintaining children's ties to their families and communities of origin. The guidance made clear that in the vast majority of families, "adoption should be viewed as an opportunity to expand a child's experience of family rather than replace their previous family," and that children's relationships with their biological parents, siblings, and extended family members should continue even after termination of parental rights and adoption.

The Preserving Family Bonds Act will allow New York law to better address the realities and needs of families involved in the foster care system, and will allow family courts to tailor dispositional orders in termination of parental rights proceedings to meet the needs and best interests of children.