

# THE LEGAL AID SOCIETY

Justice in Every Borough.

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

## *After Legislature Transmits the Preserving Family Bonds Act to Hochul for Consideration, Legal Aid Calls on Governor to Sign ASAP*

(NEW YORK, NY) – **The Legal Aid Society**, in response to the New York State Legislature’s transmission of the Preserving Family Bonds Act ([A6700/S6357](#)) to Governor Kathy Hochul for consideration, called on the Governor to immediately sign it into law. Last week, a broad coalition of legal services providers and non-profit organizations that work with foster care system-involved children and families sent a [letter urging](#) Governor Kathy Hochul to enact the legislation without delay.

“The Preserving Family Bonds Act would give children in foster care the opportunity to maintain contact with family members after the termination of parental rights, when a judge determines it is in their best interest,” said **Dawne A. Mitchell, Attorney-in-Charge of The Legal Aid Society, Juvenile Rights Practice**. “Giving judges this important discretion will go a long way toward ensuring the well being of many children in foster care. This legislation was amended to address issues raised by the previous Administration and ensures that contact would continue only in appropriate cases. As such, Governor Hochul should sign this legislation into law.”

### **Background:**

The Preserving Family Bonds Act provides Family Court judges with discretion to order continued visitation and/or contact between children and their families 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. 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 can allow the child to retain a beneficial relationship with his or her family. It can also 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.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*