

THE LEGAL AID SOCIETY

Justice in Every Borough.

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Legal Aid Lauds Passage of Bill to Preserve Bonds Between Children and Families, Calls on Governor Hochul to Sign Immediately into Law

(NEW YORK, NY) — Dawne Mitchell, chief attorney of the Juvenile Rights Practice at The Legal Aid Society, issued the following statement in response to New York State legislators passing the Preserving Family Bonds Act ([S6720/A5394](#)), legislation that would provide Family Court judges with discretion to order continued contact between children and their families of origin after a parent’s rights are involuntarily terminated when it is in the child’s best interest to do so:

“A legal termination of parental rights does not cut off a child’s emotional connection to family, and research shows that nurturing those bonds actually helps ensure the stability of an adoptive family. The Preserving Family Bonds Act will give Family Court judges the discretion to order ongoing contact after a termination of parental rights when it is in the child’s best interest. We thank Senator Brisport and Assembly Member Joyner for sponsoring this important bill and the other members of the Legislature for passing it. We urge Governor Hochul to sign the Preserving Family Bonds Act without delay.”

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 when it is in the child’s best interest. It recognizes the value that post-termination contact can have for many children and their families of origin.

The Act was vetoed by Governor Cuomo in 2019 and by Governor Hochul in 2021. 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.

In 2021, a broad coalition of legal services providers and non-profit organizations that work with children and families involved in the foster care system sent [a letter](#) urging Governor Kathy Hochul to sign the Preserving Family Bonds Act, emphasizing that “research shows that children benefit from strong, healthy family bonds, including continued contact with their birth families after they have been adopted.”

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 court judges to tailor dispositional orders in termination of parental rights proceedings to meet the needs and best interests of children.

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