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*****FOR IMMEDIATE RELEASE*****

Legal Aid Calls on Governor Hochul to Sign the Preserving Family Bonds Act

(NEW YORK, NY) - **The Legal Aid Society** today called on Governor Hochul to sign the Preserving Family Bonds Act ([S6720/A5394](#)), critical 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. Post-termination contact with parents and/or siblings can reduce trauma experienced by many children removed from their families, promote child well-being and enhance the stability of adoptive families.

"This legislation will benefit children and families across New York by allowing for the preservation of the often deep and vital relationship between a child and their parent, even in cases where the parent is deemed unable to care for their child in the long term," said **Dawne Mitchell, chief attorney of the Juvenile Rights Practice at The Legal Aid Society**. "The Preserving Family Bonds Act provides judges with the discretion to make decisions that truly focus on the best interests of the individual child, rather than on severing family ties. Governor Hochul must sign the Preserving Family Bonds Act immediately."

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.

Earlier this month, attorneys for children providers issued a [letter](#) to Governor Hochul's office urging her to sign this critical legislation.

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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