

June 27, 2018

Honorable Andrew Cuomo  
Governor of New York  
Executive Chamber  
State Capitol  
Albany, NY 12224

Re: Support for S.6217A/A.7899A and S.6016A/A.7905A

Dear Governor Cuomo:

We are writing to thank you for signing S.6217A/A.7899A and S.6016A/A.7905A. These two bills provide parents who will be unable to care for their children with important tools to help them arrange care.

S.6016A/A.7905A amends the General Obligation Law §§ 5-1551-55 to extend the period that a parent may designate a person in parental relation from six months to twelve months.

S.6217A/A.7899A amends the Surrogate's Court Procedure Act § 726 to permit parents facing administrative confinement and deportation to appoint a standby guardian.

When parents must temporarily ask kin to provide care, the General Obligation Law permits a **parental designation** of a caregiver who then can make most decisions related to schooling and medical care. Such designations allow a grandparent, other relative, or a close family friend to make routine decisions for children for up to six months. While informal kinship placements have been arranged since time immemorial, since the mid-1990's, states have codified the practice and indicated the writing requirements. In most states, the writings are valid for up to one or two years, but New York's statute previously permitted only six months. This short time limit created unnecessary barriers for caregivers. Moreover, for undocumented parents and parents with Temporary Protective Status who are facing deportations, the designation permits them to select a caregiver whose powers spring up upon deportation. The designations are private writings and do not need court approval, ensuring that many parents who are reluctant to bring attention to their kin, may arrange private care. By extending the designation period to twelve months, the requirement of notarization becomes less onerous, particularly for parents residing outside the United States, who will only need to obtain notarization once per year.

For undocumented families who have citizen children but may not be here legally themselves, the **standby guardianship** procedure serves as a valuable safety and permanency option for their at-risk children. The expansion of this statute to include "administrative separation" offers parents who could be deported with a safe way to plan for the guardianships of children.

SCPA § 1726 was originally enacted by the Legislature at the height of the AIDS crisis. The statute was developed to facilitate the immediate transfer of guardianship powers when parents can foresee their inability to care.

Providing parents and guardians with legal tools to plan for the smooth transition of care in the event of a major life disruption is a crucially important step in ensuring stability in the children's lives. Both bills are expected to be a great help to the immigrant community to plan

for the care of their citizen children as they grapple with the threat of deportation, and will facilitate the kinship community to temporarily arrange care for children. Additionally, both bills decrease the need for foster care.

We thank you for signing both bills into law.

Sincerely,

The NYS Kinship Navigator  
Adoptive and Foster Family Coalition of New York  
Brooklyn Defender Services  
Center for Elder Law & Justice  
Center for Family Representation  
Child Welfare Organizing Project (CWOP)  
Children's Village  
Chinese-American Planning Council  
Citizens' Committee for Children  
Community Maternity Services- Kinship Caregiving Program  
Court Appointed Special Advocates of NYC  
Families Together in New York State  
Graham Windham  
JCCA  
Lawyers For Children  
Leadership Training Institute  
MercyFirst  
Mobilization for Justice, Inc.  
Mothers & Babies Perinatal Network of SCNY  
National Domestic Workers Alliance  
Neighborhood Defender Service of Harlem  
North American Family Institute  
Northern Rivers Family of Services  
NYS Citizen Review Panels for Child Protective Services  
Prevent Child Abuse NY  
Schuyler Center for Analysis & Advocacy  
Sheltering Arms  
The Children's Agenda  
The Children's Law Center  
The Jewish Board of Families & Children's Services  
The Legal Aid Society  
The Neighborhood Center, INC.  
Vanderheyden

Joseph Rosenberg, Professor, CUNY School of Law, Planning with Parents Project

[cuny.is/planningwithparents](http://cuny.is/planningwithparents))

Linda C. Brown, Retired New York State Child Welfare Administrator

cc: Sheila Poole, Acting Commissioner, NYS Office of Children & Family Services  
Alphonso David, Counsel to the Governor  
Kerri Neifeld, Assistant Secretary for Health and Human Services