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Families and Advocates Condemn Governor Hochul's Veto of the Preserving Family Bonds Act

Legislation that Recognizes Importance of Continued Family Ties for Children Adopted from the Foster System Passed Legislature Three Times

(Albany, NY) - A coalition of families impacted by the foster system and advocates for parents and young people, including Lawyers For Children, The Legal Aid Society's Juvenile Rights Practice, Children's Rights, Citizens' Committee for Children of New York, JMacforFamilies, Brooklyn Defenders, The Bronx Defenders, Center for Family Representation, the Neighborhood Defender Service of Harlem, the Children's Law Center, NYCLU, the Office of the Monroe County Public Defender, and the New York State Defenders Association, released the following statement following Governor Hochul's [veto](#) of the [Preserving Family Bonds Act \(A5394 - Joyner / S6720 - Brisport\)](#):

"We are deeply dismayed by Governor Hochul's decision to veto the Preserving Family Bonds Act. Children and families experience significant trauma when their bonds are permanently severed after a termination of parental rights in family court, which disproportionately impacts Black, Latine, and low-income families in New York State. With the Preserving Family Bonds Act, New York had the opportunity to recognize the importance of continued contact for children's psychological development, self-esteem, identity formation, and overall health and well-being.

Despite the Preserving Family Bonds Act's passage by an overwhelming majority in the legislature and its broad support among lived experts and advocates for youth in the foster system and parents alike, as well as foster agencies and NYC's Administration for Children's Services, the Governor has decided to reject this vital bill--and hurt children and families.

Governor Hochul's veto disregards the number of Black, Latine, and indigenous children who are permanently separated from their families of origin as a result of the state's foster system, and their vital need for continued familial and community connection.

On behalf of the many families, youth and other advocates impacted by the foster system who have called for this much-needed change in the law, we will not give up. We look forward to continuing this work and ensuring that the Preserving Family Bonds Act becomes law.”

Background

[The Preserving Family Bonds Act, A5394 \(Joyner\)/ S6720 \(Brisport\)](#)

The Preserving Family Bonds Act (PFB) gives judges discretion to order continued contact between children and their families of origin after termination of parental rights when – and only when – such contact is in the children’s best interests and the adoptive parent is unreasonably refusing to allow it. This bill will allow New York family courts to better address the realities of impacted families and better meet the unique needs of individual children while they navigate this discriminatory system.

The legislation has broad support from advocates for children, child psychologists, young people and parents impacted by this system, parent advocates, foster agencies, and New York City’s Administration for Children’s Services.

For children in the foster system, the right to regular visits with their parents can be a vital source of love, stability, and healing. Studies show that children in the system fare much better when they are able to maintain these familial bonds.

After a child is in the foster system for 15 out of 22 months, the system can move to terminate a parent’s rights, ending the legal relationship between a parent and child. Parents who choose to fight the termination at trial and lose will have their parental rights involuntarily terminated. When rights are terminated, a child immediately loses their right to contact their parent - and under current law, New York judges are not allowed to order contact between a child and their parent after the termination of parental rights - even if this is in the child's best interests. Despite the life-altering impact of these outcomes, a child has no say in these decisions.

Many children who experience termination of parental rights have significant ties to their parents and acutely grieve their loss. Maintaining contact can help mitigate the trauma of separation--improving children’s emotional, behavioral, and relationship outcomes over the long-term and helping maintain their sense of identity, community, and self-worth. The Preserving Family Bonds Act recognizes the importance of openness in adoption and continuing family ties for children who are adopted from the foster system by allowing a judge to order contact between a child and their parent after the termination of parental rights when this is in the best interests of the child and the adoptive parent has unreasonably opposed any continued contact.

The Governor’s veto message contains several misconceptions about the Preserving Family Bonds Act. Notably, the message fails to acknowledge that the Preserving Family Bonds Act addresses

the role foster and adoptive families play in the legal process, which gives them the ability to be heard on what is best for the child in their care. Importantly, the bill also requires the consent of children aged 14 and up who are impacted by the court's decision to terminate a parent's rights when considering whether continued contact is in their best interest. The Governor's veto message also fundamentally misunderstands current legal standards that allow the family court to appropriately intervene and grant visitation to family members in custody disputes when best for children.

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