



For Immediate Release

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Family Advocates Hail Passage of the Preserving Family Bonds Act in Both Houses of New York State Legislature; Urge Governor Hochul to Sign Bill into Law

(Albany, NY) - A coalition of families impacted by the foster system and advocates for parents and young people hail the passage of the [Preserving Family Bonds Act \(A5394 - Joyner / S6720 - Brisport\)](#) in the New York State Legislature. The bill passed in the NYS Assembly on June 21st and in the NYS Senate on May 22nd. The Preserving Family Bonds Coalition urges Governor Hochul to immediately sign the act into law.

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 12 months, the system can move to terminate a parent's rights. The termination of parental rights ends the legal relationship between a parent and child, allowing a child to be adopted without the consent of their parents.

Parents who choose to fight the termination at trial and lose will have their parental rights involuntarily terminated. When rights are terminated, a child may immediately lose 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.

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.

“We are so grateful to Assemblymember Joyner and Senator Brisport for standing behind this bill, and to both houses of the legislature for once again understanding the importance of granting the family court authority to order ongoing contact between children and their biological parents after an adoption in appropriate circumstances,” **said Betsy Kramer, Director of Policy & Special Litigation, Lawyers For Children.** “Children deserve more love, not less. We look forward to working with Governor Hochul and her staff to help them understand how this bill protects the vital interests of children and improves the stability of adoptive placements, without inappropriately infringing on the rights of adoptive parents.”

“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,” **said Dawne Mitchell, chief attorney of The Legal Aid Society, Juvenile Rights Practice.** “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 Assembly Member Joyner and Senator Brisport 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.”

"I support the Preserving Family Bonds Act because my child deserves more love in his life, not less," **said Cassandra Gonzalez, Impacted Parent & Program Support Manager at Rise Magazine.** “Since my parental rights were terminated, I have not been able to speak to my son. I wish he could know that there's not a day that goes by that I don't think about him. I encourage Governor Hochul to sign the Preserving Family Bonds Act into law for families like mine."

“Parents lack resources, not love for their children. The termination of parental rights is most often the result of the criminalization of poverty and the sustained over-policing of a family,” **says Joyce McMillan, Founder and Executive Director of JMACforFamilies.** “For the disproportionately Black, Latine, and low-income children and parents who have been forcibly separated from each other, continued family visits can be vital. We applaud the Legislature for passing this bill—and we urge Governor Hochul to prioritize the well-being of New York children and families by signing the Preserving Family Bonds Act into law.”

“The Preserving Family Bonds Act is a compassionate and common-sense way to mitigate the trauma of involuntary family separation by the family regulation system, helping to provide children with much-needed stability, identity, and community,” **said Jenna Lauter, Equal Justice Works Fellow at the New York Civil Liberties Union.** “We applaud the Legislature in passing this well-crafted measure that will improve outcomes for children, protect the rights of adoptive parents, and improve due process for biological parents facing what amounts to a civil

death penalty when their parental rights are terminated. We encourage Governor Hochul to do right by New York families and swiftly sign this bill into law.”

"As public defenders, we see, day in and day out, the pain and long-lasting trauma that family separation causes," says **Miriam Mack, Policy Director of The Bronx Defenders' Family Defense Practice**. "Most parents whose parental rights are being challenged by the family regulation system have deep, loving relationships and bonds with their children. Yet these bonds, which one would think would weigh heavily in a determination of whether to terminate that parents' rights, are largely ignored. This has led to thousands of Black, Latine, and low-income families being separated, owing to the family policing system's well-documented, deep racial and class biases. It has denied the children of these parents the knowledge that they are loved and of their roots, something that Black and Indigenous communities have been deprived of historically. PFB, if signed into law, would not only begin to make such bonds be recognized and be given due consideration in court, but would help to address and minimize the profoundly harmful and deeply traumatic effects of family separation."

“For years, parents may be visiting with their children two or three times a week. They may have these visits out in the community - at the library, at the park, or in their homes. They may spend birthdays and holidays together. And still, a court can move to terminate their rights,” said **Nila Natarajan, Supervising Attorney & Policy Counsel at Brooklyn Defenders' Family Defense Practice**. “The Preserving Family Bonds Act recognizes how important it is for parents and children to maintain these bonds after a termination of parental rights. We thank Assembly Member Joyner and Senator Brisport for agreeing that children deserve more love in their lives, not less, and urge Governor Hochul to sign this bill into law.”

“The vast majority of children in the foster system were taken from their families because poverty is often mistaken for neglect,” said **Tehra Coles, Executive Director of the Center for Family Representation (CFR)**. “Many of these children – who are disproportionately Black or Brown – have families who love them, visit them regularly, and are fighting for them to return home. The Preserving Family Bonds Act recognizes that severing the bonds between children and their parents after the termination of parental rights can do immeasurable and irreparable harm to families. We urge Governor Hochul to sign this bill into law.”

"Preserving Family Bonds is essential legislation that Governor Hochul must sign into law now that it has passed in the Senate and Assembly," said **Zainab Akbar, managing attorney of the Family Defense Practice at Neighborhood Defender Service of Harlem**. "Assembly Member Joyner and Senator Brisport's visionary leadership was essential in passing this bill that recognizes what social science research and common sense makes clear -- completely severing the relationship between a parent and a child only complicates the experience of adopted children. The bond between parent and child is eternal and should be preserved where it is safe to do so, even if a parent cannot be the primary caretaker. New York laws provide due process

protections to families when children are sent to the foster system; PFB would extend those essential protections to families in the adoption process."

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. This law 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.

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