
NYS Legislature Approves Kinship Bill Permitting Parents to Designate Care of Children to Kin for Up to Twelve Months

For Immediate Release

NYS Kinship Navigator

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Pending Governor Cuomo's approval, New York's parents just got an important tool to help them care for their children. When parents must temporarily ask kin to provide care, the General Obligation Law permits a "parental designation". Such designations had allowed a grandparent, other relative, or a family friend to make routine decisions for children for up to six months.

Informal kinship placements have been arranged since time immemorial. However, since the mid-1990's, states have codified the practice and indicated what kind of writing is required, and parents must follow the statutory provisions. In most states, the writings are valid for up to two years. New York's only permitted six months of care. And to be valid for six months the writing be notarized.

On June 11, the NYS Senate passed S.6016-A. which extends the period to twelve months. Earlier this year in April the Assembly had passed the same bill, A. 7905-A. Sponsored by Senator Avella and Assemblywoman Jaffee, the bills were originally introduced in the 2017 session.

Senator Avella said about this bill: "The passage of this bill through both houses is an important step in providing certainty for parents regarding the future care of their children when they are not able to be there themselves by giving them a tool to designate another individual as a caregiver to a child. Whether their absence is due to illness, incapacitation, or, unfortunately in some cases, deportation, this bill will enable families to plan for the future care of their children while keeping those children out of the foster care system."

In New York State, there are over 200,000 children living with relatives, often for unfortunate circumstances - because of parental neglect, drug use, incarceration, or mental illness. Less than 3,400 of these children are in foster care. Instead, kin privately assume care.

In many circumstances, families can plan for care without going to court for orders of custody or guardianship. But the six-month maximum period required parents to notarize new designations before the older ones expired. The extension reflects the realities of kinship care, where a longer period of care is warranted, when parents are imprisoned, mentally ill, absent for business reasons, debilitated, needing to relocate to another state for work or medical care, or have some other circumstances that makes them unavailable, such as deportation. Also, sometimes care that was expected to last a few days or months can unexpectedly last much longer.

In the kinship community, caregivers frequently rely on parental designations, and this amendment to the General Obligations Law extend the time that caregivers have authority until parents do return or caregivers choose to seek court orders.

For information on kinship families and services, visit www.nysnavigator.org.