

New York State Citizen Review Panels

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Memorandum in Support

ASFA Extender Bill: A5462 (Aubry) /S2233a (Montgomery)

The New York City Citizen Review Panel supports passage of the ASFA Extender Bill, A5462/S2233a.

This bill provides local departments of social services discretion in cases involving a parent who is incarcerated or in a residential drug treatment program by allowing a delay in filing termination of parental rights papers. The usual timeframe required by ASFA to file termination papers—a child has been in foster care 15 of the last 22 months—is not realistic for these families.

This bill addresses the unique circumstances and difficulties in such cases by allowing foster care agencies the discretion they need to delay filing termination of parental rights papers when a parent is incarcerated or in a residential drug treatment program. The bill also provides for parental involvement at all stages of a case and to document a parent's involvement with his/or her child if that is in the best interests of the child.

For too many years, parents who have been in substance abuse treatment programs or incarcerated have had their parental rights terminated simply due to the time limits outlined in the federal ASFA legislation. These parents were unavailable to take custody of their children because of the length of their sentence or treatment program. Many are not at any risk of harming their child. This bill allows local departments of social services flexibility needed to determine on a case-by-case basis when to file petitions to terminate parental rights in these limited situations. Under A.5462-A/S.2233-A, caseworkers, agencies, families, attorneys and courts will have the time they need to collaborate on workable and safe placements including a return to the parental home.

As citizens charged with reviewing the policies, procedures and practices in child protective services, we strongly believe that child welfare reforms can improve families' lives in New York State and achieve better outcomes for children. For 10 years, we have seen ASFA's unintended impact on children in foster care and their parents in prison or treatment facilities. We strongly urge you to support A.5462-A/S.2233-A.

Sincerely,



David Lansner
Co-Chair, NYC Panel



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Co-Chair, NYC Panel

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