



SUPPORT

S.2094-A (Golden) and A.7189-A (Rozić)

SERVICES MFY Legal Services, Inc. strongly supports S.2094-A and A.7189-A, which would expand the definition of “extraordinary circumstances” in DRL §72 to include all relative caregivers related to the absent parent within two degrees of consanguinity. MFY is a 50-year-old nonprofit organization that provides free civil legal services to approximately 7,500 poor and low-income New Yorkers annually in housing, public benefits, health, consumer, foreclosure and employment matters. MFY’s Kinship Caregiver Law Project serves grandparents and other family members who are taking care of related children, generally outside of the formal foster care system, in adoption, custody, guardianship cases and other matters related to the essentials of life.

Based upon this work, MFY advocates for enactment of the proposed legislation because it will help stabilize New York families, promote children’s security, and help prevent children from entering the foster care system.

Grandparents and relatives raising children, commonly called “kinship care,” is a system of largely informal care of children who are living with their caregivers because of parental alcohol and substance abuse, neglect, abandonment, incarceration, death, mental illness, and other unfortunate causes. Grandparents make up between 60 to 70% of these caregivers, with the percentage of non-grandparents increasing over the past decade.

Because Domestic Relations Law § 72 applies only to grandparents, it permits them, not other relative caregivers, to claim an “extraordinary circumstance” when they can prove two years of continuous residence in their home by a grandchild. Expanding the definition of extraordinary circumstances in Domestic Relations Law § 72 to include close-relative caregivers (aunts, uncles, great-grandparents) related to the absent parent within the second degree of consanguinity would greatly aid these relative caregivers in successfully petitioning courts for custody or guardianship after caring for children for two years in their home.

This bill would provide judges with clear guidance on establishing extraordinary circumstances based on extended disruptions of custody for all relatives. This legislation is supported by the kinship community and their advocates, as well as by child advocates. Moreover, the legislation amends Domestic Relations Law § 72(2)(b) to protect the rights of domestic violence survivors who have not abandoned their children but are separated from their children due to abuse.

By enacting this legislation, New York State can go a long way to ensuring a solid foundation for tens of thousands of children whose parents are unable to raise them.

For the reasons stated above, MFY Legal Services strongly supports the passage of S.2094-A and A.7189-A.

Please call Sara Wood at 212-417-3792 or swood@mfy.org if you have any questions.