

# NYA AFF

New York Attorneys for Adoption & Family Formation

Kathleen A. DiPaola, *President* Rebecca Mendel, *Vice President*

Laurie B. Goldheim, *Secretary* Joseph R. Williams, *Treasurer*

Board of Trustees Jeanine Castagna | Amelia Demma | Gregory A. Franklin | Breandan C. O'Shea | Denise Seidelman

October 21, 2019

Governor Andrew Cuomo  
Governor's Office  
State Capitol  
Albany, New York 12224

**Re: Bill Number S 6405/A 8059**

Dear Governor Cuomo:

We, the undersigned, are a group of adoption attorneys and other adoption and child-welfare professionals from across New York State, who work with adoptive families, children, child welfare agencies and the court system to protect and advocate for the rights of adoptive children and their families. We submit this letter in support of Bill Number S6405/A8059, which amends the New York State Family Court Act to conform to the recently expanded definition of relatives who may qualify to be foster parents and/or kinship guardians for children in foster care. It is our understanding that this bill has already passed through both the Senate and Assembly and currently awaits signature by the Governor. For the reasons more fully set forth below, we urge you to sign the bill into law.

In 2015, the New York State Office of Children and Family Services expanded the definition of a "relative" who was eligible to become a certified foster care placement for a foster child to include certain non-relatives of the child, such as a godparent, neighbor, family friend or an adult with a "positive relationship" with the child (18 NYCRR 443.7(a)(2)). This measure significantly expanded the pool of individuals able to care for foster children and has resulted in more foster children being placed in homes with adults they are familiar with, rather than being



placed with unknown foster families. The Social Services Law was thereafter amended to reflect this expanded definition as it relates to eligible kinship guardians for a foster child under the NYS subsidized kinship guardian (kinGAP) program (SSL § 458-a(3)(c)).

Currently, Family Court Act § 1028-a, which governs applications by relatives to become certified foster parents, limits relative applicants to those who are related to the child's parents within the third degree of consanguinity – something which is directly in conflict with the definition of “relative” contained in the NYCRR and Social Services Law. This bill would amend the Family Court Act to incorporate this expanded definition of relative, providing for consistency among the applicable statutes.

We respectfully urge you to sign this bill into law.



**New York Attorneys for Adoption & Family Formation**

By: Kathleen (“Casey”) Copps DiPaola, Esq.

*President*

126 State Street, 6<sup>th</sup> Floor

Albany, New York 12207

Phone: (518) 436-4170

Fax: (518) 436-1456

[kdipaola@theCDSLAWfirm.com](mailto:kdipaola@theCDSLAWfirm.com)

