

Advocacy for Our Families *Preserving Family Bonds*

Strengthen Families and Improve Outcomes for Children Adopted out of Foster Care by Supporting the Preserving Family Bonds Act S.4203A/A.2199A

How will the Preserving Family Bonds Act impact families?

The Preserving Family Bonds Act (PFB) will allow a child to maintain relationships with their biological parents after their parents' rights have been terminated and the child is adopted. PFB will allow children to achieve permanency through adoption, while also allowing children to maintain contact with their biological parents, when a judge determines it is in the child's best interest to have contact or visitation. This contact may include, but is not limited to, supervised or unsupervised visitation, telephone calls, emails, letters, exchange of pictures, social media, other forms of video chat, and the exchange of medical information.

What is the current law?

If a parent voluntarily surrenders his/her parental rights to allow a child to be adopted, New York family court judges are permitted to order post-termination visitation and contact between a child and his/her biological parent so long as it is in the best interest of the child. However, if a parent wishes to fight against the termination of their parental rights and requests a trial, family court judges are not permitted to order post-termination contact or visitation following a determination that the parent's rights should be involuntarily terminated.¹ This is true even when children request contact and the court deems it to be in the best interest of the children. PFB will protect the rights of children to contact or visit with their parents regardless of their pathway to adoption.

Why is PFB so important for New York families?

Children benefit from strong, healthy family bonds. There is a growing consensus that openness in adoption is beneficial to all members of the family, particularly children. According to the Donaldson Adoption Institute, open adoptions and contact with biological parents "helps facilitate identity development for the child and their family and allows family members to fully embrace the truth."² Many children in foster care whose parents are facing termination proceedings are strongly bonded to their parents and families. In most cases, they have been visiting regularly and have meaningful and frequent contact with parents and even extended family. The abrupt termination of a parent's rights immediately severs what is often a strong parent-child relationship, and causes unnecessary trauma to children. PFB will protect children from that trauma by allowing them to maintain ties with their biological families if it is in their best interest.

TAKE ACTION

- Sign the petition in support of PFB at www.PreservingFamilyBonds.org

¹ In *Matter of Hailey ZZ*, 19 N.Y.3d 422 (2012), the Court of Appeals held that family court judges did not have explicit legislative authority to order post-termination contact. Prior to that decision in 2012, family court judges were ordering post-termination contact where it was found to be in the best interest of the child. See *Matter of Khalil S.*, 35 A.D.3d 1164 (4th Dept. 2006).

² The Donaldson Adoption Institute, www.letsadoptreform.org/research.