



NEW YORK
CITY BAR

COUNCIL ON CHILDREN

DAWNE A. MITCHELL
CHAIR
damitchell@legal-aid.org

THERESA B. MOSER
SECRETARY
tbmoser@legal-aid.org

**CHILDREN AND THE LAW
COMMITTEE**

MELISSA J. FRIEDMAN
CHAIR
mfriedman@legal-aid.org

RACHEL STANTON
SECRETARY
rachelstanton@gmail.com

**CORRECTIONS AND COMMUNITY
REENTRY COMMITTEE**

GREGORY D. MORRIL
CHAIR
gregmorris@gmail.com

STEPHANIE A. HOLMES
SECRETARY
stephbrooklyn@icloud.com

October 29, 2020

Sent via facsimile & e-mail

Honorable Andrew M. Cuomo
Governor of the State of New York
State Capitol
Executive Chamber
Albany, NY 12224

Re: A.6710-A (AM Rozic) / S.724-A (Sen. Montgomery) -- Bringing Children and their Incarcerated Parents Closer Together; SUPPORT

Dear Governor Cuomo,

On behalf of the New York City Bar Association's Council on Children, the Children and the Law Committee, and the Corrections and Community Reentry Committee, we urge you to sign into law the Proximity bill, A.6710-A/S.724-A, which would require the New York State Department of Corrections and Community Supervision (DOCCS) to place incarcerated parents in facilities close to their children.¹ For most children, visiting with their parents reduces the trauma of separation and supports their well-being. Family visiting is also associated with benefits for corrections, incarcerated individuals, and public safety. Tens of thousands of New York's children are relying on you to sign the bill into law.

An estimated 80,000 children have parents in New York State prisons. Most of these children want and need contact with their parents during the period of incarceration. Yet distance is the most frequently stated barrier to visiting among children, caregivers, and child welfare staff. A majority of New York's prisons are in remote areas and inaccessible by public transportation. Current placement policy includes bringing an incarcerated person closer to home only as he or she nears his or her release date -- a practice that runs counter to research demonstrating that maintaining or strengthening ties between incarcerated parents and their children is critical in preventing recidivism, promoting lasting reentry, and improving parent-child relationships post-release.

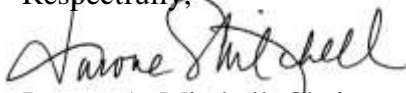
¹ A.6710-A passed the Assembly by a vote of 136-6 and S.724-A passed the Senate by a vote of 49-11 on July 21, 2020.

The Proximity legislation does not involve a new budget allocation; in fact, it offers potential cost savings to DOCCS and other state agencies. Overtime and the nominal costs incurred by DOCCS associated with transferring currently incarcerated parents would be more than offset by the financial benefits that would result from reduced recidivism rates that are associated with regular visiting. Additionally, DOCCS transports thousands of individuals, who often stay in local jails at the State's cost at a higher daily rate than prisons, to family court hearings that take place in the family's county of origin. Those costs would be reduced if parents were incarcerated closer to home. Further, local departments of social services are legally mandated to facilitate visits between most children in foster care and their parents -- incurring significant transportation costs when parents are placed in prisons far from a family's county of origin. By improving children's access to their parents, thereby mitigating trauma, potential cost savings are anticipated for state and local agencies that provide health, mental health, special education, child welfare, and juvenile justice services. The bill allows DOCCS one full year to implement so there is time for careful planning and administrative considerations.

The Proximity bill originated with a young woman named April who shared with Senator Montgomery that she could not see her mom due to a distance of hundreds of miles – a ten-hour drive. This conversation occurred nine years ago. April and so many children have been waiting a long time for this bill to become law. Signing this bill into law promotes efficient, sound and cost-effective re-entry and public safety policy while also supporting April's well-being along with that of tens of thousands of other children whose parents are in New York State prisons. Visiting is a lifeline for children and families, and we respectfully ask you to show your support and sign A.6710-A/S.724-A as soon as it is delivered to your office.

Thank you for your consideration.

Respectfully,



Dawne A. Mitchell, Chair
Council on Children²



Melissa J. Friedman, Chair
Children & the Law Committee



Gregory D. Morril, Chair
Corrections & Community Reentry Committee

Cc: Hon. Nily Rozic
Hon. Velmanette Montgomery

² We acknowledge the leadership of the Osborne Association's New York Initiative for Children of Incarcerated Parents, a special project that many Council and Committee members endorse and are familiar with. This letter adopts language from a model provided by that organization.