NEW YORK CITY BAR

REPORT ON LEGISLATION BY THE COUNCIL ON CHILDREN

S.8661-A **Sen. Hoylman-Sigal**

AN ACT to amend the Social Services Law, in relation to the establishment of a statewide supervised visitation initiative.

THIS BILL IS APPROVED

I. PURPOSE

The New York City Bar Association's Council on Children supports S.8661-A. The Council on Children includes Family Court Judges, support magistrates, court attorneys, advocates for economic justice, and attorneys representing children, parents, and caregivers, who have a broad range of experience with the issue addressed by the bill. The Council on Children supports this bill because members from each of these varied perspectives agree that children and families engaged in legal proceedings throughout the state are in dire need of the proposed programming.

II. REASONS FOR SUPPORT

S.8661-A would establish a state-wide supervised visitation program, administered by the NYS Office of Children and Family Services, in consultation with the NYS Office for the Prevention of Domestic Violence. As documented in the July 2023 *Report from the Working Group on the Future of Supervised Visitation in New York State*,[1] there is a woeful lack of resources available to effectuate supervised visitation orders[2] in custody/visitation cases in New York City, and elsewhere in the State.[3] Unfortunately, in New York City there are not enough individuals and organizations that provide these desperately-needed services, which keep children safe, reunite

[1] The Working Group was convened by the New York State Office of Court Administration's Office of Justice Initiatives. The report is available at https://www.nycourts.gov/LegacyPDFS/ip/nya2j/SV-Working-Group-Report-July-2023.pdf (last accessed on May 20, 2024).

[2] These supervised visitation orders include temporary orders granted in on-going custody/visitation litigation, and final orders entered in custody/visitation cases that have concluded with a directive that a parent have his or her visitation supervised by an agency. S.8661-A establishes a supervised visitation program for only those cases in which there is a temporary visitation order.

[3] According to the Working Group's report, 20 counties in New York State lack any supervised visitation programming for families involved in custody/visitation litigation.

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

fractured families, and provide valuable information to courts regarding interactions between children and parents. Additionally, due to the shortage of free or low-cost visit supervision providers, many low-income families that litigate custody and visitation in New York City's Family Courts and the Integrated Domestic Violence Parts of the Supreme Court find it cost prohibitive and/or impossible to exercise visits that the court has ordered.

Moreover, the few providers that exist in New York City simply do not have the capacity and/or staff to meet the demand for their services. Based on the experience of practitioners on the Council, that limited capacity leads to unconscionably long waitlists for implementation of court-ordered supervised visits, with families in New York City routinely waiting six months to a year between a court's entry of a supervised visitation order and the commencement of visits. Such lags hinder efforts to normalize fractured parent-child relationships and delay pending litigation, as courts await reports from providers so that they may make fully informed decisions regarding what restrictions, if any, to impose on a parent's contact with a child.

Thus, the State should implement and adequately fund a supervised visitation program, as such programming not only protects children's physical safety and emotional well-being, but also helps families heal.

III. CONCLUSION

For these reasons, it is recommended that the Social Services Law be amended, in order to establish a statewide supervised visitation initiative, which would permit court-involved children and parents to safely maintain and strengthen their relationships with one another.

Accordingly, the Council on Children supports this bill and urges its passage.

Council on Children

Cathy A. Cramer, Chair

May 2024

Contact
Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org