



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION BY THE  
CHILDREN AND THE LAW COMMITTEE  
AND THE COUNCIL ON CHILDREN**

**A.9321-A  
S.8724-A**

**M. of A. Hevesi  
Sen. Hoylman-Sigal**

AN ACT to amend the family court act and the social services law, in relation to enacting the "safe landings for youth leaving foster care act" or "safe landings act"

**Safe Landings Act**

**THIS BILL IS APPROVED**

The New York City Bar Association, led by the Children and the Law Committee\* and the Council on Children, strongly supports the passage of A.9321-A (Hevesi) / S.8724-A (Hoylman-Sigal), which would amend the Family Court Act and the Social Services Law by authorizing the Family Court to adjudicate motions to enforce orders that were issued on behalf of children while they were in foster care, after they are discharged from or age out of care. Specifically, the amendments apply to youth between the ages of 18 and 21 who have been discharged from foster care and those who have aged out of care after turning 21, and who, due to the failure of the foster care agencies to timely comply with validly entered Family Court orders, are still in need of stable housing and/or receipt of other necessary services for their transition to adulthood.

Our committee members include 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. Members from each of these perspectives agree that the Safe Landings Act would improve the lives of young adults who have been discharged from foster care with a mechanism to enforce prior orders from their time in foster care which would ultimately provide them with a vital safety net not currently available to them.

Under existing law, where orders made prior to a young person being discharged from foster care or turning twenty-one remain unfulfilled at the time the youth leaves care, the Family Court loses jurisdiction and is without any authority to compel compliance.<sup>1</sup>

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<sup>1</sup> See, e.g., *Matter of Donique T.*, 193 A.D.3d 490 (1st Dept. 2021) (Family Court lacked subject matter jurisdiction to

**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.*

This bill offers a simple, yet effective, solution to this problem by extending the Family Court’s authority to direct the agency to comply with orders issued prior to the child’s discharge from care. The authority, however, is not boundless. Rather, it lasts until the youth reaches the age of 22, unless good cause exists to extend the court’s oversight. The Legislation is thus reasonably constructed to provide a limited period for the agencies to fulfill their obligation to ensure that youth are not discharged to homelessness and have the skills and supports necessary for a successful transition to living independently.

Enactment of this Legislation is critically important to these young adults, who are venturing out on their own for the first time after spending years in foster care without having had the benefits and advantages of family support and stability. The foster care scheme in New York, which permits youth over the age of eighteen to remain in care until age 21 (and, under certain circumstances, to re-enter care after being discharged prior to their twenty-first birthday), is designed to fill in this deficit by affording these youth the extra boost needed for a successful transition into adulthood.<sup>2</sup> To that end, prior to a youth’s discharge from care, the foster care agency is obligated to provide the youth with assistance related to living independently, most importantly assisting them in securing appropriate housing, employment, and education, as well as providing aid in such areas as budget management, obtaining health insurance, applying for benefits, obtaining a driver’s license, and purchasing appropriate attire. At permanency hearings held periodically while a child remains in foster care, the Family Court issues orders directing the agencies to comply with their mandate to provide the youth with these services. Far too often, however, by the time of the youth’s departure from care, the orders remain unfulfilled, and the youth is without recourse to seek enforcement of the orders because the Family Court has lost jurisdiction. The youth is thus left alone and unprepared to navigate the complexities involved in becoming a self-sufficient adult.

Homelessness is a devastating and ever-growing problem in our society, particularly for those who have spent time in foster care, the child welfare system having been described as a “highway to homelessness.”<sup>3</sup> In addition to a significantly higher likelihood of becoming homeless, research has shown that these young adults are at an increased risk of having run-ins with the law,<sup>4</sup> suffering

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make contempt determination against agency based on its failure to fulfill lawful orders issued prior to child’s 21<sup>st</sup> birthday because the child was over 21 when the contempt action was brought).

<sup>2</sup> In 2008, the United States Congress passed the Fostering Connections to Success and Increasing Adoptions Act (PL 110-351), which gave states the option to extend foster care up to age 21, upon consent of the child. The legislation recognized that “foster youth today do not have the same family, societal, and financial support and guidance their non-foster care peers have” and, as reflected in federal data, youth who continue in care to age 21, as compared to those who leave at age 18 have better outcomes:

The National Academies report recommends that “to better promote resilience and positive outcomes for adolescents involved in the child welfare system, all states should adopt the existing federal option to provide extended care to youth until age 21 . . . and provide comprehensive aftercare support to youth as they transition out of the child welfare system.”

CWLA Hot Topic: Extended Foster Care to Age 21 in All States, available at <https://www.cwla.org/hot-topic-extend-foster-care-to-age-21-in-all-states/#>. (All websites last accessed on May 28, 2024).

<sup>3</sup> NFYI: Housing and Homelessness, available at <http://nfyi.org/issues/homelessness/#>.

<sup>4</sup> Jaxzia Perez, *The foster care-to-prison pipeline: A road to incarceration*, American University Washington College

physical and mental health issues,<sup>5</sup> and encountering problems in obtaining and retaining employment,<sup>6</sup> much of which can be attributed to their inadequate preparation for taking on the challenges of living independently. Extending the Family Court’s jurisdiction to allow former foster care youth to come to the Family Court to enforce orders made on their behalf but not carried out by the agencies will minimize or avert these negative outcomes.

We therefore call on the New York State Legislature to pass this critical piece of legislation to ensure that agencies comply with orders intended to help youth transition to adulthood, and that agencies meet their obligations to ensure that youth have adequate housing and other supports in place.

Amy R. Hozer-Weber, Co-Chair  
Children and the Law Committee

Christina Rich, Co-Chair  
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Cathy A. Cramer, Chair  
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of Law: The Criminal Law Reporter, Feb 24, 2023, Updated Oct 18, 2023, available at <https://www.crimlawpractitioner.org/post/the-foster-care-to-prison-pipeline-a-road-to-incarceration#>: (“By age 17, over 50% of foster children will have an encounter with the juvenile legal system through arrest, conviction or detention. In addition, 25% of youth in foster care will be involved with the criminal legal system within two years of leaving foster care.”)

<sup>5</sup> Young Adults Formerly in Foster Care: Challenges and Solutions, available at <https://youth.gov/youth-briefs/foster-care-youth-brief/challenges>.

<sup>6</sup> *Id.*

\* This report is the product of the City Bar’s drafting, review and approval process initiated by the Children and the Law Committee. The report draws upon a template memo of support drafted by the Safe Landings Coalition.