



June 21, 2021

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

**Re: S6357/A6700 Veto Request**

Dear Governor Cuomo,

We write as leaders of the Adoptive and Foster Family Coalition of New York to urge you to **VEETO S6357/A6700**, an amended version of the “Preserving Family Bonds Act.”

An earlier version of this bill had passed by the New York State legislature and was awaiting your signature in 2019. At that time, we collected over 4,500 signatures urging your veto. We so appreciate that you heard our concerns and did veto this bill. This new version of the bill still falls extremely short and we urge you to veto it.

The Adoptive and Foster Family Coalition represents the foster, kinship and adoptive families and, most importantly, the children entrusted in their care. The specific reasons for our continued opposition the Preserving Family Bonds Act are as follows:

- **New York is very slow in helping children in foster care to achieve permanency – that is, leave foster care to return safely to their parents’ care OR be adopted.** Statewide, it takes almost five years on average. In New York City, the average is over five years. This results in a higher fiscal responsibility to the state and means that children and youth spend years without certainty or permanency. This legislation has the potential to make the situation worse, as prospective adoptive parents will be scared off by the prospect of having court-mandated visitation.
- **Foster parents will be unfairly blindsided.** By the time a case gets close to Termination of Parental Rights (TPR), foster families have years invested in the welfare of the children in their care and most are looking to see an end of court involvement and

uncertainty. The finalization of an adoption is often seen a closure to the chaos. This bill does *not* allow that to come to fruition. Instead, families will be forced into a position of acceptance and some might end up choosing to disrupt the adoption. The state is already struggling to recruit *more* families - in order to comply with the federal Families First Act - and court mandated contact will be another impediment.

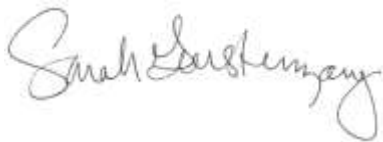
- **TPR proceedings in New York, occur in Family Court only *after* all other options have been considered and only *after* several years.** Our foster care system is properly oriented toward reunification – the safe return of children from foster care to their biological parents - when possible. Foster care placement occurs only *after* repeated, supportive attempts to remedy the parent’s issues fail. Only *after* attempts to explore a conditional surrender of rights (in which the parent can outline post-surrender visitation and contact with their child) have failed do courts engage in the resource and time-intensive TPR proceedings.
- **TPR is invoked *only* when a parent has been repeatedly unable to meet the conditions for their child’s safe return. These are often the most dangerous case for the child.** This bill speaks only to those cases in which a level of cooperation and collaboration that is in the best interest of the child is not possible. Mandating visitation in these most entrenched and often dangerous cases will *not* make children safer. Rather, it will provide new opportunities for others to act out their own dramas while racking up court costs and delays.
- **The overworked Family Courts cannot handle heavier caseloads.** Already, child welfare cases are notoriously long and drawn out, leaving children in limbo without permanency. This has been a common and growing complaint of families, even before COVID. While conditional surrenders (which currently provide the option of court ordered post adoption contact - the very issue that S6357/A6700 claims to solve) have been used to reach permanency for a child sooner, this bill would remove the reason to employ conditional surrenders and encourage birth parents to opt for lengthier court process. The Courts simply do not have the capacity and system-wide delays caused by the bill would leave *all* children waiting for resolutions to face increased time delays.
- ***Only* children who have been adopted through foster care are targeted disproportionately affecting families of color.** New York does not legally recognize “open adoption” (adoptions with post placement ongoing contact) nor force any other subset of adoptive families to comply with visitation. Neither children adopted internationally nor those adopted privately or through an agency are obligated to continue with contact. In fact, in situations of voluntary, domestic infant adoption - when potential birth parents are promised ongoing contact and only consent to the relinquishment based on those promises - adoptive parents are given the complete right to “close” the “open adoption” with no recourse or explanation given.
- **The primary thrust of this bill is *not* in the best interests of children.**

At the Coalition, we guide the families we serve to provide the safety and stability that children need while maintaining and nurturing their connections to biological family. The overwhelming majority of adoptions finalized in New York already provide for some level of openness and post-adoption contact. Parents do this because it is the right thing for their children, not because a court ordered them to do so.

We support parental contact, but this bill is *not* the solution and we are prepared to oppose it, loudly and publicly, again.

We would welcome the opportunity to discuss our concerns further as well as more appropriate remedies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Gerstenzang".

Sarah Gerstenzang  
President

A handwritten signature in cursive script, appearing to read "Pat O'Brien".

Pat O'Brien  
Executive Director