



NEW YORK STATE SENATOR

Simcha Felder

Senate Passes Bill to Protect Victims of Severe Child Abuse

SIMCHA FELDER May 2, 2013

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The New York State Senate today gave final passage to legislation that would provide important protections for child victims who have been severely abused by their parents or guardians. The bill (S4082), sponsored by Senator Simcha Felder (D-Brooklyn), improves Family Court procedures to reduce the trauma abused children can potentially experience and helps expedite the finding of a new, permanent home.

“The abuse of a child is deplorable and all resources should be made available to protect victims,” said Senator Felder, Chairman of the Children and Families Committee. “This legislation is critically important to helping children who have endured unbelievable suffering at the hands of those responsible for caring for them. We need to make these sensible changes to the Family Court procedures to lessen the trauma experienced by victims and enable children to find new, stable homes in which to grow and recover.”

The bill makes important clarifications to Family Court proceedings and would help streamline the process for terminating parental rights when severe child abuse occurs. Current law allows courts to consider severe abuse – such as rape, depraved indifference, or other crimes resulting in serious injury - when making parental termination decisions. When severe abuse exists, the law also enables more options for the child’s placement, such as preventing the child’s reunification with the abusing parent.

However, court interpretations have resulted in a narrow reading of the definition for severe abuse, making it was rarely utilized. This resulted in court proceedings using less serious definitions of abuse, and children who had been abused by parents were put on a track to receive services that included potential reunification with the abusing parent.

This legislation clarifies the interpretation in the legal definitions of severe abuse and repeated abuse and provides a clear way for local social service districts to take actions, such as preventing reunification with abusers, to protect victims of the worst cases.

It would also free local social services districts from retrying child abuse allegations in subsequent termination of parental rights proceedings. This streamlines the process to prevent children from repeatedly experiencing the trauma of testifying about parental abuse.

The bill will be sent to the Governor.

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