



NEW YORK STATE SENATOR

Velmanette Montgomery

SENATOR MONTGOMERY'S STATE CENTRAL REGISTRY REFORMS INCLUDED IN BUDGET

VELMANETTE MONTGOMERY April 27, 2020

| ISSUE: **STATE CENTRAL REGISTER, NYS BUDGET, CHILD NEGLECT STANDARD**

SENATOR MONTGOMERY'S STATE CENTRAL REGISTRY REFORMS INCLUDED IN BUDGET

Senator Montgomery's Statewide Central Register (SCR) bill was passed as a part of the 2020-2021 NYS budget and will go into effect in January 2022. The SCR maintains a list of individuals accused of child abuse or maltreatment and has become an issue of economic and racial justice that disproportionately impacts low-income families, single mothers and families of color. This is the culmination of Senator Montgomery's 2-year charge to begin reforming the unjust SCR system.

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It's about time we stop punishing people for simply being poor. This registry was supposed to protect children but ended up creating an insidious back door sentencing of mostly low-

income mothers of color. There was no form of due process in this system yet it crippled tens of thousands of parents and prevented them from acquiring the income to care for their children," said State Senator Velmanette Montgomery. "I am so thankful for the work of the advocates and for the parents who were brave enough to share their stories and I thank Assemblywoman Jaffee for carrying the original legislation with me."

Before passage of this legislation, New York had one of the lowest standards of evidence to place an individual on the SCR while making it nearly impossible to be removed. Over 47,000 individuals are added to the registry every year and they can remain on it for up to 28 years. Over 70% of cases involve allegations not of abuse but of neglect, which are largely subjective and connected to poverty.

Individuals have been added to the registry for living in shelters, school absences, marijuana use and even being victims of domestic violence. Because the standard is so low, even if the claims are unfounded or the individual wins their case in family court, they can still remain on the registry for years. Further, there is no consideration for any intervention or rehabilitation such as is available in criminal court. Being on the registry negatively impacts the entire family by barring parents from numerous jobs and activities such as child-care work, home health care, drug counseling, transportation and attending parent teacher association (PTA) meetings. Senator Montgomery's adopted SCR bill makes much-needed reforms to how accusations are handled such as:

- The standard of evidence to be placed on the register is increased from "some credible evidence" to "fair preponderance of the evidence". This brings the standard in line with New York family courts.

- One will spend 8 years on the SCR instead of up to 28 years. After those 8 years, in instances of neglect only, the case will be automatically sealed. It will be made available only to child protective services (CPS) or law enforcement only if there is a new case that an individual is being investigated for.
- If a case is going through the fair hearing process and there is a simultaneous family court proceeding about the same allegation, the fair hearing will be stayed pending a decision from family court to provide relief for families who may prevail in a family court proceeding.
- If one is the subject of multiple investigations, it does not preclude the individual from the automatic sealing of the record.

“A sentence of poverty is not a way to protect children. Up to 28 years of surveilling is no support. Most people go on the SCR because of mandated reporters, but just as stop and frisk did not reduce or prevent crimes, surveilling families for 28 years does not stop abuse neglect or maltreatment. Families in our communities will have a chance at financial normalcy. I would like to thank Senator Montgomery and her staff for being consistent, listening to the communities affected, and those directly impacted and not wavering after the initial veto. . . This change is the most progressive child welfare reform in decades. It addresses some of the unintentional harm. This is rectifying some of the unintended harms that our child welfare system has been inflicting on children and families. Anytime a system is disproportionately hurting families of color that is a sign that we need to fix that system. That’s what this legislation is a major step towards.” -Chris Gottlieb and Joyce McMilian on behalf of PLAN

“We applaud Senator Montgomery for her tireless work to reform the State Central Register. Under the new rules, which reflect one of the biggest changes in child welfare in a generation, we can protect children while preventing innocent parents from ending up on a state register for decades, creating sometimes insurmountable hurdles to employment that

drive families deeper into poverty. This is especially true for families of color and poor families, who are over represented in our child welfare system.” - **Naomi Post, Executive Director of the Children's Defense Fund-New York**

“For decades, hundreds of thousands of people in New York State—disproportionately Black and Latinx parents, grandparents and caretakers—have experienced unfair barriers to employment because of a punitive State Central Register. The passage of this legislation is a tremendous step toward repairing this injustice and will help countless families who have been blocked from employment and other opportunities based on allegations that, in most cases, were never even brought to court. We thank Senator Velmanette Montgomery and Assembly Member Ellen Jaffee for championing this issue, and especially want to acknowledge the tireless advocacy of impacted parents who brought this injustice to our legislative leaders in the most personal way and pushing this long-overdue reform. The child welfare system, also known as the New Jane Crow is a biased and punitive system, which often impacts children and their families in ways that are unnecessary and harmful to them and the stability of poor and underserved communities. This is a very strong step in removing some of the longest lasting and unfair impacts.” - **Lauren Shapiro, director of Brooklyn Defender Services Family Defense Practice**

“This is a huge win for New York’s children. Right-sizing the standard for deciding whether a child has been maltreated from “some credible evidence” to “a fair preponderance of the evidence” will go a long way toward preventing the trauma that children inevitably experience when they are removed from their homes unnecessarily. Coupled with access to interdisciplinary legal representation for parents during a CPS investigation, as recommended by Chief Judge DiFiore’s Commission on Parental Legal Representation, this change will make it more likely that families that come under scrutiny by CPS will get appropriate supports, and that children will remain safely at home.” - **Angela O. Burton, ESQ.**

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