



Legislation Text

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**File #:** Res 1642-2008, **Version:** \*

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Res. No. 1642

Resolution calling upon the United States Congress to modify the Adam Walsh law, Public Law 109-248, so that it requires background checks for prospective legal guardians or custodians of children.

By Council Members de Blasio, Brewer, Comrie, James, Mealy, Palma, Sanders Jr., Seabrook, Sears, Weprin, White Jr. and Gerson

Whereas, On June 6, 2008, Kyle Smith, a three-year-old boy, died from injuries after being sexually and physically abused allegedly by his temporary legal custodians, Nymeen Cheatham and Lemar Martin; and

Whereas, Prior to his death, Nymeen Cheatham filed for temporary custody of Kyle Smith in the New York City Family Court at which time a judge ordered the Administration for Children's Services (ACS) to investigate Nymeen Cheatham; and

Whereas, ACS completed a home visit and conducted a review of indicated reports of abuse in New York State of Nymeen Cheatham and found no evidence of child abuse; and

Whereas, If the Adam Walsh law, Public Law 109-248, required the same background checks for prospective legal guardians or custodians of children as it requires for prospective foster and adoptive parents, ACS would have discovered both that a warrant for Nymeen Cheatham's arrest had been issued in her previous state of residence and that substantiated reports of child abuse against Nymeen Cheatham existed in that state; and

Whereas, Currently, Public Law 109-248 only requires, among other things, fingerprint-based criminal background and state child abuse registry checks for a prospective foster or adoptive parent; and

Whereas, A legal guardian or custodian has similar legal responsibilities to a child entrusted to his or her care as does a foster or adoptive parent, and such a child deserves the same protections as a foster or adopted

child; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to modify the Adam Walsh law, Public Law 109-248, so that it requires background checks for prospective legal guardians or custodians of children.

MBT  
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