# Legislation Details (With Text)

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| **File #:** | Res 2032-2001 | **Version:** | * | **Name:** | Grandparents Guardianship Act (A.2772) |
| **Type:** | Resolution | | | **Status:** | Filed |
| | | | | **In control:** | Committee on General Welfare |
| **On agenda:** | 8/22/2001 | | | | |
| **Enactment date:** | | | | **Enactment #:** | |

**Title:** Resolution calling upon the Legislature of the State of New York to adopt A.2772, the "Grandparents Guardianship Act," an act which would amend the Family Court Act, the Social Services Law, the Executive Law and the Surrogate's Court Procedure Act, in relation to establishing grandparent caregiver rights.

**Sponsors:**

**Indexes:**

**Attachments:**

| Date | Ver. | Action By | Action | Result |
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| 8/22/2001 | * | City Council | Introduced by Council | |
| 8/22/2001 | * | City Council | Referred to Comm by Council | |
| 12/31/2001 | * | City Council | Filed (End of Session) | |

Res. No. 2032

Resolution calling upon the Legislature of the State of New York to adopt A.2772, the "Grandparents Guardianship Act," an act which would amend the Family Court Act, the Social Services Law, the Executive Law and the Surrogate's Court Procedure Act, in relation to establishing grandparent caregiver rights.

By Council Members Fisher, Freed, Marshall, Moskowitz, Nelson and Warden; also Council Members Clarke, Eisland, White and Wooten

Whereas, The numbers of grandparents caring for grandchildren has risen rapidly over the last several years due to a number of factors, including the rise in crack addiction and the AIDS epidemic; and

Whereas, Assemblyman Dinga has given proper recognition to this phenomenon by introducing the A.2772, the "Grandparents Guardianship Act"; and

Whereas, Grandparents are given little power in Family Court proceedings and are generally confused by custody, guardianship and visitation proceedings; and

Whereas, A.2772 would recognize the rights of grandparents in New York State as "natural substitute guardians" of children and would alter custody or guardianship hearings by establishing a presumption that it would be in the child's best interest to remain in the care of such a guardian grandparent if there was a finding of the parents unfitness, abandonment or abuse of the child; and

Whereas, A.2772 would extend visitation rights to grandparents when a child who has been under the guardianship of a grandparent is returned to a parent and would require that there be a presumption at any hearing concerning visitation that the granting of grandparent visitation would be in the best interest of the child and requiring that the parent who wishes to stop visitation would be required to show that the visits are not in the best interests of the child; and

Whereas, A.2772 would ensure that low-income grandparents, who have a child in their custody for at least six months, or who have proven a sustained relationship with the child, or who have been prevented by the parent from having a relationship shall receive assigned counsel when the grandparents are parties in either a custody, guardianship, or visitation dispute, or are the petitioners in an adoption proceeding; and

Whereas, This Bill would also require that caseworkers submit a report listing all of the alternative solutions to State custody when placement is appropriate and all relatives included on such a list would be required to sign a disclosure statement acknowledging that they understand they could have sought foster care status, and would further require that statutory notice be provided to grandparents in custody, guardianship and adoption proceedings; and

Whereas, This Bill would also require that each county establish a Grandparent Resource Center under the auspices of the local county Aging Department, that would provide services targeted to grandparent caregivers that would help them address issues relating to psychological and social problems, parenting skills, entitlements, legal concerns and emergency assistance, now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to adopt A.2772, the "Grandparents Guardianship Act," an act which would amend the Family Court Act, the Social Services Law, the Executive Law and the



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Surrogate's Court Procedure Act, in relation to establishing grandparent caregiver rights.