



THE LEGISLATURE
STATE OF NEW YORK
ALBANY

September 27, 2021

VIA EMAIL

The Honorable Lawrence K. Marks
Chief Administrative Judge of the Courts
New York State Unified Court System
25 Beaver Street
New York, NY 10004

Dear Honorable Judge Marks,

We write to respectfully express our significant legal, policy, and fiscal concerns regarding section 205.18 of the *Uniform Rules of the Family Court* which are aimed at providing court rules for the implementation of the Families First Prevention Service Act (FFPSA). We believe the provisions outlined in 205.18 are inconsistent with and contrary to the statute that was recently enacted by New York. It is imperative that we correct these issues before implementation later this month.

The state law, Chapter 56 of the Laws of New York 2021, ELFA Part L was enacted in April 2021. While we appreciate the Court's efforts to prepare to implement the complex requirements of this new legislation, the content outlined in the court rules appears to have established procedures inconsistent with the law recently negotiated and enacted by the legislature.

We have heard from relevant stakeholders, including OCFS, ACS and others who have expressed similar concerns to the extent the court rules are outside the scope of the statute and legislative intent negotiated by all parties. We share their concerns and support their efforts to change course. As such, we respectfully urge the Court to reconsider and revise Rule 205.18 to ensure compliance with the statutory language and legislative intent set forth by the state and federal legislatures.

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We thank you for your attention to this critical matter and look forward to a resolution that preserves the intent of FFPSA. The successful implementation of this new policy is imperative for the wellbeing of the foster care youth in New York.

Sincerely,

Andrew D. Hevesi, 28th AD
Donna A. Lupardo, 123rd AD
John T. McDonald, III, 108th AD
Al Stirpe, 127th AD
Andrew Gounardes, 22nd SD
Linda B. Rosenthal, 67th AD
Chris Burdick, 93rd AD
Anna R. Kelles, 125th AD
Richard N. Gottfried, 75th AD
Fred W. Thiele, Jr., 1st AD
Inez E. Dickens, 70th AD
Charles Barron, 60th AD
Diane J. Savino, 23rd SD
Michaelle C. Solages, 22nd AD
David G. McDonough, 14th AD
Marjorie Byrnes, 133rd AD
Jessica González-Rojas, 34th AD
Harry B. Bronson, 138th AD
Karines Reyes, 87th AD
Gustavo Rivera, 33rd SD
Daniel J. O'Donnell, 69th AD
Dan Quart, 73rd AD
Mathylde Frontus, 46th AD
Steven Otis, 91st AD
John C. Liu, 11th SD
Sandy Galef, 95th AD
Amanda Septimo, 84th AD
Thomas J. Abinanti, 92nd AD
Steven Cymbrowitz, 45th AD
Jeremy A. Cooney, 56th SD
Kimberly Jean-Pierre, 11th AD

Latrice Walker, 55th AD
Steve Englebright, 4th AD
J. Gary Pretlow, 89th AD
Vivian E. Cook, 32nd AD
Maritza Davila, 53rd AD
Signatories continued:

Gina L. Sillitti, 16th AD
Anthony Palumbo, 1st SD
Marcela Mitaynes, 51st AD
Catalina Cruz, 39th AD
Stefani L. Zinerman, 56th AD
Anna M. Kaplan, 7th SD
Jo Anne Simon, 52nd AD
Edward P. Ra, 19th AD
Robert J. Rodriguez, 68th AD
Monica P. Wallace, 43rd AD
Kenny Burgos, 85th AD
Nathalia Fernandez, 80th AD
Sue Serino, 41st SD