

Implications of Proposed Local Law 17 of 2016

To: Ulster County Citizens

From: Jessica Marsico, Social and Public Policy M.A. program, SUNY Empire

Re: Ulster County Legislature Committee of Legislative Programs, Education, and Community Services **Proposed Law Prohibiting Cyber-bullying in Ulster County**

The Problem: Increased cyber-bullying frequently outside school jurisdiction

Proposed Goal: Protect children from cyber-bullying

Proposed Solution: Adjudication in UC Family Court of “JD”/”YO” status

Buttressing Legislation: NYS Family Court Act Article 3;

UC Local Law No. 2 of 2013 (providing S.R.O.s in schools)

Consequences of Proposed Solution:

- (1) Arrest of alleged “cyber-bullies” as young as age 10
- (2) Detention in juvenile holding facility while awaiting initial hearing (up to 72 hours)
- (3) Potential lack of parental knowledge of arrest until after child is detained
- (4) No system in place for evaluating truth in allegations until after child is detained
- (5) No education/rehabilitation/restorative justice program in place to actually remedy the problem of bullying outside of punitive consequences
- (6) Due to intentional lack of communication with ACLU by Public Defender’s office, high likelihood of infringement on children and families’ civil rights

Recommendations:

- (1) Immediate tabling of this law; must not yet go to vote
- (2) Creation of UC Legislative Subcommittee to amend law as follows:
 - (a) Prohibit arrest of children accused of cyber-bullying
 - (b) Provide safeguards for evaluating allegations before petition-filing
 - (c) Enable schools to address this through mandatory NYS DASA compliance
 - (d) Provide UC Family Court Judges with reasonable solutions (i.e., Parenting Plan disallowing private use of internet-capable electronics; compassionate education on effects of bullying; etc.)
 - (e) Contact ACLU for recommendations on protecting civil rights
 - (f) Careful consideration of recommendations of Citizen Panel
- (3) Creation of Citizen Panel to advise Subcommittee:
 - (a) Made up of parents, children, UC guardians ad litem, social science professors, school administration, teachers, and interested organizations and citizens
 - (b) Draw up list of concerns; solutions; alternatives; relevant supporting research

What You Can Do: Contact Jessica to stay connected: xwildmountainhoneyx@gmail.com;

Contact your elected UC Legislator asking them to vote NO;

Attend the **Public Hearing on 12/13 at 6:10pm at 244 Fair St., Kingston**