

3065--C

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, PHEFFER, JOHN, BOYLAND, MAISEL, CRESPO, BROOK-KRASNY, SCARBOROUGH, JAFFEE, JACOBS, COOK, MENG, CASTRO, WRIGHT, J. RIVERA, TITUS, MILLMAN, BARRON, ESPAILLAT -- Multi-Sponsored by -- M. of A. BRENNAN, ERRIGO, GOTTFRIED, HEASTIE, MAYERSOHN, NOLAN, SKARTADOS, TOWNS -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring certain day care centers to provide twelve months notice before it intends to close its facility

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The social services law is amended by adding a new section
2 390-g to read as follows:
3 S 390-G. NOTICE REQUIREMENT BEFORE CLOSING CERTAIN DAY CARE CENTERS.
4 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
5 FOLLOWING MEANINGS:
6 (A) "CHILD DAY CARE CENTER" SHALL MEAN A CHILD DAY CARE CENTER AS
7 DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THREE HUNDRED
8 NINETY OF THIS TITLE.
9 (B) "PERSON LEGALLY RESPONSIBLE" SHALL MEAN A PERSON LEGALLY RESPONSIBLE
10 AS DEFINED IN SUBDIVISION (G) OF SECTION ONE THOUSAND TWELVE OF THE
11 FAMILY COURT ACT.
12 2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
13 A CITY HAVING A POPULATION OF ONE MILLION OR MORE, IF THE SOCIAL
14 SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER UNDER CONTRACT

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 WITH SUCH DISTRICT, IT SHALL PROVIDE AT LEAST TWELVE MONTHS WRITTEN
2 NOTICE TO THE CHILD DAY CARE CENTER AND THE PARENTS OR PERSONS LEGALLY
3 RESPONSIBLE FOR CHILDREN ENROLLED IN SUCH CENTERS, PRIOR TO THE CLOSING.

4 (B) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY IN CASES WHERE A
5 LOCAL SOCIAL SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER
6 FOR VIOLATING THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
7 SERVICES, OR FOR HEALTH AND SAFETY REASONS.

8 (C) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY IN CASES WHERE A
9 LOCAL SOCIAL SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER ON
10 AN EXPEDITED BASIS FOR REASONS OF PUBLIC SAFETY, CRIMINAL BEHAVIOR BY
11 THE CENTER, BREACH OF CONTRACT WITH THE LOCAL SOCIAL SERVICES DISTRICT,
12 SUSPENSION OR REVOCATION OF THE CENTER'S LICENSE FOR NON-ECONOMIC
13 REASONS.

14 S 2. This act shall take effect immediately, provided however for
15 child day care centers and parents or persons legally responsible for
16 children enrolled in such centers that have already received notice of
17 impending closure, the twelve month notice period, required pursuant to
18 section one of this act, shall begin on the effective date of this chap-
19 ter.