S T A T E O F N E W Y O R K

6116

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, the social services law, a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A and a chapter of the laws of 2011 amending the social services law relating to kinship guardian assistance payments, as proposed in legislative bills numbers A.8339 and S.5745, in relation to destitute children; and to repeal paragraph (i) of subdivision 6 of section 398 of the social services law relating thereto

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

Section 1. Subdivision (a) of section 249 of the family court act, as amended by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(a) In a proceeding under article three, seven, ten, ten-A[, ten-B] or ten-C of this act or where a revocation of an adoption consent is opposed under section one hundred fifteen-b of the domestic relations law or in any proceeding under section three hundred fifty-eight-a, three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law or when a minor is sought to be placed in protective custody under section one hundred fifty-eight of this act or in any proceeding where a minor is detained under or governed by the interstate compact for juveniles established pursuant to section five hundred one-e of the executive law, the family court shall appoint an attorney to represent a minor who is the subject of the proceeding or who is sought to be placed in protective custody, if independent legal representation is not available to such minor. In any proceeding to extend or continue the placement of a juvenile delinquent or person in need of supervision pursuant to section seven hundred

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

LBD13121-07-2

fifty-six or 353.3 of this act or any proceeding to extend or continue a commitment to the custody of the commissioner of mental health or the commissioner of people with developmental disabilities pursuant to section 322.2 of this act, the court shall not permit the respondent to waive the right to be represented by counsel chosen by the respondent, respondent's parent, or other person legally responsible for the respondent's care, or by assigned counsel. IN ANY PROCEEDING UNDER ARTICLE TEN-B OF THIS ACT, THE FAMILY COURT SHALL APPOINT AN ATTORNEY TO REPRESENT A YOUTH, UNDER THE AGE OF TWENTY-ONE, WHO IS THE SUBJECT OF THE PROCEEDING, IF INDEPENDENT LEGAL REPRESENTATION IS NOT AVAILABLE TO SUCH YOUTH. In any other proceeding in which the court has jurisdiction, the court may appoint an attorney to represent the child, when, in the opinion of the family court judge, such representation will serve the purposes of this act, if independent legal counsel is not available to the child. The family court on its own motion may make such appointment.

S 2. Paragraph (i) of subdivision (a) of section 262 of the family court act, as amended by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(i) the respondent in any proceeding under article ten[, article] OR ten-A [or article ten-C] of this act and the petitioner in any proceeding under part eight of article ten of this act;

S 3. Paragraph (iv) of subdivision (a) of section 262 of the family court act, as amended by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(iv) the parent or [other] person legally responsible, foster parent, or other person having physical or legal custody of the child in any proceeding under article ten[,] OR ten-A[, ten-B or ten-C] of this act or section three hundred fifty-eight-a, three hundred eighty-four or three hundred eighty-four-b of the social services law, and a non-custodial parent or grandparent served with notice pursuant to paragraph (e) of subdivision two of section three hundred eighty-four-a of the social services law;

S 4. Subdivision (a) of section 262 of the family court act is amended by adding a new paragraph (ix) to read as follows:

(IX) IN A PROCEEDING UNDER ARTICLE TEN-C OF THIS ACT:

(1) A PARENT OR CARETAKER AS SUCH TERMS ARE DEFINED IN SECTION ONE THOUSAND NINETY-TWO OF THIS ACT;

(2) AN INTERESTED ADULT AS SUCH TERM IS DEFINED IN SECTION ONE THOUSAND NINETY-TWO OF THIS ACT PROVIDED THAT:

(A) THE CHILD ALLEGED TO BE DESTITUTE IN THE PROCEEDING HELD PURSUANT TO ARTICLE TEN-C OF THIS ACT WAS REMOVED FROM THE CARE OF SUCH INTERESTED ADULT;

(B) THE CHILD ALLEGED TO BE DESTITUTE IN THE PROCEEDING HELD PURSUANT TO ARTICLE TEN-C OF THIS ACT RESIDES WITH THE INTERESTED ADULT; OR

(C) THE CHILD ALLEGED TO BE DESTITUTE IN THE PROCEEDING HELD PURSUANT TO ARTICLE TEN-C OF THIS ACT RESIDED WITH SUCH INTERESTED ADULT IMMEDIATELY PRIOR TO THE FILING OF THE PETITION UNDER ARTICLE TEN-C OF THIS ACT;

(3) ANY INTERESTED ADULT AS SUCH TERM IS DEFINED IN SECTION ONE THOUSAND NINETY-TWO OF THIS ACT OR ANY PERSON MADE A PARTY TO THE ARTICLE TEN-C PROCEEDING PURSUANT TO SUBDIVISION (C) OF SECTION ONE THOUSAND NINETY-FOUR OF THIS ACT FOR WHOM THE COURT ORDERS COUNSEL APPOINTED

PURSUANT TO SUBDIVISION (D) OF SECTION ONE THOUSAND NINETY-FOUR OF THIS ACT.

S 5. Subdivision (f) of section 1055 of the family court act, as amended by section 18 of part A of chapter 3 of the laws of 2005 and as relettered by chapter 437 of the laws of 2006, is amended to read as follows:

(f) If a child is placed in the custody of the local commissioner of social services or other officer, board or department authorized to receive children as public charges, such person shall provide for such child as [in the case of a destitute child or as otherwise] authorized by law, INCLUDING, BUT NOT LIMITED TO SECTION THREE HUNDRED NINETY-EIGHT OF THE SOCIAL SERVICES LAW.

S 6. Subdivision (a) of section 1092 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(a) "destitute child" shall mean a child UNDER THE AGE OF EIGHTEEN who is [not subject to article ten of this act, is without a parent or person legally responsible to sufficiently care for him or her, and is] in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical or surgical care AND:

(1) DOES NOT FIT WITHIN THE DEFINITION OF AN "ABUSED CHILD" OR A "NEGLECTED CHILD" AS SUCH TERMS ARE DEFINED IN SECTION ONE THOUSAND TWELVE OF THIS ACT; AND

(2) IS WITHOUT ANY PARENT OR CARETAKER AVAILABLE TO SUFFICIENTLY CARE FOR HIM OR HER, DUE TO:

(I) THE DEATH OF A PARENT OR CARETAKER; OR

(II) THE INCAPACITY OR DEBILITATION OF A PARENT OR CARETAKER, WHERE SUCH INCAPACITY OR DEBILITATION WOULD PREVENT SUCH PARENT OR CARETAKER FROM BEING ABLE TO KNOWINGLY AND VOLUNTARILY ENTER INTO A WRITTEN AGREEMENT TO TRANSFER THE CARE AND CUSTODY OF SAID CHILD PURSUANT TO SECTION THREE HUNDRED FIFTY-EIGHT-A OR THREE HUNDRED EIGHTY-FOUR-A OF THE SOCIAL SERVICES LAW; OR

(III) THE INABILITY OF THE COMMISSIONER OF SOCIAL SERVICES TO LOCATE ANY PARENT OR CARETAKER, AFTER MAKING REASONABLE EFFORTS TO DO SO; OR

(IV) A PARENT OR CARETAKER BEING PHYSICALLY LOCATED OUTSIDE OF THE STATE OF NEW YORK AND THE COMMISSIONER OF SOCIAL SERVICES IS OR HAS BEEN UNABLE TO RETURN THE CHILD TO SUCH PARENT OR CARETAKER WHILE OR AFTER MAKING REASONABLE EFFORTS TO DO SO, UNLESS THE LACK OF SUCH EFFORTS IS OR WAS APPROPRIATE UNDER THE CIRCUMSTANCES.

S 7. Subdivision (c) of section 1092 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(c) "[person legally responsible] CARETAKER" shall mean [the custodian or guardian of the destitute child or any other adult responsible for the care of such child at the relevant time] A PERSON OR PERSONS, OTHER THAN A PARENT OF A CHILD ALLEGED OR ADJUDICATED TO BE A DESTITUTE CHILD PURSUANT TO THIS ARTICLE, WHO POSSESSES A VALID, CURRENT COURT ORDER PROVIDING HIM OR HER WITH TEMPORARY OR PERMANENT GUARDIANSHIP OR TEMPORARY OR PERMANENT CUSTODY OF SAID CHILD.

S 8. Section 1092 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court,

as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended by adding a new subdivision (f) to read as follows:

(F) "INTERESTED ADULT" SHALL MEAN A PERSON OR PERSONS OVER THE AGE OF EIGHTEEN, OTHER THAN A PARENT OR CARETAKER, WHO, AT THE RELEVANT TIME RESIDED WITH AND HAD RESPONSIBILITY FOR THE DAY-TO-DAY CARE OF A CHILD ALLEGED OR ADJUDICATED TO BE DESTITUTE.

S 9. Subdivisions (a) and (b) of section 1093 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, are amended to read as follows:

(a) Filing of the petition. [A] ONLY A commissioner of social services may originate a proceeding under this article. A PROCEEDING UNDER THIS ARTICLE MAY BE ORIGINATED by THE filing OF a petition alleging that the child is a destitute child as defined by section one thousand ninety-two of this article. A commissioner of social services, who accepts the care and custody of a child appearing to be a destitute child, shall PROVIDE FOR SUCH CHILD AS AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO SECTION THREE HUNDRED NINETY-EIGHT OF THE SOCIAL SERVICES LAW, AND SHALL file a petition pursuant to this section within fourteen days upon accepting the care and custody of such child.

(b) Venue. A petition under this article shall be filed in the family court located in the county where the child resides or is [domiciled or where the department of social services is located] FOUND; PROVIDED HOWEVER, THAT UPON THE MOTION OF ANY PARTY OR THE ATTORNEY FOR THE CHILD, THE COURT MAY TRANSFER A PETITION FILED UNDER THIS ARTICLE TO A COUNTY THE COURT DEEMS TO BE MORE APPROPRIATE UNDER THE CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, A COUNTY LOCATED WITHIN A JURISDICTION WHERE THE CHILD IS DOMICILED OR HAS ANOTHER SIGNIFICANT NEXUS.

S 10. Paragraphs 1 and 2 of subdivision (c) of section 1093 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, are amended to read as follows:

(1) The petition shall allege upon information and belief:

(i) the manner, date and circumstance under which the child became known to the petitioner;

(ii) the child's date of birth, IF KNOWN;

(iii) that the child is a destitute child as defined in subdivision (a) of section one thousand ninety-two of this article and the basis for the allegation;

(iv) the identity of the parent or parents of the child in question, IF KNOWN;

(v) whether the parent or parents of the child are living or deceased, IF KNOWN;

(vi) the whereabouts and last known address for the parent or parents, IF KNOWN;

(vii) THE IDENTITY OF A CARETAKER OR INTERESTED ADULT, IF KNOWN;

(VIII) the efforts, if any, which were made prior to the filing of the petition to prevent any removal of the child from the home and if such efforts were not made, the reasons such efforts were not made; and

[(viii) if the child had been removed from home prior to the filing of the petition,]

(IX) the efforts, if any, which were made prior to the filing of the petition to allow the child to return OR REMAIN safely home, and if such efforts were not made, the reasons such efforts were not made.

(2) [Unless the parent or parents are deceased, the] THE petition shall contain a notice in conspicuous print providing that if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition to terminate parental rights.

S 11. Subdivision (d) of section 1093 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(d) Service of summons. (1) Upon the filing of a petition under this article, if a living parent [or person legally responsible for the child], CARETAKER OR INTERESTED ADULT is identified in the petition, the court shall cause a copy of the petition and a summons to be issued the same day the petition is filed, requiring such parent [or person legally responsible for the child], CARETAKER OR INTERESTED ADULT to appear in court on the return date to answer the petition. IF THE COURT DEEMS A PERSON A PARTY TO THE PROCEEDING PURSUANT TO SUBDIVISION (C) OF SECTION ONE THOUSAND NINETY-FOUR OF THIS ARTICLE AND IF SUCH PERSON IS NOT BEFORE THE COURT, THE COURT SHALL CAUSE A COPY OF THE PETITION AND A SUMMONS REQUIRING SUCH PERSON TO APPEAR IN COURT ON THE RETURN DATE BE SERVED ON SUCH PERSON.

(2) Service of a summons and petition under this article shall be made by delivery of a true copy thereof to the person summoned at least twenty-four hours before the time stated therein for appearance.

(3) The court may send process without the state in the same manner and with the same effect as process sent within the state in the exercise of personal jurisdiction over any person subject to the jurisdiction of the court under section three hundred one or three hundred two of the civil practice law and rules, notwithstanding that such person is not a resident or domiciliary of the state. Where service is effected OUTSIDE OF THE STATE OF NEW YORK on [an out-of-state respondent and the respondent] A PARENT, CARETAKER, INTERESTED ADULT OR PERSON MADE A PARTY TO THE PROCEEDING PURSUANT TO SUBDIVISION (C) OF SECTION ONE THOUSAND NINETY-FOUR OF THIS ARTICLE AND SUCH PERSON defaults by failing to appear to answer the petition, the court may on its own motion, or upon application of any party or the attorney for the child proceed to a hearing pursuant to section one thousand ninety-five of this article.

(4) If after reasonable effort, personal service is not made, the court may at any stage in the proceedings make an order providing for substituted service in the manner provided for substituted service in civil process in courts of record.

S 12. Paragraph 1 of subdivision (a) of section 1094 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(1) appoint an attorney to represent the child IN ACCORDANCE WITH SECTION TWO HUNDRED FORTY-NINE OF THIS ACT, and[, if entering an appearance at the initial appearance or thereafter, the parent or parents or other person or persons legally responsible;] APPOINT AN ATTORNEY TO REPRESENT A PARENT, CARETAKER OR INTERESTED ADULT IN ACCORDANCE WITH PARAGRAPH (IX) OF SUBDIVISION (A) OF SECTION TWO HUNDRED SIXTY-TWO OF THIS ACT, IF HE OR SHE IS FINANCIALLY UNABLE TO OBTAIN COUNSEL;

S 13. Subparagraphs (i) and (ii) of paragraph 2 of subdivision (a) of section 1094 of the family court act, as added by a chapter of the laws

of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, are amended to read as follows:

(i) if [a] ANY parent [or parents or other person or persons legally responsible, CARETAKER OR INTERESTED ADULT enters an appearance, determine whether the child may safely remain in OR RETURN TO his or her [or their] home and, if appropriate, order services to assist the family toward that end; PROVIDED HOWEVER, THAT SUCH ORDER SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE CHILD AND HIS OR HER FAMILY WHICH IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN THEN IN EFFECT;

(ii) determine whether [removal] TEMPORARY CARE is necessary to avoid [imminent] risk to the child's life or health and whether it would be contrary to the welfare of the child to continue in, OR RETURN TO his or her own home, and, if so, whether the child should be placed in the temporary care and custody of a relative or other suitable person or in the temporary care and custody of the commissioner of social services;

S 14. Clause (A) of subparagraph (iii) of paragraph 2 of subdivision (a) of section 1094 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(A) direct the petitioner to investigate whether there are any parents [or other persons legally responsible], CARETAKERS OR INTERESTED ADULTS not named in the petition or any other relatives or other suitable persons with whom the child may safely reside and, if so, direct the child to reside temporarily in their care; and

S 15. Paragraph 4 of subdivision (a) of section 1094 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(4) determine whether reasonable efforts were made prior to the placement of the child into foster care to prevent or eliminate the need for removal of the child from his or her home, and if such efforts were not made whether the lack of such efforts were appropriate under the circumstances; determine, where appropriate, if reasonable efforts were made to make it possible for the child to REMAIN IN OR return safely home; and

S 16. Subdivision (b) of section 1094 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A. 7836-A and S. 5694-A, is amended to read as follows:

(b) [Unless there has been a hearing under subdivision (a) of this section at which the parent or parents and child's attorney appeared, the] (1) ANY parent [or parents of the child] OR CARETAKER, OR INTERESTED ADULT FROM WHOSE CARE THE CHILD HAS BEEN REMOVED, or the child's attorney may request a hearing to determine whether a child who has been removed from his or her home should be returned and, if so, whether services should be ordered to facilitate such return; PROVIDED HOWEVER, THAT SUCH ORDER SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE CHILD AND HIS OR HER FAMILY WHICH IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COMPREHENSIVE ANNUAL

SERVICES PROGRAM PLAN THEN IN EFFECT. Except for good cause shown, the hearing shall be held within three court days of the request and shall not be adjourned. The court shall grant the application for return of the child unless it finds that the return presents an imminent risk to the child's life or health. If imminent risk to the child is found, the court may make orders in accordance with paragraph two of subdivision (a) of this section, including, but not limited to, directions for investigations of relatives or other suitable persons with whom the child may safely reside.

(2) IN DETERMINING WHETHER TEMPORARY REMOVAL OF THE CHILD IS NECESSARY TO AVOID IMMINENT RISK TO THE CHILD'S LIFE OR HEALTH, THE COURT SHALL CONSIDER AND DETERMINE IN ITS ORDER WHETHER CONTINUATION IN THE CHILD'S HOME WOULD BE CONTRARY TO THE BEST INTERESTS OF THE CHILD AND WHERE APPROPRIATE, WHETHER REASONABLE EFFORTS WERE MADE PRIOR TO THE DATE OF THE HEARING TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME AND WHERE APPROPRIATE, WHETHER REASONABLE EFFORTS WERE MADE AFTER REMOVAL OF THE CHILD TO MAKE IT POSSIBLE FOR THE CHILD TO SAFELY RETURN HOME.

(3) IF THE COURT DETERMINES THAT REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME WERE NOT MADE BUT THAT THE LACK OF SUCH EFFORTS WAS APPROPRIATE UNDER THE CIRCUMSTANCES, THE COURT ORDER SHALL INCLUDE SUCH A FINDING AND THE BASIS FOR SUCH FINDING.

(4) IF THE COURT DETERMINES THAT REASONABLE EFFORTS TO ALLOW A CHILD TO SAFELY RETURN HOME WERE NOT MADE SUBSEQUENT TO THE REMOVAL OF THE CHILD BUT THAT THE LACK OF SUCH EFFORTS WAS APPROPRIATE UNDER THE CIRCUMSTANCES, THE COURT ORDER SHALL INCLUDE SUCH A FINDING AND THE BASIS FOR SUCH FINDING.

S 17. Section 1094 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended by adding two new subdivisions (c) and (d) to read as follows:

(C) (1) THE COURT MAY UPON ITS OWN MOTION OR THE MOTION OF ANY PERSON, DEEM A PERSON NOT NAMED IN THE PETITION WHO HAS A SIGNIFICANT CONNECTION TO THE CHILD ALLEGED TO BE DESTITUTE, A PARTY TO THE PROCEEDING, IF SUCH PERSON CONSENTS TO BEING ADDED AS A PARTY, AND SUCH ACTION IS APPROPRIATE UNDER THE CIRCUMSTANCES.

(2) IF THE COURT DEEMS A PERSON A PARTY PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION AND SUCH PERSON IS NOT BEFORE THE COURT, THE COURT SHALL CAUSE A COPY OF THE PETITION AND A SUMMONS REQUIRING SUCH PERSON TO APPEAR IN COURT ON THE RETURN DATE BE SERVED ON SUCH PERSON IN ACCORDANCE WITH SUBDIVISION (D) OF SECTION ONE THOUSAND NINETY-THREE OF THIS ARTICLE.

(D) THE COURT MAY, IF IT DEEMS APPROPRIATE, APPOINT COUNSEL FOR AN INTERESTED ADULT OR ANOTHER PERSON NAMED AS A PARTY TO THE PROCEEDING PURSUANT TO SUBDIVISION (C) OF THIS SECTION, IF SUCH ADULT OR PERSON IS FINANCIALLY UNABLE TO OBTAIN COUNSEL.

S 18. Subdivision (a) of section 1095 of the family court act as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

(a) No fact finding hearing may commence under this article unless the court enters a finding[:

(1)] that [the parent or parents or other person or persons legally responsible for the child's care is or] ALL PARTIES are present at the hearing and [has or] have been served with a copy of the petition[; or

(2)], PROVIDED HOWEVER, THAT if [the parent or parents or other person or persons legally responsible for the care of the child] ANY PARTY is or are living but are not present, that THE COURT MAY PROCEED IF every reasonable effort has been made to effect service under subdivision (d) of section one thousand ninety-three of this article.

S 19. Subdivisions (b), (c), (d), (e), (f) and (g) of section 1095 of the family court act, as added by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, are amended to read as follows:

(b) The court shall sustain the petition and make a finding that a child is destitute if, based upon a preponderance of competent, material and relevant evidence presented, the court finds that the child meets the definition of a destitute child as described in subdivision (a) of section one thousand ninety-two of this article. IF THE PROOF DOES NOT CONFORM TO THE SPECIFIC ALLEGATIONS OF THE PETITION, THE COURT MAY AMEND THE ALLEGATIONS TO CONFORM TO THE PROOF IF NO PARTY OBJECTS TO SUCH CONFORMATION.

(c) If the court finds that the child does not meet such definition of a destitute child or that the aid of the court is not required, the court shall dismiss the petition, AND IF APPLICABLE, RETURN A CHILD WHO WAS PLACED IN THE TEMPORARY CARE OF THE COMMISSIONER OF SOCIAL SERVICES TO ANY PARENT, CARETAKER OR INTERESTED ADULT; provided, however, that if the court finds that the child may be in need of protection under article ten of this act, the court may request the commissioner of social services to conduct a child protective investigation in accordance with subdivision one of section one thousand thirty-four of this act. The court shall state the grounds for any finding under this subdivision.

(d) If the court sustains the petition pursuant to subdivision (b) of this section, it may immediately convene a dispositional hearing or may adjourn the proceeding for further inquiries to be made prior to disposition PROVIDED HOWEVER, THAT IF A PETITION PURSUANT TO ARTICLE SIX OF THIS ACT HAS BEEN FILED BY A PERSON OR PERSONS SEEKING CUSTODY OR GUARDIANSHIP OF THE CHILD, OR IF A PETITION PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT SEEKING GUARDIANSHIP OF THE CHILD HAS BEEN FILED, THE COURT SHALL CONSOLIDATE THE DISPOSITIONAL HEARING WITH A HEARING UNDER SECTION ONE THOUSAND NINETY-SIX OF THIS ARTICLE, UNLESS CONSOLIDATION WOULD NOT BE APPROPRIATE UNDER THE CIRCUMSTANCES. IF THE COURT DOES NOT CONSOLIDATE SUCH DISPOSITIONAL PROCEEDINGS IT SHALL HOLD THE DISPOSITIONAL HEARING UNDER THIS SECTION IN ABEYANCE PENDING THE DISPOSITION OF THE PETITION FILED PURSUANT TO ARTICLE SIX OF THIS ACT OR ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT. Based upon material and relevant evidence presented at the dispositional hearing, the court shall enter an order of disposition stating the grounds for its order and directing one of the following alternatives:

(1) [releasing the child to his or her parent or parents or other person or persons legally responsible;

(2)] placing the child in the care and custody of the commissioner of social services;

[(3) placing the child in the care and custody of relatives or suitable persons;] or

[(4)] (2) granting an order of custody or guardianship to relatives or suitable persons pursuant to a petition under article six of this act OR

GUARDIANSHIP OF THE CHILD TO A RELATIVE OR SUITABLE PERSON UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT and in accordance with [the findings required by section one thousand fifty-five-b of this act] SECTION ONE THOUSAND NINETY-SIX OF THIS ARTICLE.

(e) If the child has been placed pursuant to [paragraphs two or three] PARAGRAPH ONE of subdivision (d) of this section, the court shall include the following in its order:

(1) a date certain for the permanency hearing in accordance with paragraph two of subdivision (a) of section one thousand eighty-nine of this [article] ACT;

(2) [unless the child's parent or parents are deceased,] a description of the plan for the child to visit with his or her parent or parents unless contrary to the child's best interests;

(3) a direction that the child be placed together with or, at minimum, to visit and have regular communication with, his or her siblings, if any, unless contrary to the best interests of the child and/or the siblings;

(4) [unless the child's parent or parents are deceased,] a direction that the child's parent or parents be notified of any planning conferences to be held pursuant to subdivision three of section four hundred nine-e of the social services law, of their right to attend such conferences and to have counsel or another representative or companion with them;

(5) if the child is or will be fourteen or older by the date of the permanency hearing, the services and assistance that may be necessary to assist the child in learning independent living skills; and

(6) [unless the child's parent or parents are deceased,] a notice that, if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition to terminate parental rights.

(f) If the child has been placed pursuant to paragraph [two or three] ONE of subdivision (d) of this section, the provisions of part eight of article ten of this act shall be applicable.

(g) If the court makes an order pursuant to paragraph one[, two or three] of subdivision (d) of this section, the court may include a direction for the commissioner of social services to provide or arrange for services or assistance, LIMITED TO THOSE authorized OR REQUIRED to be made available under the comprehensive annual services program plan then in effect, to ameliorate the conditions that formed the basis for the fact-finding under this section and, if the child has been [removed from home] PLACED IN THE CARE AND CUSTODY OF THE COMMISSIONER OF SOCIAL SERVICES, to facilitate [return of the child] THE CHILD'S PERMANENCY PLAN.

S 20. The family court act is amended by adding a new section 1096 to read as follows:

S 1096. CUSTODY OR GUARDIANSHIP WITH RELATIVES OR SUITABLE PERSONS PURSUANT TO ARTICLE SIX OF THIS ACT OR ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT. (A) AT THE CONCLUSION OF A HEARING HELD PURSUANT TO SECTION ONE THOUSAND NINETY-FIVE OF THIS ARTICLE, THE COURT MAY ENTER AN ORDER OF DISPOSITION GRANTING CUSTODY OR GUARDIANSHIP OF THE CHILD TO A RELATIVE OR SUITABLE PERSON UNDER ARTICLE SIX OF THIS ACT OR GUARDIANSHIP OF THE CHILD TO A RELATIVE OR SUITABLE PERSON UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT IF:

(1) THE RELATIVE OR SUITABLE PERSON HAS FILED A PETITION FOR CUSTODY OR GUARDIANSHIP OF THE CHILD PURSUANT TO ARTICLE SIX OF THIS ACT OR

GUARDIANSHIP OF THE CHILD PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; AND

(2) THE COURT FINDS THAT GRANTING CUSTODY OR GUARDIANSHIP OF THE CHILD TO THE RELATIVE OR SUITABLE PERSON IS IN THE BEST INTERESTS OF THE CHILD; AND

(3) THE COURT FINDS THAT GRANTING CUSTODY OR GUARDIANSHIP OF THE CHILD TO THE RELATIVE OR SUITABLE PERSON UNDER ARTICLE SIX OF THIS ACT OR GUARDIANSHIP OF THE CHILD TO A RELATIVE OR SUITABLE PERSON UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT WILL PROVIDE THE CHILD WITH A SAFE AND PERMANENT HOME; AND

(4) ALL PARTIES TO THE DESTITUTE CHILD PROCEEDING CONSENT TO THE GRANTING OF CUSTODY OR GUARDIANSHIP UNDER ARTICLE SIX OF THIS ACT OR ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; OR

(5) AFTER A CONSOLIDATED FACT FINDING AND DISPOSITIONAL HEARING ON THE DESTITUTE CHILD PETITION AND THE PETITION UNDER ARTICLE SIX OF THIS ACT OR ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT:

(I) IF A PARENT OR PARENTS FAIL TO CONSENT TO THE GRANTING OF CUSTODY OR GUARDIANSHIP UNDER ARTICLE SIX OF THIS ACT OR GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, THE COURT FINDS THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT SUPPORT GRANTING AN ORDER OF CUSTODY OR GUARDIANSHIP UNDER ARTICLE SIX OF THIS ACT OR GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; OR

(II) IF THE PARENT OR PARENTS CONSENT AND A PARTY OTHER THAN A PARENT FAILS TO CONSENT TO THE GRANTING OF CUSTODY OR GUARDIANSHIP UNDER ARTICLE SIX OF THIS ACT OR GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, THE COURT FINDS THAT GRANTING CUSTODY OR GUARDIANSHIP OF THE CHILD TO THE RELATIVE OR SUITABLE PERSON IS IN THE BEST INTERESTS OF THE CHILD.

(B) AN ORDER MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL SET FORTH THE REQUIRED FINDINGS AS DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AND SHALL CONSTITUTE THE FINAL DISPOSITION OF THE DESTITUTE CHILD PROCEEDING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COURT SHALL NOT ISSUE AN ORDER OF SUPERVISION NOR MAY THE COURT REQUIRE THE LOCAL DEPARTMENT OF SOCIAL SERVICES TO PROVIDE SERVICES TO THE PARENT, PARENTS, CARETAKER OR INTERESTED ADULT WHEN GRANTING CUSTODY OR GUARDIANSHIP PURSUANT TO ARTICLE SIX OF THIS ACT OR GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT UNDER THIS SECTION.

(C) AS PART OF THE ORDER GRANTING CUSTODY OR GUARDIANSHIP PURSUANT TO ARTICLE SIX OF THIS ACT OR GUARDIANSHIP PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, THE COURT MAY REQUIRE THAT THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE ATTORNEY FOR THE CHILD RECEIVE NOTICE OF AND BE MADE PARTIES TO ANY SUBSEQUENT PROCEEDING TO MODIFY SUCH ORDER OF CUSTODY OR GUARDIANSHIP.

(D) AN ORDER ENTERED IN ACCORDANCE WITH THIS SECTION SHALL CONCLUDE THE COURT'S JURISDICTION OVER THE PROCEEDING HELD PURSUANT TO THIS ARTICLE AND THE COURT SHALL NOT MAINTAIN JURISDICTION OVER THE PARTIES FOR THE PURPOSES OF PERMANENCY HEARINGS HELD PURSUANT TO ARTICLE TEN-A OF THIS ACT.

S 21. Subdivision 3 of section 371 of the social services law, as amended by chapter 722 of the laws of 1978, paragraph (d) as amended and paragraph (e) as added by chapter 342 of the laws of 2010, is amended to read as follows:

3. "Destitute child" means [a child who, through no neglect on the part of its parent, guardian or custodian, is]:

(a) [destitute or homeless, or

(b)] A CHILD UNDER THE AGE OF EIGHTEEN WHO IS in a state of want or suffering due to lack of sufficient food, clothing, [or] shelter, or medical or surgical care[, or]; AND:

(I) DOES NOT FIT WITHIN THE DEFINITION OF AN "ABUSED CHILD" OR A "NEGLECTED CHILD" AS SUCH TERMS ARE DEFINED IN SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT; AND

(II) IS WITHOUT ANY PARENT OR CARETAKER AS SUCH TERM IS DEFINED IN SECTION ONE THOUSAND NINETY-TWO OF THE FAMILY COURT ACT, AVAILABLE TO SUFFICIENTLY CARE FOR HIM OR HER, DUE TO:

(A) THE DEATH OF A PARENT OR CARETAKER; OR

(B) THE INCAPACITY OR DEBILITATION OF A PARENT OR CARETAKER, WHERE SUCH INCAPACITY OR DEBILITATION WOULD PREVENT SUCH PARENT OR CARETAKER FROM BEING ABLE TO KNOWINGLY AND VOLUNTARILY ENTER INTO A WRITTEN AGREEMENT TO TRANSFER THE CARE AND CUSTODY OF SAID CHILD PURSUANT TO SECTION THREE HUNDRED FIFTY-EIGHT-A OR THREE HUNDRED EIGHTY-FOUR-A OF THE SOCIAL SERVICES LAW; OR

(C) THE INABILITY OF THE LOCAL SOCIAL SERVICES DISTRICT TO LOCATE ANY PARENT OR CARETAKER, AFTER MAKING REASONABLE EFFORTS TO DO SO; OR

(D) THE PARENT OR CARETAKER BEING PHYSICALLY LOCATED OUTSIDE OF THE STATE OF NEW YORK AND THE LOCAL SOCIAL SERVICES DISTRICT IS OR HAS BEEN UNABLE TO RETURN SAID CHILD TO SUCH PARENT OR CARETAKER WHILE OR AFTER MAKING REASONABLE EFFORTS TO DO SO, UNLESS THE LACK OF SUCH EFFORTS IS OR WAS APPROPRIATE UNDER THE CIRCUMSTANCES;

[(c)] (B) a [person] CHILD WHO IS under the age of eighteen years [who is] AND absent from his OR HER legal residence without the consent of his OR HER parent, legal guardian or custodian[,]; or

[(d)] (C) a [person] CHILD under the age of eighteen who is without a place of shelter where supervision and care are available[,] WHO IS NOT OTHERWISE COVERED UNDER PARAGRAPH (A) OF THIS SUBDIVISION; or

[(e)] (D) A PERSON WHO IS a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges, and who was discharged from foster care due to a failure to consent to continuation in placement, who has returned to foster care pursuant to section one thousand ninety-one of the family court act.

S 22. Paragraph (c) of subdivision 3 of section 384-b of the social services law, as amended by chapter 41 of the laws of 2010, is amended to read as follows:

(c) Where a child was placed or continued in foster care pursuant to article ten [or], ten-A OR TEN-C of the family court act or section three hundred fifty-eight-a of this chapter, a proceeding under this section shall be originated in the family court in the county in which the proceeding pursuant to article ten [or], ten-A OR TEN-C of the family court act or section three hundred fifty-eight-a of this chapter was last heard and shall be assigned, wherever practicable, to the judge who last heard such proceeding. Where multiple proceedings are commenced under this section concerning a child and one or more siblings or half-siblings of such child, placed or continued in foster care with the same commissioner pursuant to section one thousand fifty-five [or], one thousand eighty-nine OR ONE THOUSAND NINETY-FIVE of the family court act, all of such proceedings may be commenced jointly in the family court in any county which last heard a proceeding under article ten [or], ten-A OR TEN-C of the family court act regarding any of the children who are the subjects of the proceedings under this section. In such instances, the case shall be assigned, wherever practicable, to the judge who last

presided over such proceeding. In any other case, a proceeding under this section, including a proceeding brought in the surrogate's court, shall be originated in the county where either of the parents of the child reside at the time of the filing of the petition, if known, or, if such residence is not known, in the county in which the authorized agency has an office for the regular conduct of business or in which the child resides at the time of the initiation of the proceeding. To the extent possible, the court shall, when appointing an attorney for the child, appoint an attorney who has previously represented the child.

S 23. Subdivision 1 of section 398 of the social services law, as amended by a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

1. As to destitute children: [Assume charge of and provide care and support for any destitute child who cannot be properly cared for in his or her home, and if it is necessary for the commissioner to take custody of the child, file a petition pursuant to section one thousand ninety-three of the family court act]

(A) OFFER PREVENTIVE SERVICES IN ACCORDANCE WITH SECTION FOUR HUNDRED NINE-A OF THIS ARTICLE WHEN NECESSARY TO AVERT AN IMPAIRMENT OR DISRUPTION OF A FAMILY WHICH COULD RESULT IN THE PLACEMENT OF THE CHILD IN FOSTER CARE;

(B) REPORT TO THE LOCAL CRIMINAL JUSTICE AGENCY AND TO THE STATEWIDE CENTRAL REGISTER FOR MISSING CHILDREN AS DESCRIBED IN SECTION EIGHT HUNDRED THIRTY-SEVEN-E OF THE EXECUTIVE LAW SUCH RELEVANT INFORMATION AS REQUIRED ON A FORM PRESCRIBED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, IN APPROPRIATE INSTANCES; AND

(C) ASSUME CHARGE OF AND PROVIDE CARE AND SUPPORT FOR ANY CHILD WHO IS A DESTITUTE CHILD PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE WHO CANNOT BE PROPERLY CARED FOR IN HIS OR HER HOME, AND IF REQUIRED, PETITION THE FAMILY COURT TO OBTAIN CUSTODY OF THE CHILD IN ACCORDANCE WITH ARTICLE TEN-C OF THE FAMILY COURT ACT.

S 24. Subparagraph 1 of paragraph (g) of subdivision 6 of section 398 of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

(1) Place children IN ITS CARE AND CUSTODY OR ITS CUSTODY AND GUARDIANSHIP, in suitable instances, in family homes, agency boarding homes [or], group homes or institutions under the proper safeguards[,]. SUCH PLACEMENTS CAN BE MADE either directly, or through an authorized agency, except that, direct placements in agency boarding homes or group homes may be made by the social services [official] DISTRICT only if the [department shall have] OFFICE OF CHILDREN AND FAMILY SERVICES HAS authorized [him or her] THE DISTRICT to operate such homes in accordance with the provisions of section three hundred seventy-four-b of this chapter and only if suitable care is not otherwise available through an authorized agency under the control of persons of the same religious faith as the child. Where such [official] DISTRICT places a child in an agency boarding home, group home or institution, either directly, or through an authorized agency, the [official] DISTRICT shall certify in writing to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES, that such placement was made because it offers the most appropriate and least restrictive level of care FOR THE CHILD, and, is more appropriate than a family foster home placement, or, that such placement is necessary because there are no qualified foster families available [to] WITHIN the

district WHO CAN CARE FOR THE CHILD. If [the number of] placements in agency boarding homes, group homes or institutions [because] ARE THE RESULT of a lack of foster parents [so warrants in any] WITHIN A PARTICULAR district, the [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall assist such district to recruit and train foster parents. Placements shall be made only in institutions [located in this state or in such institutions located in an adjoining state as are maintained by a corporation organized under the laws of this state and having authority to maintain an institution for the care of children. However, all placements shall be made in institutions] visited, inspected and supervised in accordance with title three of article seven of this chapter and conducted in conformity with the applicable regulations of the supervising state agency in accordance with title three of article seven of this chapter. With the approval of the [department] OFFICE OF CHILDREN AND FAMILY SERVICES, a social services district may place a child in its care and custody or its custody and guardianship in a federally funded job corps program and may receive reimbursement for the approved costs of appropriate program administration and supervision pursuant to a plan developed by the department and approved by the director of the budget.

S 25. Paragraph (i) of subdivision 6 of section 398 of the social services law is REPEALED.

S 26. Section 398-e of the social services law, as amended by chapter 584 of the laws of 2008, is amended to read as follows:

S 398-e. Eligibility for protective services, FOSTER CARE SERVICES, and residential services for victims of domestic violence. An alien, including a non-qualified alien, as determined by applicable federal statute and regulation, is eligible for protective services for adults and children, FOSTER CARE SERVICES, and residential services for victims of domestic violence, to the extent such person is otherwise eligible pursuant to this chapter and the regulations of the office of children and family services and the office of temporary and disability assistance.

S 27. Section 12 of a chapter of the laws of 2011 amending the family court act and the social services law relating to procedures for destitute children in the family court, as proposed in legislative bills numbers A.7836-A and S.5694-A, is amended to read as follows:

S 12. This act shall take effect immediately; provided, however, that [local commissioners of social services shall file petitions under this act within ninety days of such effective date for any destitute child in their care and custody on such effective date; and]:

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS ACT SHALL TAKE EFFECT UPON THE APPROVAL BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES OF A TITLE IV-E STATE PLAN AMENDMENT TO ADD DESTITUTE CHILDREN, SUBMITTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES;

(B) PROVIDED THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOTIFY THE LEGISLATIVE BILL DRAFTING COMMISSION UPON THE OCCURRENCE OF THE SUBMISSION AND APPROVAL SET FORTH IN THIS SECTION IN ORDER THAT THE COMMISSION MAY MAINTAIN AN ACCURATE AND TIMELY EFFECTIVE DATA BASE OF THE OFFICIAL TEXT OF THE LAWS OF THE STATE OF NEW YORK IN FURTHERANCE OF EFFECTUATING THE PROVISIONS OF SECTION 44 OF THE LEGISLATIVE LAW AND SECTION 70-B OF THE PUBLIC OFFICERS LAW;

(C) provided further, that the amendments to subdivision (a) of section 249 of the family court act made by section two of this act shall survive the expiration and reversion of such subdivision as provided in section 8 of chapter 29 of the laws of 2011, as amended.

S 28. Section 3 of a chapter of the laws of 2011 amending the social services law relating to kinship guardian assistance payments as proposed in legislative bills numbers A.8339 and S.5745, is amended to read as follows:

S 3. This act shall take effect immediately[; provided that sections one and two of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2011, amending the family court act and the social services law relating to procedures for destitute children in the family court as proposed in legislative bill number A.7836A takes effect; provided however if section 4 of part F of chapter 58 of the laws of 2010 shall not have taken effect on or before legislative bill number A.7836A takes effect, then sections one and two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2010 takes effect; and]:

(A) PROVIDED THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SECTIONS ONE AND TWO OF THIS ACT SHALL TAKE EFFECT UPON THE APPROVAL BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES OF A TITLE IV-E STATE PLAN AMENDMENT TO ADD DESTITUTE CHILDREN, SUBMITTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES;

(B) PROVIDED THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOTIFY THE LEGISLATIVE BILL DRAFTING COMMISSION UPON THE OCCURRENCE OF THE SUBMISSION AND APPROVAL SET FORTH IN THIS SECTION AND WHETHER IN ORDER THAT THE COMMISSION MAY MAINTAIN AN ACCURATE AND TIMELY EFFECTIVE DATE BASE OF THE OFFICIAL TEXT OF THE LAWS OF THE STATE OF NEW YORK IN FURTHERANCE OF EFFECTUATING THE PROVISIONS OF SECTION 44 OF THE LEGISLATIVE LAW AND SECTION 70-B OF THE PUBLIC OFFICERS LAW;

(C) provided[,] further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

S 29. This act shall take effect immediately provided that:

(a) notwithstanding any provision of law to the contrary sections one through twenty-six of this act shall take effect upon the approval by the United States Department of Health and Human Services, Administration for Children, Youth and Families of a title IV-E state plan amendment to add destitute children, submitted by the office of children and family services, the office of children and family services shall notify the legislative bill drafting commission upon the occurrence of the submission and approval set forth in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(b) effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; and

(c) the amendments to subdivision (a) of section 249 of the family court act made by section one of this act shall survive the expiration and reversion of such subdivision as provided in section 8 of chapter 29 of the laws of 2011, as amended.