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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the social services law, in relation to foster home decertification, application for recertification, authorization for non-renewal, notice of removal of a child, and other required notices

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

1 Section 1. Subdivision 1 of section 376 of the social services law, as
2 amended by chapter 677 of the laws of 1985, is amended to read as
3 follows:
4 1. An authorized agency which shall board out any [child/or] CHILD
5 AND/OR minor under the age of eighteen years shall issue to the person
6 receiving such child and/or minor for board a certificate to receive,
7 board or keep a [child/or] CHILD AND/OR minor under the age of eighteen
8 years. Prior to issuing such certificate, the agency shall require that
9 an applicant set forth: his or her employment history, provide personal
10 and employment references and sign a sworn statement indicating whether
11 the applicant, to the best of his or her knowledge, has ever been
12 convicted of a crime in this state or any other jurisdiction. THE AGEN-
13 CY SHALL DETERMINE WHETHER THE APPLICANT HAS EVER HELD SUCH A CERTIF-
14 ICATE, OR A LICENSE OR APPROVAL AND, IF SO, WHETHER THE CERTIFICATE,
15 LICENSE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED
16 FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES, THE AGENCY
17 SHALL EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY
18 THE OFFICE, TO DETERMINE WHETHER A CERTIFICATE SHOULD BE ISSUED AND THE
19 HOME RE-OPENED. Not until all inquiries are completed and evaluated
20 shall the agency cause such certificate to be issued.
21 S 2. Subdivision 1 of section 377 of the social services law, as
22 amended by chapter 677 of the laws of 1985, is amended to read as
23 follows:

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

LBD00569-01-3

1 1. Application for a license to receive, board or keep any child shall
2 be made in writing to the commissioner of [social services] THE OFFICE
3 OF CHILDREN AND FAMILY SERVICES in and for the social services district
4 wherein the premises to be licensed are located, in the form and manner
5 prescribed by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES.
6 The [department] OFFICE shall require that an applicant set forth: his
7 or her employment history, provide personal and employment references
8 and sign a sworn statement indicating whether, to the best of his or her
9 knowledge, he or she has ever been convicted of a crime in this state or
10 any other jurisdiction. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
11 FAMILY SERVICES SHALL ALSO DETERMINE WHETHER THE APPLICANT HAS EVER HELD
12 SUCH A LICENSE, OR A CERTIFICATE OR APPROVAL, AND, IF SO, WHETHER THE
13 LICENSE, CERTIFICATE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD
14 WAS REMOVED FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES,
15 THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL
16 EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY THE
17 OFFICE, TO DETERMINE WHETHER A LICENSE SHOULD BE ISSUED AND THE HOME
18 RE-OPENED. Not until all inquiries are completed and evaluated shall the
19 commissioner of [social services] THE OFFICE OF CHILDREN AND FAMILY
20 SERVICES cause such license to be issued.

21 S 3. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law, provided, however, that effective immediate-
23 ly, the addition, amendment and/or repeal of any rules or regulations
24 necessary for the implementation of the foregoing sections of this act
25 on its effective date is authorized and directed to be made and
26 completed on or before such effective date.