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I N   S E N A T E

May 13, 2014

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Introduced by Sen. FELDER -- 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 the out-of-home placement of certain children with disabilities or disorders

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

1     Section 1. Subdivision 3 of section 358-a of the social services law  
2     is amended by adding a new paragraph (g) to read as follows:  
3     (G) THE COURT MAY APPROVE A PETITION BY OR AGREEMENT WITH A SOCIAL  
4     SERVICES OFFICIAL FOR TEMPORARY PLACEMENT BASED ON CHILD SERVICE NEEDS  
5     FOR THE PROVISION OF NECESSARY SERVICES FOR THE CHILD'S EMOTIONAL,  
6     BEHAVIORAL OR MENTAL DISORDER, OR MENTAL OR PHYSICAL DISABILITY, WITHOUT  
7     THE TRANSFER OF CUSTODY, WHICH PROVIDES THAT THE SOCIAL SERVICES OFFI-  
8     CIAL SHALL MAINTAIN RESPONSIBILITY FOR THE PLACEMENT AND CARE OF THE  
9     CHILD. THE SOCIAL SERVICES DISTRICT SHALL BE ASSIGNED OVERALL RESPONSI-  
10    BILITY FOR PLACEMENT AND CARE OF THE CHILD, INCLUDING, BUT NOT LIMITED  
11    TO, EITHER THE ACTUAL OR ACTIVE SUPERVISION OF THE DEVELOPMENT OF AN  
12    INDIVIDUAL CASE PLAN FOR THE CHILD, PERIODIC REVIEW OF THE CASE PLAN AND  
13    REVIEW OF THE APPROPRIATENESS AND SUITABILITY OF THE PLAN AND PLACEMENT,  
14    AND ENSURING THAT PROPER CARE AND SERVICES ARE PROVIDED TO FACILITATE  
15    RETURN TO THE CHILD'S HOME OR OTHER ALTERNATIVE PERMANENT PLACEMENT, ALL  
16    IN ADHERENCE WITH STATE AND FEDERAL RULES, REGULATIONS AND POLICY INTER-  
17    PRETATIONS.  
18    S 2. Subdivision 2 of section 384-a of the social services law is  
19    amended by adding a new paragraph (i) to read as follows:  
20    (I) A SOCIAL SERVICES OFFICIAL MAY ACCEPT A TEMPORARY PLACEMENT OF A  
21    CHILD FOR THE PROVISION OF NECESSARY SERVICES FOR THE CHILD'S EMOTIONAL,  
22    BEHAVIORAL OR MENTAL DISORDER, OR MENTAL OR PHYSICAL DISABILITY, WITHOUT  
23    THE TRANSFER OF CUSTODY, PROVIDED THAT THE SOCIAL SERVICES OFFICIAL  
24    SHALL MAINTAIN RESPONSIBILITY FOR THE PLACEMENT AND CARE OF THE CHILD.  
25    THE SOCIAL SERVICES OFFICIAL SHALL BE ASSIGNED OVERALL RESPONSIBILITY  
26    FOR THE PLACEMENT AND CARE OF THE CHILD, INCLUDING BUT NOT LIMITED TO,  
27    EITHER ACTUAL OR ACTIVE SUPERVISION OF THE DEVELOPMENT OF AN INDIVIDUAL  
28    CASE PLAN FOR THE CHILD, PERIODIC REVIEW OF THE CASE PLAN AND REVIEW OF

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

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1 THE APPROPRIATENESS AND SUITABILITY OF THE PLAN AND PLACEMENT, AND  
2 ENSURING THAT PROPER CARE AND SERVICES ARE PROVIDED TO FACILITATE RETURN  
3 TO THE CHILD'S HOME OR OTHER ALTERNATIVE PERMANENT PLACEMENT, ALL IN  
4 ADHERENCE WITH STATE AND FEDERAL RULES, REGULATIONS AND POLICY INTERPRE-  
5 TATIONS.

6 S 3. The office of children and family services shall, within six  
7 months of the effective date of this act:

8 (a) amend its internal policies, manuals and practices to comply with  
9 the provisions of this act;

10 (b) make every effort to ensure that local social services districts  
11 comply with the provisions of this act; and

12 (c) initiate formal proceedings to amend its rules and regulations  
13 including, but not limited to, section 430.10 of title 18 of the offi-  
14 cial compilation of codes, rules and regulations of the state of New  
15 York.

16 S 4. The commissioner of the office of children and family services  
17 shall submit two reports to the governor and the legislature, the first  
18 of which shall be delivered eighteen months after the effective date of  
19 this act and the second report shall be delivered thirty-six months  
20 after the first report which shall include:

21 (a) an analysis of the impact of this act on local social services  
22 districts to include but not be limited to obstacles to implementation,  
23 changes in parental attitudes and/or participation in planning for their  
24 child, impact on placement outcomes, and recommendations; and

25 (b) related feedback and recommendations from parents who have sought  
26 to retain custody of their children being placed by a local social  
27 services official, when the primary reason for such placement is the  
28 provision of necessary services for the child's emotional, behavioral or  
29 mental disorder.

30 S 5. This act shall take effect immediately.