

# STATE OF NEW YORK

9080

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT in relation to a study of the number of children in foster care who have an intellectual or developmental disability

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The office of children and family services, in consultation  
2 with the commissioner of mental health and the commissioner of develop-  
3 mental disabilities, shall conduct a study to determine the number of  
4 children who have been placed in foster care and who have been diagnosed  
5 with an intellectual or developmental disability. Such study shall  
6 include, but shall not be limited to, the following:

7 (a) assessing the demographics of the children in foster care with an  
8 intellectual or developmental disability, including, but not limited to,  
9 their county of residence, age, race and gender identity, and determin-  
10 ing whether the placement of such individuals in foster care was volun-  
11 tary or court ordered;

12 (b) evaluating the current guidelines and regulations used to oversee  
13 the placement and treatment of children with an intellectual or develop-  
14 mental disability; and

15 (c) analyzing the extent to which such children are prepared for a  
16 transition from foster care to an independent living situation.

17 § 2. For purposes of this section, the following terms shall have the  
18 following meanings:

19 (a) "intellectual disability" shall have the same meaning as set forth  
20 in paragraph (b) of subdivision 6 of section 384-b of the social  
21 services law; and

22 (b) "developmental disability" shall have the same meaning as set  
23 forth in subdivision 22 of section 1.03 of the mental hygiene law.

24 § 3. The office of children and family services, the commissioner of  
25 mental health and the commissioner of developmental disabilities may  
26 acquire directly from the head of any department, agency, or instrumen-  
27 tality of the state, available information which the departments consid-  
28 er useful in the discharge of their duties. All departments, agencies,

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

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1 and instrumentalities of the state shall cooperate with the departments  
2 with respect to such information and shall furnish all information  
3 requested by the departments to the extent permitted by law.

4 § 4. The office of children and family services, the commissioner of  
5 mental health and the commissioner of developmental disabilities shall  
6 submit a report of the findings of the study conducted pursuant to  
7 section one of this act, to the governor, the temporary president of the  
8 senate, the speaker of the assembly and the minority leaders of the  
9 senate and assembly no later than one year following the effective date  
10 of this act. The report shall also include recommendations on how to  
11 consistently maintain a record of the number of children who have been  
12 placed in foster care who have been diagnosed with an intellectual or  
13 developmental disability, recommendations to improve the placement and  
14 treatment of children in foster care and recommendations to further  
15 develop existing guidelines and regulations to prepare children who have  
16 an intellectual or developmental disability for a transition to an inde-  
17 pendent living situation.

18 § 5. This act shall take effect immediately.