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

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I N A S S E M B L Y

July 6, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lentol) -- read once and referred to the Committee on Children and Families

AN ACT to amend the executive law and the social services law, in relation to funding for adjudicated juvenile delinquents placed with authorized agencies or in foster care

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

Section 1. Section 529 of the executive law is amended by adding two new subdivisions 3 and 3-a to read as follows:

3. (A) EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS FOR CARE, MAINTENANCE, SUPERVISION AND TUITION FURNISHED ADJUDICATED JUVENILE DELINQUENTS IN FACILITIES OPERATED BY AUTHORIZED AGENCIES SHALL BE SUBJECT TO REIMBURSEMENT BY THE STATE, UPON APPROVAL BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AND IN ACCORDANCE WITH ITS REGULATIONS, AS FOLLOWS:

(1) THE FULL AMOUNT EXPENDED BY THE DISTRICT FOR CARE, MAINTENANCE, SUPERVISION AND TUITION OF STATE CHARGES; AND

(2) FIFTY PERCENT OF THE AMOUNT EXPENDED BY THE DISTRICT FOR THE CARE, MAINTENANCE, SUPERVISION AND TUITION OF LOCAL CHARGES.

(B) (1) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, SUCH OFFICE SHALL ONLY PLACE ADJUDICATED JUVENILE DELINQUENTS WITH AN AUTHORIZED AGENCY THAT HAS BEEN CERTIFIED FOR PLACEMENT BY THE SOCIAL SERVICES DISTRICT OF THE POLITICAL SUBDIVISION IN WHICH THE ORDER OF PLACEMENT HAS BEEN ISSUED, PROVIDED THAT SUCH SOCIAL SERVICES DISTRICT HAS SUBMITTED TO SUCH OFFICE THE LIST DESCRIBED IN SUBPARAGRAPH TWO OF THIS PARAGRAPH. SOCIAL SERVICES DISTRICTS MAY PROMULGATE RULES TO ESTABLISH THE MEANS OF GRANTING SUCH CERTIFICATIONS.

(2) SOCIAL SERVICES DISTRICTS MAY SUBMIT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES A LIST OF AUTHORIZED AGENCIES THAT HAVE BEEN CERTIFIED BY SUCH SOCIAL SERVICES DISTRICTS FOR PLACEMENT. SUCH CERTIFICATIONS SHALL BE BASED ON A REVIEW OF THE HISTORICAL PERFORMANCE OF EACH AUTHORIZED AGENCY IN SUPERVISING AND CARING FOR FOSTER CHILDREN AND ADJUDICATED JUVENILE DELINQUENTS OR, IN THE CASE OF A NEWLY-OPENED AUTHORIZED AGENCY, BASED UPON THE DETERMINATION OF THE SOCIAL SERVICES DISTRICT

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

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THAT SUCH AUTHORIZED AGENCY HAS ADEQUATE CAPACITY AND EXPERTISE TO CARRY OUT SUCH FUNCTIONS. SOCIAL SERVICES DISTRICTS MAY PERIODICALLY UPDATE SUCH LISTS. IN THE EVENT A SOCIAL SERVICES DISTRICT FAILS TO PROVIDE SUCH A LIST TO SUCH OFFICE, THE OFFICE MAY PLACE YOUTH FROM ANY SUCH SOCIAL SERVICES DISTRICT AT ANY AUTHORIZED AGENCY, SUBJECT TO ANY ORDER OF THE FAMILY COURT.

3-A. EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS FOR CARE, MAINTENANCE, SUPERVISION AND TUITION FURNISHED ADJUDICATED JUVENILE DELINQUENTS PLACED IN FOSTER CARE UNDER THE SUPERVISION OF THE COMMISSIONER OF SOCIAL SERVICES PURSUANT TO SUBDIVISION ONE OF SECTION 353.3 OF THE FAMILY COURT ACT SHALL BE SUBJECT TO REIMBURSEMENT BY THE STATE, UPON APPROVAL BY SUCH OFFICE AND IN ACCORDANCE WITH ITS REGULATION, AS FOLLOWS:

(1) THE FULL AMOUNT EXPENDED BY THE DISTRICT FOR CARE, MAINTENANCE, SUPERVISION AND TUITION OF STATE CHARGES; AND

(2) FIFTY PERCENT OF THE AMOUNT EXPENDED BY THE DISTRICT FOR THE CARE, MAINTENANCE, SUPERVISION AND TUITION OF LOCAL CHARGES.

S 2. Paragraph (a) of subdivision 2 of section 153-k of the social services law, as added by section 15 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) Notwithstanding the provisions of this chapter or of any other law to the contrary, eligible expenditures by a social services district for foster care services shall be subject to reimbursement with state funds only to the extent of annual appropriations to the state foster care block grant. Such foster care services shall include expenditures for the provision and administration of: care, maintenance, supervision and tuition; AND supervision of foster children placed in federally funded job corps programs[; and care, maintenance, supervision and tuition for adjudicated juvenile delinquents and persons in need of supervision placed in residential programs operated by authorized agencies and in out-of-state residential programs]. Social services districts must develop and implement children and family services delivery systems that are designed to reduce the need for and the length of foster care placements and must document their efforts in the multi-year consolidated services plan and the annual implementation reports submitted pursuant to section thirty-four-a of this chapter.

S 3. This act shall take effect July 1, 2010, provided however that if this act shall have become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2010; and provided further that the amendments to subdivision 2 of section 155-k of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further that, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.