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

3727

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CLARK, SCARBOROUGH, ROBINSON, ERRIGO, CAMARA -- Multi-Sponsored by -- M. of A. ARROYO, HEASTIE, MOLINARO, PAULIN, WALKER -- read once and referred 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:

Section 1. Subdivision 3 of section 358-a of the social services law is amended by adding a new paragraph (g) to read as follows:

(G) THE COURT MAY APPROVE A PETITION BY OR AGREEMENT WITH A SOCIAL SERVICES OFFICIAL FOR TEMPORARY PLACEMENT BASED ON CHILD SERVICE NEEDS FOR THE PROVISION OF NECESSARY SERVICES FOR THE CHILD'S EMOTIONAL, BEHAVIORAL OR MENTAL DISORDER, OR MENTAL OR PHYSICAL DISABILITY, WITHOUT THE TRANSFER OF CUSTODY, WHICH PROVIDES THAT THE SOCIAL SERVICES OFFICIAL SHALL MAINTAIN RESPONSIBILITY FOR THE PLACEMENT AND CARE OF THE CHILD. THE SOCIAL SERVICES DISTRICT SHALL BE ASSIGNED OVERALL RESPONSIBILITY FOR PLACEMENT AND CARE OF THE CHILD, INCLUDING, BUT NOT LIMITED TO, EITHER THE ACTUAL OR ACTIVE SUPERVISION OF THE DEVELOPMENT OF AN INDIVIDUAL CASE PLAN FOR THE CHILD, PERIODIC REVIEW OF THE CASE PLAN AND REVIEW OF THE APPROPRIATENESS AND SUITABILITY OF THE PLAN AND PLACEMENT, AND ENSURING THAT PROPER CARE AND SERVICES ARE PROVIDED TO FACILITATE RETURN TO THE CHILD'S HOME OR OTHER ALTERNATIVE PERMANENT PLACEMENT, ALL IN ADHERENCE WITH STATE AND FEDERAL RULES, REGULATIONS AND POLICY INTERPRETATIONS.

S 2. Subdivision 2 of section 384-a of the social services law is amended by adding a new paragraph (i) to read as follows:

(I) A SOCIAL SERVICES OFFICIAL MAY ACCEPT A TEMPORARY PLACEMENT OF A CHILD FOR THE PROVISION OF NECESSARY SERVICES FOR THE CHILD'S EMOTIONAL, BEHAVIORAL OR MENTAL DISORDER, OR MENTAL OR PHYSICAL DISABILITY, WITHOUT THE TRANSFER OF CUSTODY, PROVIDED THAT THE SOCIAL SERVICES OFFICIAL

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

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SHALL MAINTAIN RESPONSIBILITY FOR THE PLACEMENT AND CARE OF THE CHILD. THE SOCIAL SERVICES OFFICIAL SHALL BE ASSIGNED OVERALL RESPONSIBILITY FOR THE PLACEMENT AND CARE OF THE CHILD, INCLUDING BUT NOT LIMITED TO, EITHER ACTUAL OR ACTIVE SUPERVISION OF THE DEVELOPMENT OF AN INDIVIDUAL CASE PLAN FOR THE CHILD, PERIODIC REVIEW OF THE CASE PLAN AND REVIEW OF THE APPROPRIATENESS AND SUITABILITY OF THE PLAN AND PLACEMENT, AND ENSURING THAT PROPER CARE AND SERVICES ARE PROVIDED TO FACILITATE RETURN TO THE CHILD'S HOME OR OTHER ALTERNATIVE PERMANENT PLACEMENT, ALL IN ADHERENCE WITH STATE AND FEDERAL RULES, REGULATIONS AND POLICY INTERPRETATIONS.

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

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

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

(c) initiate formal proceedings to amend its rules and regulations including, but not limited to, section 430.10 of title 18 of the official compilation of codes, rules and regulations of the state of New York.

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

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

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

S 5. This act shall take effect immediately.