

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 ASSEM-
BLY, 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

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

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

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

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

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

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

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

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

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

35 S 5. This act shall take effect immediately.