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

5003

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ, CLARK -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to child welfare diversion

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

Section 1. The social services law is amended by adding a new section 358-d to read as follows:

S 358-D. CHILD WELFARE DIVERSION. 1. CHILD WELFARE DIVERSION. THE FAMILY COURT IN EACH COUNTY MAY APPOINT A LOCAL PROBATION SERVICE, DULY INCORPORATED COURT APPOINTED SPECIAL ADVOCATES, AN AUTHORIZED AGENCY AS DEFINED IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, OR OTHER APPROPRIATE AGENCIES, TO SERVE, WITH THEIR CONSENT, AS AN ADJUSTMENT AGENCY FOR THE PURPOSE OF RECEIVING REFERRALS FROM THE FAMILY COURT IN ORDER TO DIVERT CASES FILED UNDER SECTION THREE HUNDRED FIFTY-EIGHT-A OF THIS TITLE AND TO AVERT THE NEED FOR, OR MINIMIZE THE DURATION OF, PLACEMENT OF CHILDREN IN FOSTER CARE, BY ARRANGING AND COORDINATING SERVICES TO THE FAMILY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ENTITLE A PERSON OR ORGANIZATION SERVING AS AN ADJUSTMENT AGENCY PROVIDING SUCH DIVERSION SERVICES TO ANY ADDITIONAL REIMBURSEMENT PURSUANT TO THIS SECTION BEYOND THE SUMS AUTHORIZED BY OTHER APPLICABLE PROVISIONS OF LAW.

2. PROCEDURES. UPON FILING OF ANY PETITION UNDER SECTION THREE HUNDRED FIFTY-EIGHT-A OF THIS TITLE, THE COURT MAY REFER THE PROCEEDING TO A LOCAL ADJUSTMENT AGENCY FOR A PERIOD OF UP TO NINETY DAYS.

3. ADJUSTMENT PROCESS. (A) THE ADJUSTMENT AGENCY SHALL CONFER WITH ALL NECESSARY PARTIES TO ASSIST THE CHILD AND FAMILY, TO DETERMINE WHAT SERVICES ARE NECESSARY AND TO ARRANGE FOR THE PROVISION OF SUCH SERVICES. THE ADJUSTMENT AGENCY MAY, AT ANY TIME, NOTIFY THE COURT THAT THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAS FAILED TO PROVIDE NECESSARY SERVICES. UPON FINDING, AFTER A HEARING, THAT SUCH SERVICES ARE NEEDED

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

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BY THE FAMILY, THE COURT SHALL DIRECT THE LOCAL DEPARTMENT OF SOCIAL SERVICES TO PROVIDE SUCH SERVICES, PURSUANT TO PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION THREE HUNDRED FIFTY-EIGHT-A OF THIS TITLE.

(B) THE ADJUSTMENT AGENCY MAY, AT ANY TIME, NOTIFY THE COURT THAT ATTEMPTS AT ADJUSTMENT HAVE NOT BEEN SUCCESSFUL AND REQUEST THAT ADJUSTMENT SERVICES BE TERMINATED AND THAT THE PETITION BE RESTORED TO THE COURT'S CALENDAR.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.