

1078

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. DILAN, ADAMS, BRESLIN, DIAZ, DUANE, HASSELL-THOMPSON, C. JOHNSON, KRUEGER, KRUGER, ONORATO, OPPENHEIMER, PARKER, SAMPSON, SAVINO, SCHNEIDERMAN, STACHOWSKI, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to foster home decertification, application for recertification, authorization for non-renewal, notice of removal of a child, and other required notices

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

1 Section 1. Subdivision 1 of section 376 of the social services law, as
2 amended by chapter 677 of the laws of 1985, is amended to read as
3 follows:
4 1. An authorized agency which shall board out any [child/or] CHILD
5 AND/OR minor under the age of eighteen years shall issue to the person
6 receiving such child and/or minor for board a certificate to receive,
7 board or keep a [child/or] CHILD AND/OR minor under the age of eighteen
8 years. Prior to issuing such certificate, the agency shall require that
9 an applicant set forth: his or her employment history, provide personal
10 and employment references and sign a sworn statement indicating whether
11 the applicant, to the best of his or her knowledge, has ever been
12 convicted of a crime in this state or any other jurisdiction. THE AGEN-
13 CY SHALL ALSO INQUIRE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AS
14 TO WHETHER THE APPLICANT HAS EVER HELD SUCH A CERTIFICATE, OR A LICENSE
15 OR APPROVAL AND, IF SO, WHETHER THE CERTIFICATE, LICENSE OR APPROVAL WAS
16 REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED FROM THE HOME, AND THE
17 REASON THEREFOR. IN SUCH INSTANCES, THE AGENCY SHALL EVALUATE THE
18 CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY THE OFFICE, TO
19 DETERMINE WHETHER A CERTIFICATE SHOULD BE ISSUED AND THE HOME RE-OPENED.
20 Not until all inquiries are completed and evaluated shall the agency
21 cause such certificate to be issued.

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

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1 S 2. Subdivision 1 of section 377 of the social services law, as
2 amended by chapter 677 of the laws of 1985, is amended to read as
3 follows:

4 1. Application for a license to receive, board or keep any child shall
5 be made in writing to the commissioner of [social services] CHILDREN AND
6 FAMILY SERVICES in and for the social services district wherein the
7 premises to be licensed are located, in the form and manner prescribed
8 by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES. The
9 [department] OFFICE shall require that an applicant set forth: his or
10 her employment history, provide personal and employment references and
11 sign a sworn statement indicating whether, to the best of his or her
12 knowledge, he or she has ever been convicted of a crime in this state or
13 any other jurisdiction. SUCH COMMISSIONER SHALL ALSO INQUIRE OF THE
14 OFFICE AS TO WHETHER THE APPLICANT HAS EVER HELD SUCH A LICENSE, OR A
15 CERTIFICATE OR APPROVAL, AND, IF SO, WHETHER THE LICENSE, CERTIFICATE OR
16 APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED FROM THE HOME,
17 AND THE REASON THEREFOR. IN SUCH INSTANCES, SUCH COMMISSIONER SHALL
18 EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY THE
19 OFFICE, TO DETERMINE WHETHER A LICENSE SHOULD BE ISSUED AND THE HOME
20 RE-OPENED. Not until all inquiries are completed and evaluated shall
21 [the] SUCH commissioner [of social services] cause such license to be
22 issued.

23 S 3. Section 379 of the social services law, as amended by chapter 945
24 of the laws of 1971, subdivision 2 as amended by chapter 555 of the laws
25 of 1978, is amended to read as follows:

26 S 379. Revocation AND NON-RENEWAL of certificates and licenses AND
27 REMOVAL OF A CHILD; NOTIFICATION TO OFFICE. 1. A certificate or license
28 to receive, board or keep any child and/or minor under the age of eigh-
29 teen years may be revoked for cause by the authorized agency or the
30 commissioner of [social services] THE OFFICE OF CHILDREN AND FAMILY
31 SERVICES by which it was issued and any such certificate or license to
32 receive, board or keep any child may be revoked for cause by the commis-
33 sioner OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

34 2. An agency revoking OR NOT RENEWING any such certificate and a LOCAL
35 commissioner of social services revoking OR NOT RENEWING any such
36 license shall notify the [department] OFFICE OF CHILDREN AND FAMILY
37 SERVICES of such [revocation] ACTION at once, AND THE REASON THEREFOR.

38 3. ANY TIME AN AGENCY OR LOCAL COMMISSIONER OF SOCIAL SERVICES REMOVES
39 A CHILD FROM A CERTIFIED OR LICENSED HOME, SUCH AGENCY OR COMMISSIONER
40 SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THE REMOVAL
41 AND THE REASON THEREFOR.

42 S 4. This act shall take effect on the one hundred eightieth day after
43 it shall have become a law, provided, however, that effective immediate-
44 ly, the addition, amendment and/or repeal of any rules or regulations
45 necessary for the implementation of the foregoing sections of this act
46 on its effective date is authorized and directed to be made and
47 completed on or before such effective date.