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

3601--D

Cal. No. 298

2009-2010 Regular Sessions

I N  S E N A T E

March 25, 2009

Introduced by Sens. PARKER, DILAN, MONTGOMERY, OPPENHEIMER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, returned to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to requiring certain day care centers to provide twelve months notice before it intends to close its facility

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 390-h to read as follows:

S 390-H. NOTICE REQUIREMENT BEFORE CLOSING CERTAIN DAY CARE CENTERS. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CHILD DAY CARE CENTER" SHALL MEAN A CHILD DAY CARE CENTER AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THREE HUNDRED NINETY OF THIS TITLE.

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

LBD05809-11-0

(B) "PERSON LEGALLY RESPONSIBLE" SHALL MEAN A PERSON LEGALLY RESPONSIBLE AS DEFINED IN SUBDIVISION (G) OF SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT.

2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, IF THE SOCIAL SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER UNDER CONTRACT WITH SUCH DISTRICT, IT SHALL PROVIDE AT LEAST SIX MONTHS WRITTEN NOTICE TO THE CHILD DAY CARE CENTER AND THE PARENTS OR PERSONS LEGALLY RESPONSIBLE FOR CHILDREN ENROLLED IN SUCH CENTERS, PRIOR TO THE CLOSING.

(B) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY IN CASES WHERE A LOCAL SOCIAL SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER FOR VIOLATING THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR FOR HEALTH AND SAFETY REASONS.

(C) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY IN CASES WHERE A LOCAL SOCIAL SERVICES DISTRICT SEEKS TO CLOSE A CHILD DAY CARE CENTER ON AN EXPEDITED BASIS FOR REASONS OF PUBLIC SAFETY, CRIMINAL BEHAVIOR BY THE CENTER, BREACH OF CONTRACT WITH THE LOCAL SOCIAL SERVICES DISTRICT, SUSPENSION OR REVOCATION OF THE CENTER'S LICENSE FOR NON-ECONOMIC REASONS.

S 2. This act shall take effect immediately, provided however for child day care centers and parents or persons legally responsible for children enrolled in such centers that have already received notice of impending closure, the six month notice period, required pursuant to section one of this act, shall begin on the effective date of this chapter.