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

3877

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. MONTGOMERY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings

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

Section 1. Section 1055 of the family court act is amended by adding a new subdivision (j) to read as follows:

(J) WHERE A CHILD IS PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE COURT SHALL REQUIRE A REPORT OF ANY CHANGE IN PLACEMENT WITHIN THIRTY DAYS OF SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM IN WHICH HE OR SHE IS RESIDING OR IN WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD. EACH REPORT SHALL STATE THE REASONS FOR SUCH CHANGE, AS WELL AS THE GROUNDS FOR THE COMMISSIONER'S CONCLUSION THAT SUCH CHANGE IS IN THE BEST INTERESTS OF THE CHILD. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE COURT TO ORDER THAT NO CHANGE IN PLACEMENT MAY BE MADE, EXCEPT IN AN EMERGENCY POSING AN IMMINENT RISK TO THE CHILD, WITHOUT PRIOR NOTICE TO THE COURT, THE PARTIES AND THE CHILD'S ATTORNEY. A REPORT SHALL ALSO BE REQUIRED TO BE SUBMITTED TO THE COURT, THE PARTIES AND THE ATTORNEY FOR THE CHILD OF ANY INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT IN WHICH THE CHILD OR ANOTHER CHILD RESIDING IN THE SAME HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT; PROVIDED, HOWEVER, THAT WHERE THE INDICATED REPORT CONCERNS A CHILD IN A FOSTER BOARDING OR PROSPECTIVE ADOPTIVE HOME, THE AGENCY MAY REDACT THE ADDRESS OF THE HOME.

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

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S 2. Subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act is amended by adding a new clause (H) to read as follows:

(H) A DIRECTION THAT THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY CHARGED WITH CARE AND CUSTODY OR GUARDIANSHIP AND CUSTODY OF THE CHILD, AS APPLICABLE, SHALL REPORT ANY CHANGE IN PLACEMENT WITHIN THIRTY DAYS OF SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM THE FOSTER HOME, RELATIVE'S OR OTHER SUITABLE PERSON'S HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS OR RELATIVES OR OTHER SUITABLE PERSONS WITH WHOM THE CHILD IS PLACED MOVE OUT OF STATE WITH THE CHILD. EACH REPORT SHALL STATE THE REASONS FOR SUCH CHANGE, AS WELL AS THE GROUNDS FOR THE OFFICIAL'S OR AGENCY'S CONCLUSION THAT SUCH CHANGE IS IN THE BEST INTERESTS OF THE CHILD. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE COURT TO ORDER THAT NO CHANGE IN PLACEMENT MAY BE MADE, EXCEPT IN AN EMERGENCY POSING AN IMMINENT RISK TO THE CHILD, WITHOUT PRIOR NOTICE TO THE COURT, THE PARTIES AND THE CHILD'S ATTORNEY. A REPORT SHALL ALSO BE REQUIRED TO BE SUBMITTED TO THE COURT, THE PARTIES AND THE ATTORNEY FOR THE CHILD OF ANY INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT WHERE THE CHILD OR ANOTHER CHILD IN THE SAME HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT; PROVIDED, HOWEVER, THAT WHERE THE INDICATED REPORT CONCERNS A CHILD IN A FOSTER BOARDING OR PROSPECTIVE ADOPTIVE HOME, THE AGENCY MAY REDACT THE ADDRESS OF THE HOME.

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

(G) IN ANY ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT MAY REQUIRE THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY CHARGED WITH CUSTODY OF THE CHILD TO REPORT ANY CHANGE IN PLACEMENT WITHIN THIRTY DAYS OF SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD. EACH REPORT SHALL STATE THE REASONS FOR SUCH CHANGE, AS WELL AS THE GROUNDS FOR THE OFFICIAL'S OR AGENCY'S CONCLUSION THAT SUCH CHANGE IS IN THE BEST INTERESTS OF THE CHILD. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE COURT TO ORDER THAT NO CHANGE IN PLACEMENT MAY BE MADE, EXCEPT IN AN EMERGENCY POSING AN IMMINENT RISK TO THE CHILD, WITHOUT PRIOR NOTICE TO THE COURT, THE PARTIES AND THE CHILD'S ATTORNEY. A REPORT SHALL ALSO BE REQUIRED TO BE SUBMITTED TO THE COURT, THE PARTIES AND THE CHILD'S ATTORNEY OF ANY INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT WHERE THE CHILD OR ANOTHER CHILD IN THE SAME HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT; PROVIDED, HOWEVER, THAT WHERE THE INDICATED REPORT CONCERNS A CHILD IN A FOSTER BOARDING OR PROSPECTIVE ADOPTIVE HOME, THE AGENCY MAY REDACT THE ADDRESS OF THE HOME.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.