

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:

1 Section 1. Section 1055 of the family court act is amended by adding a
2 new subdivision (j) to read as follows:
3 (J) WHERE A CHILD IS PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER
4 OF SOCIAL SERVICES PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE
5 COURT SHALL REQUIRE A REPORT OF ANY CHANGE IN PLACEMENT WITHIN THIRTY
6 DAYS OF SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM THE
7 FOSTER HOME OR PROGRAM IN WHICH HE OR SHE IS RESIDING OR IN WHICH THE
8 FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD. EACH REPORT SHALL STATE
9 THE REASONS FOR SUCH CHANGE, AS WELL AS THE GROUNDS FOR THE COMMISSION-
10 ER'S CONCLUSION THAT SUCH CHANGE IS IN THE BEST INTERESTS OF THE CHILD.
11 NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE COURT TO ORDER
12 THAT NO CHANGE IN PLACEMENT MAY BE MADE, EXCEPT IN AN EMERGENCY POSING
13 AN IMMINENT RISK TO THE CHILD, WITHOUT PRIOR NOTICE TO THE COURT, THE
14 PARTIES AND THE CHILD'S ATTORNEY. A REPORT SHALL ALSO BE REQUIRED TO BE
15 SUBMITTED TO THE COURT, THE PARTIES AND THE ATTORNEY FOR THE CHILD OF
16 ANY INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT IN WHICH THE CHILD
17 OR ANOTHER CHILD RESIDING IN THE SAME HOME IS THE SUBJECT WITHIN FIVE
18 DAYS OF THE INDICATION OF THE REPORT; PROVIDED, HOWEVER, THAT WHERE THE
19 INDICATED REPORT CONCERNS A CHILD IN A FOSTER BOARDING OR PROSPECTIVE
20 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.

LBD10372-01-9

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

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

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

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

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