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

3065--E

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, PHEFFER, JOHN, BOYLAND, MAISEL, CRESPO, BROOK-KRASNY, SCARBOROUGH, JAFFEE, JACOBS, COOK, MENG, CASTRO, WRIGHT, J. RIVERA, TITUS, MILLMAN, BARRON, ESPAILLAT, GIBSON, CAMARA -- Multi-Sponsored by -- M. of A. BRENNAN, ERRIGO, GOTTFRIED, HEASTIE, MAYERSOHN, NOLAN, SKARTADOS, TOWNS -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring certain day care centers to provide six 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.

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(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.