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

4599

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CYMBROWITZ -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to dispositional and permanency hearings in juvenile delinquency and persons in need of supervision proceedings

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

Section 1. Section 353.3 of the family court act is amended by adding a new subdivision 4-a to read as follows:

4-A. WHEN THE RESPONDENT IS PLACED IN A NON-SECURE FACILITY OR FOSTER CARE HOME PURSUANT TO PARAGRAPH (C) OF SUBDIVISION THREE OR SUBDIVISION FOUR OF THIS SECTION, THE DISPOSITIONAL ORDER OR AN ATTACHMENT TO THE ORDER INCORPORATED BY REFERENCE INTO THE ORDER SHALL INCLUDE:

(A) A DESCRIPTION OF THE VISITATION PLAN;

(B) A SERVICE PLAN, IF AVAILABLE. IF THE SERVICE PLAN HAS NOT YET BEEN DEVELOPED, THEN THE SERVICE PLAN MUST BE FILED WITH THE COURT AND DELIVERED TO THE PRESENTMENT AGENCY, LAW GUARDIAN AND PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE CARE OF THE RESPONDENT NO LATER THAN NINETY DAYS FROM THE DATE THE DISPOSITION WAS MADE; AND

(C) A DIRECTION THAT THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT SHALL BE NOTIFIED OF ANY PLANNING CONFERENCES, OF THEIR RIGHT TO ATTEND THE CONFERENCES, AND OF THEIR RIGHT TO HAVE COUNSEL OR OTHER REPRESENTATIVE OR COMPANION WITH THEM. IF THE RESPONDENT IS PLACED WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES, THE ORDER SHALL CONTAIN A DIRECTION THAT THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT SHALL BE NOTIFIED OF ANY PLANNING CONFERENCES TO BE HELD PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED NINE-E OF THE SOCIAL SERVICES LAW, OF THEIR RIGHT TO ATTEND THE CONFERENCES, AND OF THEIR RIGHT TO HAVE COUNSEL OR OTHER REPRESENTATIVE OR COMPANION WITH THEM.

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

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A COPY OF THE COURT'S ORDER AND ATTACHMENTS SHALL BE GIVEN TO THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE CARE OF THE RESPONDENT. THE ORDER ALSO SHALL CONTAIN A NOTICE THAT IF THE RESPONDENT REMAINS IN PLACEMENT FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE THE PARENTAL RIGHTS OF THE PARENT OR PERSON LEGALLY RESPONSIBLE FOR THE RESPONDENT.

S 2. Subdivision 9 of section 355.5 of the family court act, as renumbered by section 2 of part B of chapter 327 of the laws of 2007, is renumbered subdivision 10 and a new subdivision 9 is added to read as follows:

9. IF THE ORDER RESULTING FROM THE PERMANENCY HEARING EXTENDS THE RESPONDENT'S PLACEMENT PURSUANT TO SECTION 355.3 OF THIS PART IN A NON-SECURE FOSTER HOME OR FACILITY OR IF THE RESPONDENT CONTINUES IN SUCH PLACEMENT UNDER A PRIOR ORDER, THE ORDER OR AN ATTACHMENT TO THE ORDER INCORPORATED INTO THE ORDER BY REFERENCE SHALL INCLUDE:

(A) A DESCRIPTION OF THE VISITATION PLAN;

(B) A SERVICE PLAN AIMED AT EFFECTUATING THE PERMANENCY GOAL; AND

(C) A DIRECTION THAT THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT SHALL BE NOTIFIED OF ANY PLANNING CONFERENCES, INCLUDING THOSE HELD PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED NINE-E OF THE SOCIAL SERVICES LAW, OF THEIR RIGHT TO ATTEND THE CONFERENCES, AND THEIR RIGHT TO HAVE COUNSEL OR OTHER REPRESENTATIVE OR COMPANION WITH THEM.

A COPY OF THE COURT'S ORDER AND THE ATTACHMENTS SHALL BE GIVEN TO THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT. THE ORDER ALSO SHALL CONTAIN A NOTICE THAT IF THE RESPONDENT REMAINS IN FOSTER CARE FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE THE PARENTAL RIGHTS OF THE PARENT OR PERSON LEGALLY RESPONSIBLE FOR THE RESPONDENT.

S 3. Section 756 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D) WHEN THE RESPONDENT IS PLACED PURSUANT TO THIS SECTION, THE DISPOSITIONAL ORDER OR AN ATTACHMENT TO THE ORDER INCORPORATED BY REFERENCE INTO THE ORDER SHALL INCLUDE:

(I) A DESCRIPTION OF THE VISITATION PLAN;

(II) A SERVICE PLAN, IF AVAILABLE. IF THE SERVICE PLAN HAS NOT YET BEEN DEVELOPED, THEN THE SERVICE PLAN MUST BE FILED WITH THE COURT AND DELIVERED TO THE PRESENTMENT AGENCY, LAW GUARDIAN AND PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE CARE OF THE RESPONDENT NO LATER THAN NINETY DAYS FROM THE DATE THE DISPOSITION WAS MADE; AND

(III) A DIRECTION THAT THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT SHALL BE NOTIFIED OF ANY PLANNING CONFERENCES TO BE HELD PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED NINE-E OF THE SOCIAL SERVICES LAW, OF THEIR RIGHT TO ATTEND THE CONFERENCES, AND OF THEIR RIGHT TO HAVE COUNSEL OR OTHER REPRESENTATIVE OR COMPANION WITH THEM.

A COPY OF THE COURT'S ORDER AND ATTACHMENT SHALL BE GIVEN TO THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE CARE OF THE RESPONDENT. THE ORDER ALSO SHALL CONTAIN A NOTICE THAT IF THE RESPONDENT REMAINS IN PLACEMENT FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE THE PARENTAL RIGHTS OF THE PARENT OR PERSON LEGALLY RESPONSIBLE FOR THE RESPONDENT.

S 4. Subdivisions (e) and (f) of section 756-a of the family court act are relettered subdivisions (f) and (g) and a new subdivision (e) is added to read as follows:

(E) IF THE ORDER FROM THE PERMANENCY HEARING EXTENDS THE RESPONDENT'S PLACEMENT OR IF THE RESPONDENT CONTINUES IN PLACEMENT UNDER A PRIOR ORDER, THE ORDER OR AN ATTACHMENT TO THE ORDER INCORPORATED INTO THE ORDER BY REFERENCE SHALL INCLUDE:

(I) A DESCRIPTION OF THE VISITATION PLAN;

(II) A SERVICE PLAN AIMED AT EFFECTUATING THE PERMANENCY GOAL; AND

(III) A DIRECTION THAT THE PARENT OR OTHER PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT SHALL BE NOTIFIED OF ANY PLANNING CONFERENCES TO BE HELD PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED NINE-E OF THE SOCIAL SERVICES LAW, OF THEIR RIGHT TO ATTEND THE CONFERENCES AND OF THEIR RIGHT TO HAVE COUNSEL OR OTHER REPRESENTATIVE OR COMPANION WITH THEM.

A COPY OF THE COURT'S ORDER AND THE SERVICE PLAN SHALL BE GIVEN TO THE PARENT OR OTHER PERSON OR PERSONS LEGALLY RESPONSIBLE FOR THE RESPONDENT. THE ORDER ALSO SHALL CONTAIN A NOTICE THAT IF THE RESPONDENT REMAINS IN FOSTER CARE FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE THE PARENTAL RIGHTS OF THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE RESPONDENT.

S 5. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all petitions filed on or after such date.