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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 26, 2009

Introduced by M. of A. SCARBOROUGH, COOK, JAFFEE, BARRON, ROBINSON, N. RIVERA, TITUS -- Multi-Sponsored by -- M. of A. COLTON, GALEF, JOHN, TITONE, TOWNS, WRIGHT -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to trial discharges of youth in foster care and voluntary re-placements of older adolescents in foster care

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

Section 1. Subparagraph (E) of paragraph (i) of subdivision (b) and subdivision (e) of section 1055 of the family court act, paragraph (i) of subdivision (b) as amended and subdivision (e) as relettered by chapter 437 of the laws of 2006 and subdivision (e) as amended by section 18 of part A of chapter 3 of the laws of 2005, are amended to read as follows:

(E) where the permanency goal is return to the parent and it is anticipated that the child may be finally discharged to his or her parent before the next scheduled permanency hearing, the court may provide the local social services district with authority to finally discharge the child to the parent without further court hearing, provided that ten days prior written notice is served upon the court and [law guardian] THE ATTORNEY FOR THE CHILD. If the court on its own motion or the [law guardian] ATTORNEY FOR THE CHILD on motion to the court does not request the matter to be brought for review before final discharge, no further permanency hearings will be required. The local social services district may also discharge the child on a trial basis to the parent unless the court has prohibited such trial discharge or unless the court has conditioned such trial discharge on another event. For the purposes of this section, trial discharge shall mean that the child is physically returned to the parent while the child remains in the care and custody

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

of the local social services district. Permanency hearings shall continue to be held for any child who has returned to his or her parents on a trial discharge. Where the permanency goal for a [child] YOUTH aging out of foster care is another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the [child] YOUTH, the local social services district may also discharge the [child] YOUTH on a trial basis to the planned permanent living arrangements, unless the court has prohibited or otherwise conditioned such a trial discharge. Trial discharge for a [child] YOUTH aging out of foster care shall mean that a [child] YOUTH is physically discharged but the local social services district retains care and custody or custody and guardianship of the [child] YOUTH and there remains a date certain for the scheduled permanency hearing. TRIAL DISCHARGE FOR A YOUTH AGING OUT OF FOSTER CARE MAY BE EXTENDED AT EACH SCHEDULED PERMANENCY HEARING, UNTIL THE CHILD REACHES THE AGE OF TWENTY-ONE, IF A CHILD OVER THE AGE OF EIGHTEEN CONSENTS TO SUCH EXTENSION. PRIOR TO FINALLY DISCHARGING A YOUTH AGING OUT OF FOSTER CARE TO ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, THE LOCAL SOCIAL SERVICES OFFICIAL SHALL GIVE THE YOUTH NOTICE OF THE RIGHT TO APPLY TO REENTER FOSTER CARE WITHIN THE EARLIER OF TWENTY-FOUR MONTHS OF THE FINAL DISCHARGE OR THE YOUTH'S TWENTY-FIRST BIRTHDAY IN ACCORDANCE WITH ARTICLE TEN-B OF THIS ACT. SUCH NOTICE SHALL ALSO ADVISE THE YOUTH THAT REENTRY INTO FOSTER CARE WILL ONLY BE AVAILABLE WHERE THE FORMER FOSTER CARE YOUTH HAS NO REASONABLE ALTERNATIVE TO FOSTER CARE AND CONSENTS TO ENROLLMENT IN AND ATTENDANCE AT AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM IN ACCORDANCE WITH PARAGRAPH TWO OF SUBDIVISION (A) OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT. Children placed under this section shall be placed until the court completes the initial permanency hearing scheduled pursuant to article ten-A of this act. Should the court determine pursuant to article ten-A of this act that placement shall be extended beyond completion of the scheduled permanency hearing, such extended placement and any such successive extensions of placement shall expire at the completion of the next scheduled permanency hearing, unless the court shall determine, pursuant to article ten-A of this act, to continue to extend such placement.

(e) No placement may be made or continued under this section beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday. HOWEVER, A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE WHO WAS PREVIOUSLY DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION OF PLACEMENT MAY MAKE A MOTION PURSUANT TO SECTION ONE THOUSAND NINETY-ONE OF THIS ACT TO RETURN TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES. IN SUCH MOTION, THE YOUTH MUST CONSENT TO ENROLLMENT IN AND ATTENDANCE AT A VOCATIONAL OR EDUCATIONAL PROGRAM IN ACCORDANCE WITH PARAGRAPH TWO OF SUBDIVISION (A) OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT.

S 2. Subdivision (a) of section 1087 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(a) "Child" shall mean a person under the age of eighteen who is placed in foster care pursuant to section three hundred fifty-eight-a, three hundred eighty-four or three hundred eighty-four-a of the social services law or pursuant to section one thousand twenty-two, one thousand twenty-seven, or one thousand fifty-two of this act; or directly placed with a relative pursuant to section one thousand seventeen or one

thousand fifty-five of this act; or who has been freed for adoption or a person between the ages of eighteen and twenty-one who has consented to continuation in foster care OR TRIAL DISCHARGE STATUS; OR A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE FOR WHOM A COURT HAS GRANTED A MOTION TO PERMIT THE FORMER FOSTER CARE YOUTH TO RETURN TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES.

S 3. Section 1088 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

S 1088. Continuing court jurisdiction. If a child is placed pursuant to section three hundred fifty-eight-a, three hundred eighty-four, or three hundred eighty-four-a of the social services law, or pursuant to section one thousand seventeen, one thousand twenty-two, one thousand twenty-seven or one thousand fifty-two of this act, or directly placed with a relative pursuant to section one thousand seventeen or one thousand fifty-five of this act; or if the child is freed for adoption pursuant to section three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law, the case shall remain on the court's calendar and the court shall maintain jurisdiction over the case until the child is discharged from placement and all orders regarding supervision, protection or services have expired. The court shall rehear the matter whenever it deems necessary or desirable, or upon motion by any party entitled to notice in proceedings under this article, or by the [law guardian] ATTORNEY for the child, and whenever a permanency hearing is required by this article. While the court maintains jurisdiction over the case, the provisions of section one thousand thirty-eight of this act shall continue to apply. THE COURT SHALL ALSO MAINTAIN JURISDICTION OVER A CASE FOR PURPOSES OF HEARING A MOTION TO PERMIT A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE WHO WAS DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION OF PLACEMENT TO RETURN TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES.

S 4. Paragraph 1 of subdivision (a) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(1) Children freed for adoption. (I) At the conclusion of the dispositional hearing at which the child was freed for adoption in a proceeding pursuant to section three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law, the court shall set a date certain for the initial freed child permanency hearing and advise all parties in court of the date set, except for the respondent or respondents. The permanency hearing shall be commenced no later than thirty days after the hearing at which the child was freed and shall be completed within thirty days, unless the court determines to hold the permanency hearing immediately upon completion of the hearing at which the child was freed, provided adequate notice has been given.

(II) AT THE CONCLUSION OF THE HEARING PURSUANT TO SECTION ONE THOUSAND NINETY-ONE OF THIS ACT WHERE THE COURT HAS GRANTED THE MOTION FOR A FORMER FOSTER CARE YOUTH WHO WAS DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION OF PLACEMENT TO RETURN TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES, THE COURT SHALL SET A DATE CERTAIN FOR A PERMANENCY HEARING AND ADVISE ALL PARTIES IN COURT OF THE DATE SET. THE PERMANENCY HEARING SHALL BE COMMENCED NO

LATER THAN THIRTY DAYS AFTER THE HEARING AT WHICH THE FORMER FOSTER CARE YOUTH WAS RETURNED TO FOSTER CARE.

S 5. Subparagraph (ii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(ii) placing the child in the custody of a fit and willing relative or other suitable person, or continuing the placement of the child until the completion of the next permanency hearing, provided, however, that no placement may be continued under this section beyond the child's eighteenth birthday without his or her consent and in no event past the child's twenty-first birthday; PROVIDED, HOWEVER, THAT A FORMER FOSTER YOUTH WHO WAS PREVIOUSLY DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION OF PLACEMENT MAY BE RETURNED TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES IF THE COURT HAS GRANTED THE MOTION OF THE FORMER FOSTER CARE YOUTH OR LOCAL SOCIAL SERVICES OFFICIAL UPON A FINDING THAT THE YOUTH HAS NO REASONABLE ALTERNATIVE TO FOSTER CARE AND HAS CONSENTED TO ENROLLMENT IN AND ATTENDANCE AT A VOCATIONAL OR EDUCATIONAL PROGRAM IN ACCORDANCE WITH SECTION ONE THOUSAND NINETY-ONE OF THIS ACT;

S 6. Clause (C) of subparagraph (viii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as amended by chapter 437 of the laws of 2006, is amended to read as follows:

(C) Where the permanency goal is return to parent and it is anticipated that the child may be returned home before the next scheduled permanency hearing, the court may provide the local social services district with authority to finally discharge the child to the parent without further court hearing, provided that ten days prior written notice is served upon the court and [law guardian] ATTORNEY FOR THE CHILD. If the court on its own motion or the [law guardian] ATTORNEY FOR THE CHILD on motion to the court does not request the matter to be brought for review before final discharge, no further permanency hearings will be required. The local social services district may also discharge the child on a trial basis to the parent unless the court has prohibited such trial discharge or unless the court has conditioned such trial discharge on another event. For the purposes of this section, trial discharge shall mean that the child is physically returned to the parent while the child remains in the care and custody of the local social services district. Permanency hearings shall continue to be held for any child who has returned to his or her parents on a trial discharge. Where the permanency goal for a [child] YOUTH aging out of foster care is another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the [child] YOUTH, the local social services district may also discharge the [child] YOUTH on a trial basis to the planned permanent living arrangements, unless the court has prohibited or otherwise conditioned such a trial discharge. Trial discharge for a [child] YOUTH aging out of foster care shall mean that [a child] THE YOUTH is physically discharged but the local social services district retains care and custody or custody and guardianship of the child and there remains a date certain for the scheduled permanency hearing. TRIAL DISCHARGE FOR A YOUTH AGING OUT OF FOSTER CARE MAY BE EXTENDED AT EACH SCHEDULED PERMANENCY HEARING, UNTIL THE YOUTH REACHES THE AGE OF TWENTY-ONE, IF A YOUTH OVER THE AGE OF EIGHTEEN CONSENTS TO SUCH EXTENSION. PRIOR TO FINALLY DISCHARGING A YOUTH AGING OUT OF FOSTER CARE TO ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, THE LOCAL SOCIAL SERVICES OFFICIAL SHALL

GIVE THE YOUTH NOTICE OF THE RIGHT TO APPLY TO REENTER FOSTER CARE WITHIN THE EARLIER OF TWENTY-FOUR MONTHS OF THE FINAL DISCHARGE OR THE YOUTH'S TWENTY-FIRST BIRTHDAY IN ACCORDANCE WITH ARTICLE TEN-B OF THIS ACT. SUCH NOTICE SHALL ALSO ADVISE THE YOUTH THAT REENTRY INTO FOSTER CARE WILL ONLY BE AVAILABLE WHERE THE FORMER FOSTER CARE YOUTH HAS NO REASONABLE ALTERNATIVE TO FOSTER CARE AND CONSENTS TO ENROLLMENT IN AND ATTENDANCE AT AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM IN ACCORDANCE WITH PARAGRAPH TWO OF SUBDIVISION (A) OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT.

S 7. Subdivision (a) of section 1090 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(a) If [a law guardian] AN ATTORNEY for the child has been appointed by the family court in a proceeding pursuant to section three hundred fifty-eight-a, three hundred eighty-three-c, three hundred eighty-four, or three hundred eighty-four-b of the social services law, or article ten of this act, the appointment of the [law guardian] ATTORNEY shall continue without further court order or appointment, unless another appointment of [a law guardian] AN ATTORNEY has been made by the court, until the child is discharged from placement and all orders regarding supervision, protection or services have expired. THE ATTORNEY SHALL ALSO REPRESENT THE CHILD WITHOUT FURTHER ORDER OR APPOINTMENT IN ANY PROCEEDINGS UNDER ARTICLE TEN-B OF THIS ACT. All notices, reports and motions required by law shall be provided to such [law guardian] ATTORNEY. The [law guardian] ATTORNEY may be relieved of his or her representation upon application to the court for termination of the appointment. Upon approval of the application, the court shall immediately appoint another [law guardian] ATTORNEY to whom all notices, reports, and motions required by law shall be provided.

S 8. The family court act is amended by adding a new article 10-B to read as follows:

ARTICLE 10-B

FORMER FOSTER CARE YOUTH RE-ENTRY PROCEEDINGS

SECTION 1091. MOTION TO RETURN TO FOSTER CARE PLACEMENT.

S 1091. MOTION TO RETURN TO FOSTER CARE PLACEMENT. A MOTION TO RETURN A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE, WHO WAS DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION OF PLACEMENT, TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES, MAY BE MADE BY SUCH FORMER FOSTER CARE YOUTH, OR BY A LOCAL SOCIAL SERVICES OFFICIAL UPON THE CONSENT OF SUCH FORMER FOSTER CARE YOUTH, IF THERE IS A COMPELLING REASON FOR SUCH FORMER FOSTER CARE YOUTH TO RETURN TO FOSTER CARE; PROVIDED HOWEVER, THAT THE COURT SHALL NOT ENTERTAIN A MOTION FILED AFTER TWENTY-FOUR MONTHS FROM THE DATE OF THE FIRST FINAL DISCHARGE THAT OCCURRED ON OR AFTER THE FORMER FOSTER CARE YOUTH'S EIGHTEENTH BIRTHDAY.

(A) A MOTION MADE PURSUANT TO THIS SECTION BY A SOCIAL SERVICES OFFICIAL SHALL BE MADE BY ORDER TO SHOW CAUSE. SUCH MOTION SHALL SHOW BY AFFIDAVIT OR OTHER EVIDENCE THAT:

(1) THE FORMER FOSTER CARE YOUTH HAS NO REASONABLE ALTERNATIVE TO FOSTER CARE;

(2) THE FORMER FOSTER CARE YOUTH CONSENTS TO ENROLLMENT IN AND ATTENDANCE AT AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM, UNLESS EVIDENCE IS SUBMITTED THAT SUCH ENROLLMENT OR ATTENDANCE IS UNNECESSARY OR INAPPROPRIATE, GIVEN THE PARTICULAR CIRCUMSTANCES OF THE YOUTH;

(3) RE-ENTRY INTO FOSTER CARE IS IN THE BEST INTERESTS OF THE FORMER FOSTER CARE YOUTH; AND

(4) THE FORMER FOSTER CARE YOUTH CONSENTS TO THE RE-ENTRY INTO FOSTER CARE.

(B) A MOTION MADE PURSUANT TO THIS SECTION BY A FORMER FOSTER CARE YOUTH SHALL BE MADE BY ORDER TO SHOW CAUSE OR TEN DAYS NOTICE TO THE SOCIAL SERVICES OFFICIAL. SUCH MOTION SHALL SHOW BY AFFIDAVIT OR OTHER EVIDENCE THAT:

(1) THE REQUIREMENTS OUTLINED IN PARAGRAPHS ONE, TWO AND THREE OF SUBDIVISION (A) OF THIS SECTION ARE MET; AND

(2) THE APPLICABLE LOCAL SOCIAL SERVICES DISTRICT CONSENTS TO THE RE-ENTRY OF SUCH FORMER FOSTER CARE YOUTH, OR IF THE APPLICABLE LOCAL SOCIAL SERVICES DISTRICT REFUSES TO CONSENT TO THE RE-ENTRY OF SUCH FORMER FOSTER CARE YOUTH AND THAT SUCH REFUSAL IS UNREASONABLE.

(C) (1) IF AT ANY TIME DURING THE PENDENCY OF A PROCEEDING BROUGHT PURSUANT TO THIS SECTION THE COURT FINDS A COMPELLING REASON THAT IT IS IN THE BEST INTERESTS OF THE FORMER FOSTER CARE YOUTH TO BE RETURNED IMMEDIATELY TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES PENDING A FINAL DECISION ON THE MOTION, THE COURT MAY ISSUE A TEMPORARY ORDER RETURNING THE YOUTH TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES.

(2) WHERE THE LOCAL SOCIAL SERVICES DISTRICT HAS REFUSED TO CONSENT TO THE RE-ENTRY OF A FORMER FOSTER CARE YOUTH, AND WHERE IT IS ALLEGED PURSUANT TO PARAGRAPH TWO OF SUBDIVISION (B) OF THIS SECTION, THAT SUCH REFUSAL BY SUCH SOCIAL SERVICES DISTRICT IS UNREASONABLE, THE COURT SHALL GRANT A MOTION MADE PURSUANT TO SUBDIVISION (B) OF THIS SECTION IF THE COURT FINDS AND STATES IN WRITING THAT THE REFUSAL BY THE LOCAL SOCIAL SERVICES DISTRICT IS UNREASONABLE. FOR PURPOSES OF THIS SECTION, A COURT SHALL FIND THAT A REFUSAL BY A LOCAL SOCIAL SERVICES DISTRICT TO ALLOW A FORMER FOSTER CARE YOUTH TO RE-ENTER CARE IS UNREASONABLE IF:

(I) THE YOUTH HAS NO REASONABLE ALTERNATIVE TO FOSTER CARE;

(II) THE YOUTH CONSENTS TO ENROLLMENT IN AND ATTENDANCE AT AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM, UNLESS THE COURT FINDS A COMPELLING REASON THAT SUCH ENROLLMENT OR ATTENDANCE IS UNNECESSARY OR INAPPROPRIATE, GIVEN THE PARTICULAR CIRCUMSTANCES OF THE YOUTH; AND

(III) RE-ENTRY INTO FOSTER CARE IS IN THE BEST INTERESTS OF THE FORMER FOSTER YOUTH.

(3) UPON MAKING A DETERMINATION ON A MOTION FILED PURSUANT TO THIS SECTION, WHERE A MOTION HAS PREVIOUSLY BEEN GRANTED PURSUANT TO THIS SECTION, IN ADDITION TO THE APPLICABLE FINDINGS REQUIRED BY THIS SECTION, THE COURT SHALL GRANT THE MOTION TO RETURN A FORMER FOSTER CARE YOUTH TO THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES ONLY:

(I) UPON A FINDING THAT THERE IS A COMPELLING REASON FOR SUCH FORMER FOSTER CARE YOUTH TO RETURN TO CARE;

(II) IF THE COURT HAS NOT PREVIOUSLY GRANTED A SUBSEQUENT MOTION FOR SUCH FORMER FOSTER CARE YOUTH TO RETURN TO CARE PURSUANT TO THIS PARAGRAPH; AND

(III) UPON CONSIDERATION OF THE FORMER FOSTER CARE YOUTH'S COMPLIANCE WITH PREVIOUS ORDERS OF THE COURT, INCLUDING THE YOUTH'S PREVIOUS PARTICIPATION IN AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM, IF APPLICABLE.

S 9. Paragraph (d) of subdivision 3 of section 371 of the social services law, as amended by chapter 722 of the laws of 1978, is amended and a new paragraph (e) is added to read as follows:

(d) a person under the age of eighteen who is without a place of shelter where supervision and care are available[.], OR

(E) A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE WHO WAS PREVIOUSLY PLACED IN THE CARE AND CUSTODY OR CUSTODY AND GUARDIANSHIP OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES, AND WHO WAS DISCHARGED FROM FOSTER CARE DUE TO A FAILURE TO CONSENT TO CONTINUATION IN PLACEMENT, WHO HAS RETURNED TO FOSTER CARE PURSUANT TO SECTION ONE THOUSAND NINETY-ONE OF THE FAMILY COURT ACT.

S 10. Subparagraph (i) of paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, is amended to read as follows:

(i) the child will be placed, RETURNED TO or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, AND FOR A FORMER FOSTER CARE YOUTH UNDER THE AGE OF TWENTY-ONE WHO WAS PREVIOUSLY PLACED IN THE CARE AND CUSTODY OR CUSTODY AND GUARDIANSHIP OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR OTHER OFFICER, BOARD OR DEPARTMENT AUTHORIZED TO RECEIVE CHILDREN AS PUBLIC CHARGES WHERE IT IS REASONABLE TO BELIEVE THAT BY PROVIDING SUCH SERVICES THE FORMER FOSTER CARE YOUTH WILL AVOID A RETURN TO FOSTER CARE or

S 11. This act shall take effect on the ninetieth day after it shall have become a law.