

1652

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sens. DILAN, ADAMS, DIAZ, DUANE, HASSELL-THOMPSON, HUNT-
LEY, KRUEGER, KRUGER, MONTGOMERY, ONORATO, PARKER, SAMPSON, SCHNEIDER-
MAN, STAVISKY, THOMPSON -- read twice and ordered printed, and when
printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law and the family court act, in
relation to foster care review and the extension of placement in child
protective proceedings

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

1 Section 1. Subdivision 3 of section 358-a of the social services law
2 is amended by adding a new paragraph (g) to read as follows:
3 (G) IF THE COURT DETERMINES THAT LACK OF ADEQUATE HOUSING IS THE SOLE
4 REASON PREVENTING THE RETURN OF THE CHILD TO THE HOME, THE COURT MAY
5 ORDER A SOCIAL SERVICES OFFICIAL TO PROVIDE FUNDS FOR HOUSING TO THE
6 PARENTS OR PERSON LEGALLY RESPONSIBLE FOR THE CHILD OR TO SUCH PERSON AS
7 THE COURT MAY DIRECT FROM SUCH FUNDS AS MAY BE LEGALLY AVAILABLE. IN NO
8 EVENT SHALL THE FUNDS SO PROVIDED BE GREATER THAN FIFTY PERCENT OF THE
9 AMOUNT THAT WOULD BE EXPENDED WERE THE CHILD TO BE IN FOSTER CARE DURING
10 A PERIOD DESIGNATED IN SAID ORDER.
11 S 2. The social services law is amended by adding a new section 392 to
12 read as follows:
13 S 392. PROVISION OF ADEQUATE HOUSING. IN CASES WHERE THE COURT DETER-
14 MINES THAT THE CHILD'S REMOVAL FROM FOSTER CARE AND RETURN TO THE HOME
15 IS PREVENTED SOLELY BY LACK OF ADEQUATE HOUSING, THE COURT MAY ORDER A
16 SOCIAL SERVICES OFFICIAL TO PROVIDE FUNDS FOR HOUSING TO THE PARENTS OR
17 PERSON LEGALLY RESPONSIBLE FOR THE CHILD OR TO SUCH PERSON AS THE COURT
18 MAY DIRECT FROM SUCH FUNDS AS MAY BE LEGALLY AVAILABLE. IN NO EVENT
19 SHALL THE FUNDS SO ORDERED BE GREATER THAN FIFTY PERCENT OF THE AMOUNT
20 THAT WOULD BE EXPENDED WERE THE CHILD TO BE IN FOSTER CARE DURING A
21 PERIOD DESIGNATED IN SAID ORDER.

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

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1 S 3. Subdivision (c) of section 1055 of the family court act, as added
2 by chapter 437 of the laws of 2006, is amended to read as follows:

3 (c) In addition to or in lieu of an order of placement made pursuant
4 to subdivision (b) of this section, the court may make an order direct-
5 ing a child protective agency, social services official or other duly
6 authorized agency to undertake diligent efforts to encourage and
7 strengthen the parental relationship when it finds such efforts will not
8 be detrimental to the best interests of the child. Such efforts shall
9 include encouraging and facilitating visitation with the child by the
10 parent or other person legally responsible for the child's care. Such
11 order may include a specific plan of action for such agency or official
12 including, but not limited to, requirements that such agency or official
13 assist the parent or other person responsible for the child's care in
14 obtaining adequate housing, employment, counseling, medical care or
15 psychiatric treatment. Such order shall also include encouraging and
16 facilitating visitation with the child by the non-custodial parent and
17 grandparents who have obtained orders pursuant to part eight of this
18 article, and may include encouraging and facilitating visitation with
19 the child by the child's siblings. IF THE COURT DETERMINES THAT LACK OF
20 ADEQUATE HOUSING IS THE SOLE REASON PREVENTING THE RETURN OF THE CHILD
21 TO THE HOME, THE COURT MAY ORDER A SOCIAL SERVICES OFFICIAL TO PROVIDE
22 FUNDS FOR HOUSING TO THE PARENTS OR PERSON LEGALLY RESPONSIBLE FOR THE
23 CHILD OR TO SUCH PERSON AS THE COURT MAY DIRECT FROM SUCH FUNDS AS MAY
24 BE LEGALLY AVAILABLE. IN NO EVENT SHALL THE FUNDS SO PROVIDED BE GREATER
25 THAN FIFTY PERCENT OF THE AMOUNT THAT WOULD BE EXPENDED WERE THE CHILD
26 TO BE IN FOSTER CARE DURING A PERIOD DESIGNATED IN SAID ORDER. Nothing
27 in this subdivision shall be deemed to limit the authority of the court
28 to make an order pursuant to section two hundred fifty-five of this act.
29 S 4. This act shall take effect immediately.