

8091

I N S E N A T E

June 7, 2010

Introduced by Sen. MONTGOMERY -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the executive law and the family court act, in relation to establishing the office of the independent juvenile justice advocate

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

Section 1. The executive law is amended by adding a new article 43 to read as follows:

ARTICLE 43

OFFICE OF THE INDEPENDENT JUVENILE JUSTICE ADVOCATE

SECTION 930. OFFICE OF THE INDEPENDENT JUVENILE JUSTICE ADVOCATE; ORGANIZATION.

931. DEFINITIONS.

932. FUNCTIONS, POWERS AND DUTIES OF THE OFFICE.

S 930. OFFICE OF THE INDEPENDENT JUVENILE JUSTICE ADVOCATE; ORGANIZATION. THERE IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT AN OFFICE OF THE INDEPENDENT JUVENILE JUSTICE ADVOCATE. THE OFFICE SHALL HAVE AN EXECUTIVE DIRECTOR APPOINTED BY THE GOVERNOR, WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE EXECUTIVE DIRECTOR MAY APPOINT EMPLOYEES AS NECESSARY TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE, WITHIN AMOUNTS APPROPRIATED THEREFOR.

S 931. DEFINITIONS. 1. "OFFICE" MEANS THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE ADVOCATE CREATED BY THIS ARTICLE.

2. "YOUTH" SHALL MEAN ANY PERSON IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE CARE AND CUSTODY OF A COMMISSIONER OF A LOCAL DEPARTMENT OF SOCIAL SERVICES AS A JUVENILE DELINQUENT PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT, OR WHO IS COMMITTED TO THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER UNDER THE PENAL LAW.

3. "RESIDENTIAL PROGRAM" SHALL MEAN A RESIDENTIAL PROGRAM OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A RESIDENTIAL PROGRAM OPERATED BY AN AUTHORIZED AGENCY AS DEFINED IN PARAGRAPH (A) OF SUBDIVI-

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

LBD12223-06-0

1 SION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW
2 THAT ACCEPTS CHILDREN ADJUDICATED DELINQUENT UNDER ARTICLE THREE OF THE
3 FAMILY COURT ACT. A RESIDENTIAL PROGRAM SHALL NOT INCLUDE A DETENTION
4 FACILITY AS DEFINED BY SUBDIVISION THREE OF SECTION FIVE HUNDRED TWO OF
5 THIS CHAPTER.

6 4. "SYSTEMIC ISSUES" SHALL MEAN THOSE ISSUES THAT AFFECT YOUTH IN MORE
7 THAN ONE RESIDENTIAL PROGRAM, OR A SIGNIFICANT PERCENTAGE OF THE YOUTH
8 IN A PARTICULAR RESIDENTIAL PROGRAM.

9 S 932. FUNCTIONS, POWERS AND DUTIES OF THE OFFICE. 1. THE OFFICE
10 SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES REGARDING YOUTH IN
11 RESIDENTIAL PROGRAMS:

12 (A) TO EXAMINE, EVALUATE, INVESTIGATE, AND TO APPRISE THE GOVERNOR,
13 THE LEGISLATURE AND THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES ON,
14 SYSTEMIC ISSUES REGARDING:

15 (I) THE QUALITY OF CARE PROVIDED TO YOUTH IN RESIDENTIAL PROGRAMS; AND

16 (II) THE ABILITY OF YOUTH IN RESIDENTIAL PROGRAMS TO ACCESS NEEDED
17 SERVICES ACROSS SYSTEMS;

18 (B) TO INVESTIGATE REFERRALS FROM THE OFFICE OF THE OMBUDSMAN WITHIN
19 THE OFFICE OF CHILDREN AND FAMILY SERVICES IN REGARD TO SYSTEMIC ISSUES
20 AFFECTING YOUTH IN RESIDENTIAL PROGRAMS;

21 (C) TO MONITOR THE IMPLEMENTATION OF POLICIES, REGULATIONS AND STAT-
22 UTES APPLICABLE TO THE QUALITY OF CARE OF YOUTH IN RESIDENTIAL PROGRAMS;

23 (D) TO RECOMMEND TO THE GOVERNOR, THE LEGISLATURE AND THE COMMISSIONER
24 OF CHILDREN AND FAMILY SERVICES, STATUTORY, REGULATORY OR POLICY CHANGES
25 TO IMPROVE OUTCOMES AND SERVICES FOR YOUTH IN RESIDENTIAL PROGRAMS;

26 (E) TO CONDUCT PERIODIC INSPECTIONS, EVALUATIONS OR REVIEWS OF RESI-
27 DENTIAL PROGRAMS FOR INVESTIGATION OF SYSTEMIC ISSUES AFFECTING YOUTH IN
28 SUCH PROGRAMS, INCLUDING REVIEWS OF BOOKS AND RECORDS KEPT BY SUCH RESI-
29 DENTIAL PROGRAMS; AND

30 (F) TO REPORT TO THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND
31 MALTREATMENT SUSPECTED INCIDENTS OF ABUSE OR NEGLECT OF A CHILD IN RESI-
32 DENTIAL CARE AS DEFINED IN SECTION FOUR HUNDRED TWELVE-A OF THE SOCIAL
33 SERVICES LAW, AND TO REFER TO THE APPROPRIATE LAW ENFORCEMENT ENTITY OR
34 THE NEW YORK STATE INSPECTOR GENERAL, AS APPROPRIATE, MATTERS CONCERNING
35 POSSIBLE ILLEGAL CONDUCT.

36 2. TO CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES UNDER THIS SECTION,
37 THE OFFICE SHALL HAVE THE AUTHORITY TO:

38 (A) OBTAIN FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES, UPON
39 REQUEST, COPIES OF FINAL REPORTS OF INTERNAL INVESTIGATIONS COMPLETED BY
40 THE OFFICE OF CHILDREN AND FAMILY SERVICES REGARDING SUCH RESIDENTIAL
41 PROGRAMS;

42 (B) OBTAIN FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES COPIES OF
43 FATALITY REPORTS ISSUED PURSUANT TO SUBDIVISION FIVE OF SECTION TWENTY
44 OF THE SOCIAL SERVICES LAW AND COPIES OF FINAL REPORTS ISSUED BY A
45 FATALITY REVIEW TEAM PURSUANT TO SECTION FOUR HUNDRED TWENTY-TWO-B OF
46 THE SOCIAL SERVICES LAW REGARDING THE DEATH OF A YOUTH IN A RESIDENTIAL
47 PROGRAM;

48 (C) INSPECT RESIDENTIAL PROGRAMS FOR YOUTH, AND VISIT AND OBSERVE ANY
49 AREA, PART, OR ASPECT OF SUCH RESIDENTIAL PROGRAM AT ANY TIME, WITH OR
50 WITHOUT PRIOR NOTICE FOR INVESTIGATION OF SYSTEMIC ISSUES AFFECTING
51 YOUTH IN SUCH PROGRAMS, INCLUDING REVIEWS OF BOOKS AND RECORDS KEPT BY
52 SUCH RESIDENTIAL PROGRAMS WITH THE COOPERATION OF RESIDENTIAL PROGRAM
53 STAFF; AND

54 (D) APPLY FOR AND ACCEPT, WITH THE APPROVAL OF THE GOVERNOR, AS AGENT
55 OF THE STATE, ANY GRANT, INCLUDING FEDERAL GRANTS, OR ANY GIFT FOR ANY
56 OF THE PURPOSES OF THIS SECTION. ANY MONEYS SO RECEIVED MAY BE EXPENDED

1 BY THE OFFICE TO EFFECTUATE ANY PURPOSE OF THIS SECTION, SUBJECT TO THE
2 SAME LIMITATIONS AS TO APPROVAL OF EXPENDITURES AND AUDIT AS ARE
3 PRESCRIBED FOR STATE MONEYS APPROPRIATED FOR THE PURPOSES OF THIS ARTI-
4 CLE.

5 3. IN THE EXERCISE OF THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE,
6 THE EXECUTIVE DIRECTOR IS AUTHORIZED TO ISSUE SUBPOENAS DUCES TECUM AND
7 AD TESTIFICANDUM, ADMINISTER OATHS AND EXAMINE PERSONS UNDER OATH, IN
8 ACCORDANCE WITH AND PURSUANT TO THE CIVIL PRACTICE LAW AND RULES;
9 PROVIDED HOWEVER THAT A PERSON EXAMINED UNDER OATH PURSUANT TO THIS
10 SUBDIVISION SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY COUNSEL WHO SHALL
11 ADVISE THE PERSON OF HIS OR HER RIGHTS SUBJECT TO REASONABLE LIMITATIONS
12 TO PREVENT OBSTRUCTION OF, OR INTERFERENCE WITH, THE ORDERLY CONDUCT OF
13 THE EXAMINATIONS; PROVIDED FURTHER, HOWEVER, THAT ALL SUCH COMMUNI-
14 CATIONS WITH AND RECORDS PROVIDED TO THE OFFICE SHALL REMAIN CONFIDEN-
15 TIAL SUBJECT TO THE LIMITATIONS SET FORTH IN SUBDIVISION SEVEN OF THIS
16 SECTION;

17 4. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE EXECUTIVE DIRECTOR MAY
18 REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU,
19 COMMISSION OR OTHER AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION
20 THEREOF, OR ANY RESIDENTIAL PROGRAM AS DEFINED IN SUBDIVISION THREE OF
21 SECTION NINE HUNDRED THIRTY-ONE OF THIS ARTICLE, SUCH COOPERATION,
22 INFORMATION AND DATA AS WILL ENABLE THE OFFICE TO CARRY OUT ITS FUNC-
23 TIONS, POWERS AND DUTIES, EXCEPT WHERE SUCH INFORMATION OR DATA IS
24 PROTECTED FROM DISCLOSURE BY FEDERAL LAW OR ANY APPLICABLE PRIVILEGE.

25 5. WHERE THE OFFICE IDENTIFIES A SYSTEMIC PROBLEM REGARDING THE
26 PROVISION OF SERVICES TO YOUTH IN RESIDENTIAL PROGRAMS, THE OFFICE MAY
27 PROVIDE THE OFFICE OF CHILDREN AND FAMILY SERVICES WITH A WRITTEN REPORT
28 OUTLINING THE FINDINGS AND RECOMMENDATIONS OF THE OFFICE. THE OFFICE OF
29 CHILDREN AND FAMILY SERVICES SHALL RETAIN THE AUTHORITY AND RESPONSIBIL-
30 ITY TO DETERMINE ANY APPROPRIATE AND NECESSARY PREVENTIVE OR REMEDIAL
31 ACTION. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL, WITHIN NINETY
32 DAYS OF RECEIPT OF SUCH REPORT, PROVIDE THE OFFICE WITH A WRITTEN
33 RESPONSE OF ANY ACTIONS TAKEN REGARDING THE OFFICE'S RECOMMENDATIONS.
34 UPON REQUEST, THE OFFICE MAY GRANT THE OFFICE OF CHILDREN AND FAMILY
35 SERVICES AN ADDITIONAL NINETY DAY PERIOD OF TIME TO RESPOND.

36 6. THE OFFICE SHALL SUBMIT TO THE GOVERNOR, THE LEGISLATURE AND THE
37 COMMISSIONER OF CHILDREN AND FAMILY SERVICES, AN ANNUAL REPORT CONCERN-
38 ING ITS WORK UNDER THIS SECTION DURING THE PREVIOUS YEAR. SUCH REPORT
39 SHALL CONTAIN ONLY NON-CONFIDENTIAL, NON-IDENTIFYING DETAILS AND SHALL
40 INCLUDE, BUT NOT BE LIMITED TO: NON-IDENTIFYING INFORMATION REGARDING
41 THE NUMBER AND TYPES OF INVESTIGATIONS COMPLETED BY THE OFFICE; THE
42 RESULTS OF SUCH INVESTIGATIONS; AND ANY RECOMMENDATIONS FOR LEGISLATIVE,
43 REGULATORY, OR PUBLIC POLICY CHANGES. SUCH REPORT SHALL BE MADE AVAIL-
44 ABLE TO THE PUBLIC.

45 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL
46 RECORDS OF THE OFFICE PERTAINING TO THE PERFORMANCE OF ITS FUNCTIONS,
47 POWERS AND DUTIES PURSUANT TO THIS SECTION AND ALL RECORDS OBTAINED BY
48 THE OFFICE SHALL BE KEPT CONFIDENTIAL; PROVIDED, HOWEVER THAT LIMITED
49 INFORMATION CONTAINED IN SUCH RECORDS MAY BE RELEASED BY THE OFFICE IF
50 SUCH INFORMATION IS NOT OTHERWISE PROTECTED AS CONFIDENTIAL BY LAW AND
51 DOES NOT IDENTIFY THE YOUTH BEING SERVED OR THEIR FAMILIES, OR RESIDEN-
52 TIAL PROGRAM STAFF WHO HAVE IDENTIFIED ALLEGED SYSTEMIC ISSUES OR WHO
53 HAVE PROVIDED INFORMATION TO ASSIST IN THE INVESTIGATION OF SUCH ISSUES.
54 NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE OFFICE TO
55 DISCLOSE ANY RECORDS OF THE OFFICE OR ANY INFORMATION CONTAINED IN ANY
56 RECORD OF THE OFFICE TO THE INSPECTOR GENERAL OR TO LAW ENFORCEMENT TO

1 ASSIST WITH AN ACTUAL OR POTENTIAL CRIMINAL INVESTIGATION OR TO THE
2 OFFICE OF CHILDREN AND FAMILY SERVICES TO ASSIST WITH AN ACTUAL OR
3 POTENTIAL CHILD ABUSE OR NEGLECT INVESTIGATION.

4 8. THE OFFICE SHALL, TO THE EXTENT PRACTICABLE, COORDINATE ITS ACTIV-
5 ITIES WITH ANY INVESTIGATIONS CONDUCTED BY THE OFFICE OF THE STATE
6 INSPECTOR GENERAL, THE STATE COMMISSION OF CORRECTION OR ANY FEDERAL
7 MONITOR, IN ORDER TO PROMOTE THE EFFICIENT USE OF THE OFFICE'S
8 RESOURCES.

9 S 2. Section 505 of the executive law, as amended by chapter 465 of
10 the laws of 1992, is amended to read as follows:

11 S 505. Directors of facilities. 1. There shall be a facility director
12 of each [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES
13 OPERATED facility. Such facility director shall be appointed by the
14 [director] COMMISSIONER of [the division] CHILDREN AND FAMILY SERVICES
15 and shall be in the noncompetitive class and designated as confidential
16 as defined by subdivision two-a of section forty-two of the civil
17 service law. The facility director shall have [two years] SUCH experi-
18 ence [in appropriate titles in state government. Such facility director
19 shall have such] AND other qualifications as may be prescribed by the
20 [director] DEPARTMENT OF CIVIL SERVICE, IN CONSULTATION WITH THE COMMIS-
21 SIONER of [the division] CHILDREN AND FAMILY SERVICES, based on differ-
22 ences in duties, levels of responsibility, size and character of the
23 facility, knowledge, skills and abilities required, and other factors
24 affecting the position [and]. SUCH FACILITY DIRECTOR shall serve at the
25 pleasure of the [director of the division] COMMISSIONER.

26 2. Subject to regulations of the [division] OFFICE OF CHILDREN AND
27 FAMILY SERVICES, the facility director of a state facility in the [divi-
28 sion] OFFICE shall:

29 (a) operate and manage the facility,

30 (b) submit a monthly report on such matters as the [division] OFFICE
31 may specify.

32 3. Subject to the regulations of the [division] OFFICE OF CHILDREN AND
33 FAMILY SERVICES AND WITH THE CONSENT OF THE COMMISSIONER, the facility
34 director may authorize the use of the buildings and grounds of the
35 facility by a municipality, special district or non-profit association,
36 corporation or organization for educational, recreational, social and
37 civic purposes whenever such use may promote better relationships with
38 the community in which the facility is located, provided, however, that
39 such use does not interfere with the purposes and program of the facili-
40 ty.

41 S 3. Paragraph (a) of subdivision 2 of section 352.2 of the family
42 court act, as amended by chapter 880 of the laws of 1985, is amended to
43 read as follows:

44 (a) In determining an appropriate order the court shall consider the
45 needs and best interests of the respondent as well as the need for
46 protection of the community. (I) If the respondent has committed a
47 designated felony act the court shall determine the appropriate disposi-
48 tion in accord with section 353.5 OF THIS PART. In all other cases the
49 court shall order the least restrictive available alternative enumerated
50 in subdivision one OF THIS SECTION which is consistent with the needs
51 and best interests of the respondent and the need for protection of the
52 community. (II) THE COURT SHALL NOT PLACE THE RESPONDENT WITH THE
53 OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS: (1) THE RESPONDENT HAS
54 COMMITTED AN ACT THAT, IF HE OR SHE WERE AN ADULT, WOULD CONSTITUTE (A)
55 A VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THE PENAL LAW, OR (B) A
56 SEXUAL OFFENSE INCLUDED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW;

1 OR (2) BASED UPON THE TOTALITY OF THE RECORD OF THE RESPONDENT, BACK-
2 GROUND OF THE RESPONDENT AND NATURE AND CIRCUMSTANCES OF THE OFFENSE,
3 THE COURT FINDS THAT THE RESPONDENT POSES A SIGNIFICANT RISK TO PUBLIC
4 SAFETY AND NO LESS RESTRICTIVE ALTERNATIVE TO PLACEMENT WITH THE OFFICE
5 IS AVAILABLE OR APPROPRIATE TO MITIGATE SUCH RISK. WHEN ORDERING PLACE-
6 MENT WITH THE OFFICE, THE COURT SHALL STATE IN ITS ORDER THE BASIS FOR
7 ITS FINDING THAT SUCH PLACEMENT IS WARRANTED.

8 S 4. Subdivisions 3 and 4 of section 353.3 of the family court act,
9 subdivision 3 as added by chapter 920 of the laws of 1982, paragraphs
10 (a), (b) and (c) of subdivision 3 as amended by chapter 465 of the laws
11 of 1992 and subdivision 4 as amended by chapter 41 of the laws of 2010,
12 are amended to read as follows:

13 3. THE COURT SHALL NOT PLACE THE RESPONDENT WITH THE OFFICE OF CHIL-
14 DREN AND FAMILY SERVICES UNDER THIS SECTION UNLESS: (I) SUCH RESPONDENT
15 HAS COMMITTED AN ACT THAT, IF HE OR SHE WERE AN ADULT, WOULD CONSTITUTE
16 (A) A VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THE PENAL LAW, OR
17 (B) A SEXUAL OFFENSE INCLUDED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL
18 LAW; OR (II) BASED UPON THE TOTALITY OF THE RECORD OF THE RESPONDENT,
19 BACKGROUND OF THE RESPONDENT AND NATURE AND CIRCUMSTANCES OF THE
20 OFFENSE, THE COURT FINDS THAT THE RESPONDENT POSES A SIGNIFICANT RISK TO
21 PUBLIC SAFETY AND NO LESS RESTRICTIVE ALTERNATIVE TO PLACEMENT WITH THE
22 OFFICE IS AVAILABLE OR APPROPRIATE TO MITIGATE SUCH RISK. WHEN ORDERING
23 PLACEMENT WITH THE OFFICE, THE COURT SHALL STATE IN ITS ORDER THE BASIS
24 FOR ITS FINDING THAT SUCH PLACEMENT IS WARRANTED. Where the respondent
25 is placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY
26 SERVICES, the court shall[, unless it directs the division to place him
27 with an authorized agency or class of authorized agencies pursuant to
28 subdivision four] authorize the [division] OFFICE to do one of the
29 following:

30 (a) place the respondent in a secure facility without a further hear-
31 ing at any time or from time to time during the first [sixty] NINETY
32 days of residency in [division for youth] OFFICE OF CHILDREN AND FAMILY
33 SERVICES facilities. Notwithstanding the discretion of the [division]
34 OFFICE to place the respondent in a secure facility at any time during
35 the first [sixty] NINETY days of residency in [a division for youth] AN
36 OFFICE OF CHILDREN AND FAMILY SERVICES facility, the respondent may be
37 placed in a non-secure facility. In the event that the [division]
38 OFFICE desires to transfer a respondent to a secure facility at any time
39 after the first [sixty] NINETY days of residency in [division] OFFICE
40 facilities, a hearing shall be held pursuant to subdivision three of
41 section five hundred four-a of the executive law; or

42 (b) place the respondent in a limited secure facility. The respondent
43 may be transferred by the [division] OFFICE to a secure facility after a
44 hearing is held pursuant to section five hundred four-a of the executive
45 law; provided, however, that during the first twenty days of residency
46 in [division] OFFICE facilities, the respondent shall not be transferred
47 to a secure facility unless the respondent has committed an act or acts
48 which are exceptionally dangerous to the respondent or to others[; or

49 (c) place the respondent in a non-secure facility. No respondent
50 placed pursuant to this paragraph may be transferred by the division for
51 youth to a secure facility.

52 4. Where the respondent is placed with the division for youth, the
53 court may direct the division to place the respondent with an authorized
54 agency or class of authorized agencies and in the event the division is
55 unable to so place the respondent or, discontinues the placement with
56 the authorized agency, the respondent shall be deemed to have been

1 placed with the division pursuant to paragraph (b) or (c) of subdivision
2 three of this section. In such cases, the division shall notify the
3 court, presentment agency, respondent's attorney and parent or other
4 person responsible for the respondent's care, of the reason for discon-
5 tinuing the placement with the authorized agency and the level and
6 location of the youth's placement].

7 S 5. Subdivision 2 of section 355.1 of the family court act, as added
8 by chapter 920 of the laws of 1982, is amended to read as follows:

9 2. An order issued under section 353.3 OF THIS PART, may, upon a show-
10 ing of a substantial change of circumstances, be set aside, modified,
11 vacated or terminated upon motion of the commissioner of A LOCAL DEPART-
12 MENT OF social services or the [division for youth] OFFICE OF CHILDREN
13 AND FAMILY SERVICES with whom the respondent has been placed. NOTWITH-
14 STANDING THE PROVISIONS OF SUBDIVISION TWO OF SECTION 352.2 OR SUBDIVI-
15 SION THREE OF SECTION 353.3 OF THIS PART TO THE CONTRARY, UPON A SHOWING
16 BY THE COMMISSIONER OF A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT A
17 RESPONDENT PLACED WITH AN AUTHORIZED AGENCY HAS SHOWN HIMSELF OR HERSELF
18 TO BE EXCEPTIONALLY DANGEROUS TO HIMSELF OR HERSELF OR TO OTHERS, OR HAS
19 DEMONSTRATED BY A PATTERN OF BEHAVIOR THAT HE OR SHE NEEDS A MORE STRUC-
20 TURED SETTING THAN AFFORDED BY SUCH AUTHORIZED AGENCY, THE COURT MAY
21 MODIFY THE PLACEMENT OF THE RESPONDENT TO PLACEMENT WITH THE OFFICE OF
22 CHILDREN AND FAMILY SERVICES IN A SECURE OR LIMITED-SECURE FACILITY.

23 S 6. This act shall take effect immediately; provided however that
24 section one of this act shall take effect January 1, 2011 and sections
25 three, four and five of this act shall take effect on the first of
26 November next succeeding the date on which it shall have become a law.