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

6845--A

I N S E N A T E

March 28, 2012

Introduced by Sen. NOZZOLIO -- (at request of the Office of Victim Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to restitution and public service orders

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

Section 1. Paragraph (a) of subdivision 1 of section 353.6 of the family court act, as amended by chapter 317 of the laws of 2004, is amended to read as follows:

(a) recommend as a condition of placement, or order as a condition of probation or conditional discharge, restitution in an amount representing a fair and reasonable cost to replace the property, repair the damage caused by the respondent or provide the victim with compensation for unreimbursed medical expenses, not, however, to exceed one thousand five hundred dollars. In the case of a placement MADE TO AN AUTHORIZED AGENCY OR THE OFFICE OF CHILDREN AND FAMILY SERVICES, the court may recommend that the respondent pay out of his or her own funds or earnings the amount of replacement, damage or unreimbursed medical expenses, either in a lump sum or in periodic payments in amounts set by the agency with which he or she is placed, IN THE CASE OF A PLACEMENT MADE TO A SUITABLE RELATIVE OR OTHER SUITABLE PERSON, THE COURT MAY REQUIRE THAT THE RESPONDENT PAY OUT OF HIS OR HER OWN FUNDS OR EARNINGS THE AMOUNT OF REPLACEMENT, DAMAGE OR UNREIMBURSED MEDICAL EXPENSES, EITHER IN A LUMP SUM OR IN PERIODIC PAYMENTS IN AMOUNTS SET BY THE COURT, and in the case of probation or conditional discharge, the court may require that the respondent pay out of his or her own funds or earnings the amount of replacement, damage or unreimbursed medical expenses, either in a lump sum or in periodic payments in amounts set by the court; and/or

S 2. Subdivision 2 of section 353.6 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

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

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2. If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section 353.3 or 353.5 OF THIS PART, AND the placement [shall be] IS made [only] to an authorized agency[, including the division for youth,] OR THE OFFICE OF CHILDREN AND FAMILY SERVICES which has adopted rules and regulations for the supervision of such a program, [which] SUCH rules and regulations[, except in the case of the division for youth,] OF AN AUTHORIZED AGENCY shall be subject to the approval of the [state department of social services] OFFICE OF CHILDREN AND FAMILY SERVICES. Such rules and regulations shall include, but not be limited to provisions: (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the respondent under the workers' compensation law as an employee of such agency, department, division or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months.

S 3. This act shall take effect immediately.