

1345--A

Cal. No. 617

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, AVELLA, DIAZ, HASSELL-THOMPSON, PARKER, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to foster home decertification, application for recertification, authorization for non-renewal, notice of removal of a child, and other required notices

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

1 Section 1. Subdivision 1 of section 376 of the social services law, as
2 amended by chapter 677 of the laws of 1985, is amended to read as
3 follows:
4 1. An authorized agency which shall board out any [child/or] CHILD
5 AND/OR minor under the age of eighteen years shall issue to the person
6 receiving such child and/or minor for board a certificate to receive,
7 board or keep a [child/or] CHILD AND/OR minor under the age of eighteen
8 years. Prior to issuing such certificate, the agency shall require that
9 an applicant set forth: his or her employment history, provide personal
10 and employment references and sign a sworn statement indicating whether
11 the applicant, to the best of his or her knowledge, has ever been
12 convicted of a crime in this state or any other jurisdiction. THE AGENCY
13 SHALL DETERMINE WHETHER THE APPLICANT HAS EVER HELD SUCH A CERTIFICATE,
14 OR A LICENSE OR APPROVAL AND, IF SO, WHETHER THE CERTIFICATE,
15 LICENSE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED
16 FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES, THE AGENCY
17 SHALL EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY

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

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1 THE OFFICE, TO DETERMINE WHETHER A CERTIFICATE SHOULD BE ISSUED AND THE
2 HOME RE-OPENED. Not until all inquiries are completed and evaluated
3 shall the agency cause such certificate to be issued.

4 S 2. Subdivision 1 of section 377 of the social services law, as
5 amended by chapter 677 of the laws of 1985, is amended to read as
6 follows:

7 1. Application for a license to receive, board or keep any child shall
8 be made in writing to the commissioner of social services in and for the
9 social services district wherein the premises to be licensed are
10 located, in the form and manner prescribed by the [department] OFFICE OF
11 CHILDREN AND FAMILY SERVICES. The [department] OFFICE shall require
12 that an applicant set forth: his or her employment history, provide
13 personal and employment references and sign a sworn statement indicating
14 whether, to the best of his or her knowledge, he or she has ever been
15 convicted of a crime in this state or any other jurisdiction. THE
16 COMMISSIONER SHALL ALSO DETERMINE WHETHER THE APPLICANT HAS EVER HELD
17 SUCH A LICENSE, OR A CERTIFICATE OR APPROVAL, AND, IF SO, WHETHER THE
18 LICENSE, CERTIFICATE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD
19 WAS REMOVED FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES,
20 THE COMMISSIONER SHALL EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGU-
21 LATIONS ESTABLISHED BY THE OFFICE, TO DETERMINE WHETHER A LICENSE SHOULD
22 BE ISSUED AND THE HOME RE-OPENED. Not until all inquiries are completed
23 and evaluated shall the commissioner of social services cause such
24 license to be issued.

25 S 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law, provided, however, that effective immediate-
27 ly, the addition, amendment and/or repeal of any rules or regulations
28 necessary for the implementation of the foregoing sections of this act
29 on its effective date is authorized and directed to be made and
30 completed on or before such effective date.