

2599--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 16, 2013

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Introduced by M. of A. PAULIN, JAFFEE, SCARBOROUGH, MILLMAN, ROBERTS, LAVINE, ROBINSON, GALEF, TITONE, ABINANTI, HOOPER -- Multi-Sponsored by -- M. of A. GABRYSZAK, GIBSON -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the family court act and the social services law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings; and to repeal certain provisions of the family court act, in relation to technical changes thereto

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

1     Section 1. Section 1017 of the family court act is amended by adding a  
2     new subdivision 5 to read as follows:  
3     5. IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
4     ARTICLE REMANDING OR PLACING A CHILD IN THE CUSTODY OF THE LOCAL SOCIAL  
5     SERVICES DISTRICT, THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
6     CHARGED WITH CUSTODY OR CARE OF THE CHILD SHALL REPORT ANY ANTICIPATED  
7     CHANGE IN PLACEMENT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY  
8     FOR THE CHILD NOT LATER THAN TEN DAYS PRIOR TO SUCH CHANGE IN ANY CASE  
9     IN WHICH THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM INTO WHICH  
10    HE OR SHE HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS MOVE OUT OF  
11    STATE WITH THE CHILD; PROVIDED, HOWEVER, THAT WHERE AN IMMEDIATE CHANGE  
12    OF PLACEMENT ON AN EMERGENCY BASIS IS REQUIRED, THE REPORT SHALL BE  
13    TRANSMITTED NO LATER THAN THE NEXT BUSINESS DAY AFTER SUCH CHANGE IN  
14    PLACEMENT HAS BEEN MADE. THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED  
15    AGENCY SHALL ALSO SUBMIT A REPORT TO THE ATTORNEYS FOR THE PARTIES AND

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

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1 THE ATTORNEY FOR THE CHILD OR INCLUDE IN THE REPORT OF A CHANGE IN  
2 PLACEMENT ANY INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT WHERE THE  
3 CHILD OR ANOTHER CHILD IN THE SAME HOME IS THE SUBJECT WITHIN FIVE DAYS  
4 OF THE INDICATION OF THE REPORT. THE OFFICIAL OR AGENCY MAY PROTECT THE  
5 CONFIDENTIALITY OF IDENTIFYING OR ADDRESS INFORMATION REGARDING THE  
6 FOSTER OR PROSPECTIVE ADOPTIVE PARENTS. REPORTS REGARDING INDICATED  
7 REPORTS OF CHILD ABUSE OR MALTREATMENT PROVIDED PURSUANT TO THIS SUBDI-  
8 VISION SHALL INCLUDE A STATEMENT ADVISING RECIPIENTS THAT THE INFORMA-  
9 TION IN SUCH REPORT OF CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDEN-  
10 TIAL, SHALL BE USED ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS  
11 ARTICLE OR RELATED PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED  
12 EXCEPT AS NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED  
13 BY LAW. REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED, INCLUDING, BUT  
14 NOT LIMITED TO, BY ELECTRONIC MEANS OR ON THE RECORD DURING PROCEEDINGS  
15 IN FAMILY COURT.

16 S 2. Subparagraph (E) of paragraph (i) of subdivision (b) of section  
17 1055 of the family court act, as amended by chapter 41 of the laws of  
18 2010, is REPEALED.

19 S 3. Section 1055 of the family court act is amended by adding a new  
20 subdivision (j) to read as follows:

21 (J) IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
22 SECTION PLACING A CHILD IN THE CUSTODY OR CARE OF THE COMMISSIONER OF  
23 SOCIAL SERVICES, THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
24 CHARGED WITH CUSTODY OF THE CHILD SHALL REPORT ANY ANTICIPATED CHANGE IN  
25 PLACEMENT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE  
26 CHILD NOT LATER THAN TEN DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH  
27 THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE  
28 HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH  
29 THE CHILD; PROVIDED, HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACE-  
30 MENT ON AN EMERGENCY BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED  
31 NO LATER THAN THE NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS  
32 BEEN MADE. THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO  
33 SUBMIT A REPORT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR  
34 THE CHILD OR INCLUDE IN THE REPORT OF A CHANGE IN PLACEMENT ANY INDI-  
35 CATED REPORT OF CHILD ABUSE OR MALTREATMENT WHERE THE CHILD OR ANOTHER  
36 CHILD IN THE SAME HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION  
37 OF THE REPORT. THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF  
38 IDENTIFYING OR ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE  
39 ADOPTIVE PARENTS. REPORTS REGARDING INDICATED REPORTS OF CHILD ABUSE OR  
40 MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A  
41 STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN SUCH REPORT OF  
42 CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL, SHALL BE USED  
43 ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS ARTICLE OR RELATED  
44 PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED EXCEPT AS NECES-  
45 SARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY LAW.  
46 REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED, INCLUDING, BUT NOT  
47 LIMITED TO, BY ELECTRONIC MEANS OR ON THE RECORD DURING PROCEEDINGS IN  
48 FAMILY COURT.

49 S 4. Subparagraph (vii) of paragraph 2 of subdivision (d) of section  
50 1089 of the family court act is amended by adding a new clause (H) to  
51 read as follows:

52 (H) A DIRECTION THAT THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
53 CHARGED WITH CARE AND CUSTODY OR GUARDIANSHIP AND CUSTODY OF THE CHILD,  
54 AS APPLICABLE, REPORT ANY ANTICIPATED CHANGE IN PLACEMENT TO THE ATTOR-  
55 NEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD NOT LATER THAN TEN  
56 DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM

1 THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN  
2 WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD; PROVIDED,  
3 HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACEMENT ON AN EMERGENCY  
4 BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED NO LATER THAN THE  
5 NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS BEEN MADE. THE  
6 SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO SUBMIT A REPORT  
7 TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD OR  
8 INCLUDE IN THE REPORT OF A CHANGE IN PLACEMENT ANY INDICATED REPORT OF  
9 CHILD ABUSE OR MALTREATMENT WHERE THE CHILD OR ANOTHER CHILD IN THE SAME  
10 HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT.  
11 THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF IDENTIFYING OR  
12 ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE ADOPTIVE  
13 PARENTS. REPORTS UNDER THIS PARAGRAPH SHALL NOT BE SENT TO ATTORNEYS FOR  
14 BIRTH PARENTS WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED OR WHO HAVE  
15 SURRENDERED THEIR CHILD OR CHILDREN. REPORTS REGARDING INDICATED  
16 REPORTS OF CHILD ABUSE OR MALTREATMENT PROVIDED PURSUANT TO THIS SUBDI-  
17 VISION SHALL INCLUDE A STATEMENT ADVISING RECIPIENTS THAT THE INFORMA-  
18 TION IN SUCH REPORT OF CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFID-  
19 DENTIAL, SHALL BE USED ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS  
20 ARTICLE OR RELATED PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED  
21 EXCEPT AS NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED  
22 BY LAW. REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED, INCLUDING, BUT  
23 NOT LIMITED TO, BY ELECTRONIC MEANS OR ON THE RECORD DURING PROCEEDINGS  
24 IN FAMILY COURT; AND

25 S 5. Subdivision 3 of section 358-a of the social services law is  
26 amended by adding a new paragraph (g) to read as follows:

27 (G) IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
28 SECTION APPROVING A FOSTER CARE PLACEMENT INSTRUMENT, THE SOCIAL  
29 SERVICES OFFICIAL OR AUTHORIZED AGENCY CHARGED WITH CUSTODY OR CARE OF  
30 THE CHILD SHALL REPORT ANY ANTICIPATED CHANGE IN PLACEMENT TO THE ATTOR-  
31 NEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD NOT LATER THAN TEN  
32 DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM  
33 THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN  
34 WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD; PROVIDED,  
35 HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACEMENT ON AN EMERGENCY  
36 BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED NO LATER THAN THE  
37 NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS BEEN MADE. THE  
38 SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO SUBMIT A REPORT  
39 TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD OR  
40 INCLUDE IN THE REPORT OF A CHANGE IN PLACEMENT ANY INDICATED REPORT OF  
41 CHILD ABUSE OR MALTREATMENT WHERE THE CHILD OR ANOTHER CHILD IN THE SAME  
42 HOME IS THE SUBJECT WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT.  
43 THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF IDENTIFYING OR  
44 ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE ADOPTIVE  
45 PARENTS. REPORTS REGARDING INDICATED REPORTS OF CHILD ABUSE OR  
46 MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A  
47 STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN SUCH REPORT OF  
48 CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL, SHALL BE USED  
49 ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION OR RELATED  
50 PROCEEDINGS UNDER THE FAMILY COURT ACT AND MAY NOT BE REDISCLOSED EXCEPT  
51 AS NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY  
52 LAW. REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED, INCLUDING, BUT  
53 NOT LIMITED TO, BY ELECTRONIC MEANS OR ON THE RECORD DURING PROCEEDINGS  
54 IN FAMILY COURT.

55 S 6. This act shall take effect immediately, provided that sections  
56 one, three, four and five of this act shall take effect on the one

1 hundred twentieth day after it shall have become a law; provided, howev-  
2 er, that section two of this act shall be deemed to have taken effect on  
3 the same date as section 1 of chapter 342 of the laws of 2010, took  
4 effect; and, effective immediately, the addition, amendment and/or  
5 repeal of any rule or regulation necessary for the implementation of  
6 this act on its effective date is authorized and directed to be  
7 completed on or before such effective date.