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

7339--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 13, 2013

Introduced by M. of A. LUPARDO -- (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

AN ACT to amend the family court act, in relation to reentry of former foster children into foster care

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

Section 1. Subdivision 6 of section 355.3 of the family court act, as amended by chapter 663 of the laws of 1985, is amended to read as follows:

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without [the child's] HIS OR HER consent and in no event past [the child's] HIS OR HER twenty-first birthday. A RESPONDENT, WHO WAS PREVIOUSLY PLACED WITH A LOCAL SOCIAL SERVICES DISTRICT PURSUANT TO SECTION 353.3 OF THIS CHAPTER, INCLUDING A DISTRICT THAT HAS AN APPROVED "CLOSE TO HOME" PLAN, AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A MOTION BY A SOCIAL SERVICES OFFICIAL TO REENTER FOSTER CARE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT. A RESPONDENT, WHO WAS PREVIOUSLY PLACED WITH, OR TRANSFERRED TO, THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A NON-SECURE LEVEL OF CARE AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A MOTION BY THE OFFICE TO REENTER PLACEMENT WITH THE OFFICE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT; PROVIDED, HOWEVER, THAT NO SUCH RESPONDENT REENTERING PLACE-

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

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MENT WITH THE OFFICE SHALL BE PLACED IN A FACILITY DIRECTLY OPERATED BY THE OFFICE PURSUANT TO SECTION FIVE HUNDRED FOUR OF THE EXECUTIVE LAW.

S 2. Subdivision (f) of section 756-a of the family court act, as added by chapter 604 of the laws of 1986, is amended to read as follows:

(f) Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday. A CHILD, WHO WAS PREVIOUSLY PLACED WITH A LOCAL SOCIAL SERVICES DISTRICT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SIX OF THIS CHAPTER, AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A MOTION BY A SOCIAL SERVICES OFFICIAL TO REENTER FOSTER CARE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT.

S 3. Section 1091 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D) FOR PURPOSES OF THIS SECTION, "FORMER FOSTER CARE YOUTH" SHALL INCLUDE A YOUTH UNDER THE AGE OF TWENTY-ONE WHO DID NOT CONSENT TO REMAIN IN FOSTER CARE BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN IN CARE, AND WHO HAD BEEN PLACED IN FOSTER CARE PURSUANT TO ARTICLE THREE, SEVEN, TEN, TEN-A OR TEN-C OF THIS ACT OR SECTION THREE HUNDRED FIFTY-EIGHT-A OF THE SOCIAL SERVICES LAW OR WHO HAS BEEN FREED FOR ADOPTION IN ACCORDANCE WITH SECTION SIX HUNDRED THIRTY-SIX OF THIS ACT OR SECTION THREE HUNDRED EIGHTY-THREE-C, THREE HUNDRED EIGHTY-FOUR OR THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES LAW BUT WHO HAS NOT YET BEEN ADOPTED.

S 4. This act shall take effect immediately.