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

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I N A S S E M B L Y

May 7, 2014

Introduced by M. of A. CRESPO, CAMARA, ARROYO, RAMOS, DAVILA, ROSA -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the age of foster children; and in relation to a college break living allowance for foster children enrolled full-time in a college or university

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

Section 1. Subdivision 1 of section 398-a of the social services law, as amended by chapter 397 of the laws of 1987, is amended and a new subdivision 6 is added to read as follows:

(1) For purposes of this section, notwithstanding any other provisions of law, the term foster child shall mean a person who is cared for away from his or her home under conditions prescribed by regulations of the department and who is: (a) under the age of [eighteen] TWENTY years, (b) under the age of [twenty-one] TWENTY-TWO years if a student attending a school, college or university or regularly attending a course of vocational or technical training designed to fit him or her for gainful employment or (c) [between the ages of eighteen and twenty-one] UNDER THE AGE OF TWENTY-TWO YEARS who lacks the skills or ability to live independently and consents to continue in care.

(6) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE REGULATIONS ESTABLISHING STANDARDS FOR A MID-BREAK AND SUMMER LIVING ALLOWANCE FOR FOSTER CHILDREN UNDER THE AGE OF TWENTY-TWO WHO ARE ENROLLED FULL TIME AS A STUDENT ATTENDING A SCHOOL, COLLEGE OR UNIVERSITY. SUCH LIVING ALLOWANCE SHALL BE LIMITED TO THE FIRST FOUR YEARS OF FULL-TIME STUDY.

S 2. Paragraph (a) of subdivision 13 of section 398 of the social services law, as added by chapter 544 of the laws of 1982 and such subdivision as renumbered by chapter 419 of the laws of 1987, is amended to read as follows:

(a) In the case of a child with a handicapping condition who is placed, pursuant to this chapter, in a foster care agency or institution located outside the state, and who attains the age of [eighteen] TWENTY, the social services official shall:

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

LBD13012-01-3

(i) determine whether such child will need services after the age of twenty-one, and, if such need exists;
(ii) assess the nature of the services required;
(iii) notify the parent or guardian of such child's need for services; and
(iv) upon the written consent of the parent or guardian, and notwithstanding section three hundred seventy-two of this article, submit a report on the child's need for services after age twenty-one to the department for planning purposes.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.