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I N   A S S E M B L Y

May 7, 2014

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 398-a of the social services law,  
2     as amended by chapter 397 of the laws of 1987, is amended and a new  
3     subdivision 6 is added to read as follows:  
4     (1) For purposes of this section, notwithstanding any other provisions  
5     of law, the term foster child shall mean a person who is cared for away  
6     from his or her home under conditions prescribed by regulations of the  
7     department and who is: (a) under the age of [eighteen] TWENTY years,  
8     (b) under the age of [twenty-one] TWENTY-TWO years if a student attend-  
9     ing a school, college or university or regularly attending a course of  
10    vocational or technical training designed to fit him or her for gainful  
11    employment or (c) [between the ages of eighteen and twenty-one] UNDER  
12    THE AGE OF TWENTY-TWO YEARS who lacks the skills or ability to live  
13    independently and consents to continue in care.  
14    (6) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE REGU-  
15    LATIONS ESTABLISHING STANDARDS FOR A MID-BREAK AND SUMMER LIVING ALLOW-  
16    ANCE FOR FOSTER CHILDREN UNDER THE AGE OF TWENTY-TWO WHO ARE ENROLLED  
17    FULL TIME AS A STUDENT ATTENDING A SCHOOL, COLLEGE OR UNIVERSITY. SUCH  
18    LIVING ALLOWANCE SHALL BE LIMITED TO THE FIRST FOUR YEARS OF FULL-TIME  
19    STUDY.  
20    S 2. Paragraph (a) of subdivision 13 of section 398 of the social  
21    services law, as added by chapter 544 of the laws of 1982 and such  
22    subdivision as renumbered by chapter 419 of the laws of 1987, is amended  
23    to read as follows:  
24    (a) In the case of a child with a handicapping condition who is  
25    placed, pursuant to this chapter, in a foster care agency or institution  
26    located outside the state, and who attains the age of [eighteen] TWENTY,  
27    the social services official shall:

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

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1 (i) determine whether such child will need services after the age of  
2 twenty-one, and, if such need exists;  
3 (ii) assess the nature of the services required;  
4 (iii) notify the parent or guardian of such child's need for services;  
5 and  
6 (iv) upon the written consent of the parent or guardian, and notwith-  
7 standing section three hundred seventy-two of this article, submit a  
8 report on the child's need for services after age twenty-one to the  
9 department for planning purposes.  
10 S 3. This act shall take effect on the one hundred twentieth day after  
11 it shall have become a law. Effective immediately, the addition, amend-  
12 ment and/or repeal of any rule or regulation necessary for the implemen-  
13 tation of this act on its effective date are authorized to be made and  
14 completed on or before such effective date.