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I N A S S E M B L Y

May 19, 2014

Introduced by M. of A. LUPARDO, CYMBROWITZ, COOK, TITONE, BROOK-KRASNY,
MILLMAN, GOTTFRIED, CLARK, MOSLEY, COLTON -- Multi-Sponsored by -- M.
of A. ARROYO, CAMARA, GALEF, JACOBS, PERRY, SCARBOROUGH, SWEENEY --
(at request of the Office of Alcoholism and Substance Abuse Services)
-- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to assessment services
for youth alleged to be suffering from substance use disorder

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

1 Section 1. Subdivision (i) of section 712 of the family court act, as
2 added by section 1 of part E of chapter 57 of the laws of 2005, is
3 amended, and four new subdivisions (j), (k), (l) and (m) are added to
4 read as follows:
5 (i) "Diversion services". Services provided to children and families
6 pursuant to section seven hundred thirty-five of this article for the
7 purpose of avoiding the need to file a petition or direct the detention
8 of the child. Diversion services shall include: efforts to adjust cases
9 pursuant to this article before a petition is filed, or by order of the
10 court, after the petition is filed but before fact-finding is commenced;
11 and preventive services provided in accordance with section four hundred
12 nine-a of the social services law to avert the placement of the child
13 into foster care, including crisis intervention and respite services.
14 DIVERSION SERVICES MAY ALSO INCLUDE, IN CASES WHERE ANY PERSON IS SEEK-
15 ING TO FILE A PETITION THAT ALLEGES THAT THE CHILD HAS A SUBSTANCE USE
16 DISORDER OR IS IN NEED OF IMMEDIATE DETOXIFICATION OR SUBSTANCE USE
17 DISORDER SERVICES, AN ASSESSMENT FOR SUBSTANCE USE DISORDER; PROVIDED,
18 HOWEVER, THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-
19 RY, THE DESIGNATED LEAD AGENCY SHALL NOT BE REQUIRED TO PAY FOR ALL OR
20 ANY PORTION OF THE COSTS OF SUCH ASSESSMENT OR SUBSTANCE USE DISORDER OR
21 DETOXIFICATION SERVICES, EXCEPT IN CASES WHERE MEDICAL ASSISTANCE FOR
22 NEEDY PERSONS MAY BE USED TO PAY FOR ALL OR ANY PORTION OF THE COSTS OF
23 SUCH ASSESSMENT OR SERVICES.
24 (J) "SUBSTANCE USE DISORDER". THE MISUSE OF, DEPENDENCE ON, OR
25 ADDICTION TO ALCOHOL AND/OR LEGAL OR ILLEGAL DRUGS LEADING TO EFFECTS

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

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1 THAT ARE DETRIMENTAL TO THE PERSON'S PHYSICAL AND MENTAL HEALTH OR THE
2 WELFARE OF OTHERS.

3 (K) "ASSESSMENT FOR SUBSTANCE USE DISORDER". ASSESSMENT BY A PROVIDER
4 THAT HAS BEEN CERTIFIED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE
5 SERVICES OF A PERSON LESS THAN EIGHTEEN YEARS OF AGE WHERE IT IS ALLEGED
6 THAT THE YOUTH IS SUFFERING FROM A SUBSTANCE USE DISORDER WHICH COULD
7 MAKE A YOUTH A DANGER TO HIMSELF OR HERSELF OR OTHERS.

8 (L) "A SUBSTANCE USE DISORDER WHICH COULD MAKE A YOUTH A DANGER TO
9 HIMSELF OR HERSELF OR OTHERS". A SUBSTANCE USE DISORDER THAT IS ACCOMPA-
10 NIED BY THE DEPENDENCE ON, OR THE REPEATED USE OR ABUSE OF, DRUGS OR
11 ALCOHOL TO THE POINT OF INTOXICATION SUCH THAT THE PERSON IS IN NEED OF
12 IMMEDIATE DETOXIFICATION OR OTHER SUBSTANCE USE DISORDER SERVICES.

13 (M) "SUBSTANCE USE DISORDER SERVICES". SUBSTANCE USE DISORDER SERVICES
14 SHALL HAVE THE SAME MEANING AS PROVIDED FOR IN SECTION 1.03 OF THE
15 MENTAL HYGIENE LAW.

16 S 2. Subdivision (b) of section 735 of the family court act, as added
17 by section 7 of part E of chapter 57 of the laws of 2005, is amended to
18 read as follows:

19 (b) The designated lead agency shall:

20 (i) confer with any person seeking to file a petition, the youth who
21 may be a potential respondent, his or her family, and other interested
22 persons, concerning the provision of diversion services before any peti-
23 tion may be filed; and

24 (ii) diligently attempt to prevent the filing of a petition under this
25 article or, after the petition is filed, to prevent the placement of the
26 youth into foster care; and

27 (iii) assess whether the youth would benefit from residential respite
28 services; and

29 (iv) determine whether alternatives to detention are appropriate to
30 avoid remand of the youth to detention; AND

31 (V) DETERMINE WHETHER AN ASSESSMENT OF THE YOUTH FOR SUBSTANCE USE
32 DISORDER BY AN OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES CERTI-
33 FIED PROVIDER IS NECESSARY WHEN A PERSON SEEKING TO FILE A PETITION
34 ALLEGES IN SUCH PETITION THAT THE YOUTH IS SUFFERING FROM A SUBSTANCE
35 USE DISORDER WHICH COULD MAKE THE YOUTH A DANGER TO HIMSELF OR HERSELF
36 OR OTHERS. PROVIDED, HOWEVER, THAT NOTWITHSTANDING ANY OTHER PROVISION
37 OF LAW TO THE CONTRARY, THE DESIGNATED LEAD AGENCY SHALL NOT BE REQUIRED
38 TO PAY FOR ALL OR ANY PORTION OF THE COSTS OF SUCH ASSESSMENT OR FOR ANY
39 SUBSTANCE USE DISORDER OR DETOXIFICATION SERVICES, EXCEPT IN CASES WHERE
40 MEDICAL ASSISTANCE FOR NEEDY PERSONS MAY BE USED TO PAY FOR ALL OR ANY
41 PORTION OF THE COSTS OF SUCH ASSESSMENT OR SERVICES. THE OFFICE OF
42 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL MAKE A LIST OF ITS CERTI-
43 FIED PROVIDERS AVAILABLE TO THE DESIGNATED LEAD AGENCY.

44 S 3. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law. Effective immediately, any rules or regu-
46 lations necessary for the implementation of this act on its effective
47 date may be promulgated prior to such effective date.