S T A T E   O F   N E W   Y O R K
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7339--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 13, 2013
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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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subdivision 6 of section 355.3 of the family court act, as
 2 amended by chapter 663 of the laws of 1985, is amended to read as
 3 follows:
 4   6. Successive extensions of placement under this section may be grant-
 5 ed, but no placement may be made or continued beyond the respondent's
 6 eighteenth birthday without [the child's] HIS OR HER consent and in no
 7 event past [the child's] HIS OR HER twenty-first birthday. A RESPONDENT,
 8 WHO WAS PREVIOUSLY PLACED WITH A LOCAL SOCIAL SERVICES DISTRICT PURSUANT
 9 TO SECTION 353.3 OF THIS CHAPTER, INCLUDING A DISTRICT THAT HAS AN
10 APPROVED "CLOSE TO HOME" PLAN, AND WHO DID NOT CONSENT TO REMAIN IN CARE
11 BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO
12 REMAIN IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT
13 OF A MOTION BY A SOCIAL SERVICES OFFICIAL TO REENTER FOSTER CARE IN
14 ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF
15 THIS ACT. A RESPONDENT, WHO WAS PREVIOUSLY PLACED WITH, OR TRANSFERRED
16 TO, THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A
17 NON-SECURE LEVEL OF CARE AND WHO DID NOT CONSENT TO REMAIN IN CARE
18 BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO
19 REMAIN IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT
20 OF A MOTION BY THE OFFICE TO REENTER PLACEMENT WITH THE OFFICE IN
21 ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF
22 THIS ACT; PROVIDED, HOWEVER, THAT NO SUCH RESPONDENT REENTERING PLACE-

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 1  MENT  WITH THE OFFICE SHALL BE PLACED IN A FACILITY DIRECTLY OPERATED BY
 2  THE OFFICE PURSUANT TO SECTION FIVE HUNDRED FOUR OF THE EXECUTIVE LAW.
 3    S  2.  Subdivision  (f)  of  section 756-a of the family court act, as
 4  added by chapter 604 of the laws of 1986, is amended to read as follows:
 5    (f) Successive extensions of  placement  under  this  section  may  be
 6  granted,  but  no  placement may be made or continued beyond the child's
 7  eighteenth birthday without his or her consent and in no event past  his
 8  or  her twenty-first birthday. A CHILD, WHO WAS PREVIOUSLY PLACED WITH A
 9  LOCAL SOCIAL SERVICES DISTRICT PURSUANT TO SECTION SEVEN HUNDRED  FIFTY-
10  SIX  OF  THIS  CHAPTER, AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND
11  HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO  REMAIN
12  IN  CARE,  MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A
13  MOTION BY A SOCIAL SERVICES OFFICIAL TO REENTER FOSTER CARE  IN  ACCORD-
14  ANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT.
15    S  3.  Section 1091 of the family court act is amended by adding a new
16  subdivision (d) to read as follows:
17    (D) FOR PURPOSES OF THIS SECTION, "FORMER  FOSTER  CARE  YOUTH"  SHALL
18  INCLUDE  A  YOUTH  UNDER  THE  AGE  OF TWENTY-ONE WHO DID NOT CONSENT TO
19  REMAIN IN FOSTER CARE BEYOND HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE
20  REQUIRED IN ORDER TO REMAIN IN CARE, AND WHO HAD BEEN PLACED  IN  FOSTER
21  CARE  PURSUANT  TO ARTICLE THREE, SEVEN, TEN, TEN-A OR TEN-C OF THIS ACT
22  OR SECTION THREE HUNDRED FIFTY-EIGHT-A OF THE SOCIAL SERVICES LAW OR WHO
23  HAS BEEN FREED FOR ADOPTION IN ACCORDANCE WITH SECTION SIX HUNDRED THIR-
24  TY-SIX OF THIS  ACT  OR  SECTION  THREE  HUNDRED  EIGHTY-THREE-C,  THREE
25  HUNDRED  EIGHTY-FOUR  OR  THREE  HUNDRED  EIGHTY-FOUR-B  OF  THE  SOCIAL
26  SERVICES LAW BUT WHO HAS NOT YET BEEN ADOPTED.
27    S 4. This act shall take effect immediately.
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