

4529--A

2013-2014 Regular Sessions

I N   S E N A T E

April 8, 2013

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Introduced by Sen. FELDER -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- 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:

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 OR THE  
9 OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO SECTION 353.3 OF THIS  
10 CHAPTER, INCLUDING A DISTRICT THAT HAS AN APPROVED "CLOSE TO HOME" PLAN,  
11 AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND HIS OR HER EIGHTEENTH  
12 BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN IN CARE, MAY MOVE OR,  
13 WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A MOTION BY A SOCIAL  
14 SERVICES OFFICIAL TO REENTER FOSTER CARE IN ACCORDANCE WITH THE  
15 PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT. NO SUCH  
16 RESPONDENT REENTERING FOSTER CARE SHALL BE PLACED IN A FACILITY DIRECTLY  
17 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO  
18 SECTION FIVE HUNDRED FOUR OF THE EXECUTIVE LAW.  
19     S 2. Subdivision (f) of section 756-a of the family court act, as  
20 added by chapter 604 of the laws of 1986, is amended to read as follows:  
21     (f) Successive extensions of placement under this section may be  
22 granted, but no placement may be made or continued beyond the child's

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

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1 eighteenth birthday without his or her consent and in no event past his  
2 or her twenty-first birthday. A CHILD, WHO WAS PREVIOUSLY PLACED WITH A  
3 LOCAL SOCIAL SERVICES DISTRICT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-  
4 SIX OF THIS CHAPTER, AND WHO DID NOT CONSENT TO REMAIN IN CARE BEYOND  
5 HIS OR HER EIGHTEENTH BIRTHDAY, AS WOULD BE REQUIRED IN ORDER TO REMAIN  
6 IN CARE, MAY MOVE OR, WITH HIS OR HER CONSENT, MAY BE THE SUBJECT OF A  
7 MOTION BY A SOCIAL SERVICES OFFICIAL TO REENTER FOSTER CARE IN ACCORD-  
8 ANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND NINETY-ONE OF THIS ACT.

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

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

21 S 4. This act shall take effect immediately.