

6862

2015-2016 Regular Sessions

I N A S S E M B L Y

April 6, 2015

Introduced by M. of A. CRESPO -- Multi-Sponsored by -- M. of A. ARROYO,
DAVILA, RAMOS -- 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:

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

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1 (a) In the case of a child with a handicapping condition who is
2 placed, pursuant to this chapter, in a foster care agency or institution
3 located outside the state, and who attains the age of [eighteen] TWENTY,
4 the social services official shall:
5 (i) determine whether such child will need services after the age of
6 twenty-one, and, if such need exists;
7 (ii) assess the nature of the services required;
8 (iii) notify the parent or guardian of such child's need for services;
9 and
10 (iv) upon the written consent of the parent or guardian, and notwith-
11 standing section three hundred seventy-two of this article, submit a
12 report on the child's need for services after age twenty-one to the
13 department for planning purposes.
14 S 3. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law. Effective immediately, the addition, amend-
16 ment and/or repeal of any rule or regulation necessary for the implemen-
17 tation of this act on its effective date are authorized to be made and
18 completed on or before such effective date.