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

731

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

Introduced by M. of A. ROZIC -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to foster home decertification, application for recertification, authorization for non-renewal, notice of removal of a child, and other required notices

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

Section 1. Subdivision 1 of section 376 of the social services law, as amended by chapter 539 of the laws of 2014, is amended to read as follows:

1. An authorized agency which shall board out any child and/or minor under the age of eighteen years shall issue to the person receiving such child and/or minor for board a certificate to receive, board or keep a child and/or minor under the age of eighteen years. Prior to issuing such certificate, the agency shall require that an applicant set forth: his or her employment history, provide personal and employment references and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction. [The] IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THIS TITLE AND PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED TWENTY-FOUR-A OF THIS ARTICLE, THE agency shall REVIEW INFORMATION AVAILABLE IN THE STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM TO determine whether the applicant [has ever] PREVIOUSLY held such a certificate, or a license or approval AS A FOSTER PARENT and, if so, whether [the] SUCH certificate, license or approval was revoked, not renewed, or a FOSTER child was removed from [the] HIS OR HER home[, and the reason therefor. In such instances, the agency shall evaluate the circumstances, pursuant to regulations established by the office, to determine] FOR HEALTH OR SAFETY REASONS AND SHALL CONSID-

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

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ER SUCH INFORMATION IN DETERMINING whether a certificate should be issued [and the home re-opened] TO SUCH APPLICANT. Not until all inquiries are completed and evaluated shall the agency cause such certificate to be issued.

S 2. Subdivision 1 of section 377 of the social services law, as amended by chapter 539 of the laws of 2014, is amended to read as follows:

1. Application for a license to receive, board or keep any child shall be made in writing to the commissioner of social services in and for the social services district wherein the premises to be licensed are located, in the form and manner prescribed by the office of children and family services. The office shall require that an applicant set forth: his or her employment history, provide personal and employment references and sign a sworn statement indicating whether, to the best of his or her knowledge, he or she has ever been convicted of a crime in this state or any other jurisdiction. [Such] IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THIS TITLE AND PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED TWENTY-FOUR-A OF THIS ARTICLE, SUCH commissioner of social services shall [also determine] REVIEW INFORMATION AVAILABLE IN THE STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM TO DETERMINE whether the applicant [has ever] PREVIOUSLY held such a license, or a certificate or approval AS A FOSTER PARENT, and, if so, whether [the] SUCH license, certificate or approval was revoked, not renewed, or a FOSTER child was removed from [the] HIS OR HER home[, and the reason therefor. In such instances, such commissioner of social services shall evaluate the circumstances, pursuant to regulations established by the office, to determine] FOR HEALTH OR SAFETY REASONS AND SHALL CONSIDER SUCH INFORMATION IN DETERMINING whether a license should be issued [and the home re-opened] TO SUCH APPLICANT. Not until all inquiries are completed and evaluated shall the commissioner of social services cause such license to be issued.

S 3. This act shall take effect immediately, provided that sections one and two of this act shall take effect on the same date and in the same manner as chapter 539 of the laws of 2014, takes effect.