

7679

2015-2016 Regular Sessions

I N A S S E M B L Y

May 21, 2015

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

AN ACT to amend the family court act, in relation to permanency hearings for youth in foster care

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

1 Section 1. Subparagraphs (i) and (ii) of paragraph 1 of subdivision
2 (b) of section 1089 of the family court act, subparagraph (i) as amended
3 by chapter 437 of the laws of 2006, subparagraph (ii) as amended by
4 chapter 41 of the laws of 2010, are amended and a new subparagraph (iii)
5 is added to read as follows:
6 (i) the child's parent, including any non-respondent parent, unless
7 the parental rights of the parent have been terminated or surrendered
8 and any other person legally responsible for the child's care at the
9 most recent address or addresses known to the local social services
10 district or agency, and the foster parent in whose home the child
11 currently resides, each of whom shall be a party to the proceeding;
12 [and]
13 (ii) the agency supervising the care of the child on behalf of the
14 social services district with whom the child was placed, the child's
15 attorney, and the attorney for the respondent parent[.]; AND
16 (III) IF THE CHILD IS AGE TEN OR OLDER, THE NOTICE OF THE PERMANENCY
17 HEARING SHALL ALSO BE PROVIDED TO THE CHILD. THE CHILD HAS A RIGHT TO BE
18 PRESENT AT THE HEARING, EXCEPT UPON A WAIVER OF THAT RIGHT AFTER CONSUL-
19 TATION WITH THE ATTORNEY FOR THE CHILD. UPON AN APPLICATION BY THE
20 ATTORNEY FOR THE CHILD, THE COURT SHALL GRANT AN ADJOURNMENT WHENEVER
21 NECESSARY TO PROTECT THE CHILD'S RIGHT TO MEANINGFULLY PARTICIPATE IN
22 THE HEARING.
23 S 2. This act shall take effect immediately.

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

LBD11333-01-5