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I N   A S S E M B L Y

May 2, 2016

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Introduced by M. of A. RICHARDSON, LUPARDO -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings; and to repeal certain provisions of the family court act, in relation to technical changes thereto

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

1     Section 1. Section 1017 of the family court act is amended by adding a  
2     new subdivision 5 to read as follows:  
3     5. IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
4     ARTICLE REMANDING OR PLACING A CHILD IN THE CUSTODY OF THE LOCAL SOCIAL  
5     SERVICES DISTRICT, THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
6     CHARGED WITH CUSTODY OR CARE OF THE CHILD SHALL REPORT ANY ANTICIPATED  
7     CHANGE IN PLACEMENT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY  
8     FOR THE CHILD NOT LATER THAN TEN DAYS PRIOR TO SUCH CHANGE IN ANY CASE  
9     IN WHICH THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM INTO WHICH  
10    HE OR SHE HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS MOVE OUT OF  
11    STATE WITH THE CHILD; PROVIDED, HOWEVER, THAT WHERE AN IMMEDIATE CHANGE  
12    OF PLACEMENT ON AN EMERGENCY BASIS IS REQUIRED, THE REPORT SHALL BE  
13    TRANSMITTED NO LATER THAN THE NEXT BUSINESS DAY AFTER SUCH CHANGE IN  
14    PLACEMENT HAS BEEN MADE. THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED  
15    AGENCY SHALL ALSO SUBMIT A REPORT TO THE ATTORNEYS FOR THE PARTIES AND  
16    THE ATTORNEY FOR THE CHILD OR INCLUDE IN THE PLACEMENT CHANGE REPORT ANY  
17    INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT OR CONCERNING THE CHILD  
18    OR (IF A PERSON OR PERSONS CARING FOR THE CHILD IS OR ARE THE SUBJECT OF  
19    THE REPORT) ANOTHER CHILD IN THE SAME HOME WITHIN FIVE DAYS OF THE INDIC-  
20    CATION OF THE REPORT. THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDEN-  
21    TIALITY OF IDENTIFYING OR ADDRESS INFORMATION REGARDING THE FOSTER OR  
22    PROSPECTIVE ADOPTIVE PARENTS. REPORTS REGARDING INDICATED REPORTS OF  
23    CHILD ABUSE OR MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION SHALL  
24    INCLUDE A STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN SUCH

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

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1 REPORT OF CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL, SHALL  
2 BE USED ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS ARTICLE OR  
3 RELATED PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED EXCEPT AS  
4 NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY LAW.  
5 REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED BY ANY APPROPRIATE  
6 MEANS, INCLUDING, BUT NOT LIMITED TO, BY ELECTRONIC MEANS OR PLACEMENT  
7 ON THE RECORD DURING PROCEEDINGS IN FAMILY COURT.

8 S 2. Subparagraph (E) of paragraph (i) of subdivision (b) of section  
9 1055 of the family court act, as amended by chapter 41 of the laws of  
10 2010, is REPEALED.

11 S 3. Section 1055 of the family court act is amended by adding a new  
12 subdivision (j) to read as follows:

13 (J) IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
14 SECTION PLACING A CHILD IN THE CUSTODY OR CARE OF THE COMMISSIONER OF  
15 SOCIAL SERVICES, THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
16 CHARGED WITH CUSTODY OF THE CHILD SHALL REPORT ANY ANTICIPATED CHANGE IN  
17 PLACEMENT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE  
18 CHILD NOT LATER THAN TEN DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH  
19 THE CHILD IS MOVED FROM THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE  
20 HAS BEEN PLACED OR IN WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH  
21 THE CHILD; PROVIDED, HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACE-  
22 MENT ON AN EMERGENCY BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED  
23 NO LATER THAN THE NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS  
24 BEEN MADE. THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO  
25 SUBMIT A REPORT TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR  
26 THE CHILD OR INCLUDE IN THE PLACEMENT CHANGE REPORT ANY INDICATED REPORT  
27 OF CHILD ABUSE OR MALTREATMENT CONCERNING THE CHILD OR (IF A PERSON OR  
28 PERSONS CARING FOR THE CHILD IS OR ARE THE SUBJECT OF THE REPORT) ANOTH-  
29 ER CHILD IN THE SAME HOME WITHIN FIVE DAYS OF THE INDICATION OF THE  
30 REPORT. THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF IDEN-  
31 TIFYING OR ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE ADOP-  
32 TIVE PARENTS. REPORTS REGARDING INDICATED REPORTS OF CHILD ABUSE OR  
33 MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A  
34 STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN SUCH REPORT OF  
35 CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL, SHALL BE USED  
36 ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS ARTICLE OR RELATED  
37 PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED EXCEPT AS NECES-  
38 SARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY LAW.  
39 REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED BY ANY APPROPRIATE  
40 MEANS, INCLUDING, BUT NOT LIMITED TO, BY ELECTRONIC MEANS OR PLACEMENT  
41 ON THE RECORD DURING PROCEEDINGS IN FAMILY COURT.

42 S 4. Subparagraph (vii) of paragraph 2 of subdivision (d) of section  
43 1089 of the family court act is amended by adding a new clause (H) to  
44 read as follows:

45 (H) A DIRECTION THAT THE SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY  
46 CHARGED WITH CARE AND CUSTODY OR GUARDIANSHIP AND CUSTODY OF THE CHILD,  
47 AS APPLICABLE, REPORT ANY ANTICIPATED CHANGE IN PLACEMENT TO THE ATTOR-  
48 NEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD NOT LATER THAN TEN  
49 DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM  
50 THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN  
51 WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD; PROVIDED,  
52 HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACEMENT ON AN EMERGENCY  
53 BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED NO LATER THAN THE  
54 NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS BEEN MADE. THE  
55 SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO SUBMIT A REPORT  
56 TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD OR

1 INCLUDE IN THE PLACEMENT CHANGE REPORT ANY INDICATED REPORT OF CHILD  
2 ABUSE OR MALTREATMENT CONCERNING THE CHILD OR (IF A PERSON OR PERSONS  
3 CARING FOR THE CHILD IS OR ARE THE SUBJECT OF THE REPORT) ANOTHER CHILD  
4 IN THE SAME HOME WITHIN FIVE DAYS OF THE INDICATION OF THE REPORT. THE  
5 OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF IDENTIFYING OR  
6 ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE ADOPTIVE  
7 PARENTS. REPORTS UNDER THIS PARAGRAPH SHALL NOT BE SENT TO ATTORNEYS FOR  
8 BIRTH PARENTS WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED OR WHO HAVE  
9 SURRENDERED THEIR CHILD OR CHILDREN. REPORTS REGARDING INDICATED REPORTS  
10 OF CHILD ABUSE OR MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION  
11 SHALL INCLUDE A STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN  
12 SUCH REPORT OF CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL,  
13 SHALL BE USED ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS ARTICLE OR  
14 RELATED PROCEEDINGS UNDER THIS ACT AND MAY NOT BE REDISCLOSED EXCEPT AS  
15 NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY LAW.  
16 REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED BY ANY APPROPRIATE  
17 MEANS, INCLUDING, BUT NOT LIMITED TO, BY ELECTRONIC MEANS OR PLACEMENT  
18 ON THE RECORD DURING PROCEEDINGS IN FAMILY COURT; AND

19 S 5. Subdivision 3 of section 358-a of the social services law is  
20 amended by adding a new paragraph (g) to read as follows:

21 (G) IN ANY CASE IN WHICH AN ORDER HAS BEEN ISSUED PURSUANT TO THIS  
22 SECTION APPROVING A FOSTER CARE PLACEMENT INSTRUMENT, THE SOCIAL  
23 SERVICES OFFICIAL OR AUTHORIZED AGENCY CHARGED WITH CUSTODY OR CARE OF  
24 THE CHILD SHALL REPORT ANY ANTICIPATED CHANGE IN PLACEMENT TO THE ATTOR-  
25 NEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD NOT LATER THAN TEN  
26 DAYS PRIOR TO SUCH CHANGE IN ANY CASE IN WHICH THE CHILD IS MOVED FROM  
27 THE FOSTER HOME OR PROGRAM INTO WHICH HE OR SHE HAS BEEN PLACED OR IN  
28 WHICH THE FOSTER PARENTS MOVE OUT OF STATE WITH THE CHILD; PROVIDED,  
29 HOWEVER, THAT WHERE AN IMMEDIATE CHANGE OF PLACEMENT ON AN EMERGENCY  
30 BASIS IS REQUIRED, THE REPORT SHALL BE TRANSMITTED NO LATER THAN THE  
31 NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS BEEN MADE. THE  
32 SOCIAL SERVICES OFFICIAL OR AUTHORIZED AGENCY SHALL ALSO SUBMIT A REPORT  
33 TO THE ATTORNEYS FOR THE PARTIES AND THE ATTORNEY FOR THE CHILD OR  
34 INCLUDE IN THE PLACEMENT CHANGE REPORT ANY INDICATED REPORT OF CHILD  
35 ABUSE OR MALTREATMENT CONCERNING THE CHILD OR (IF A PERSON OR PERSONS  
36 CARING FOR THE CHILD IS OR ARE THE SUBJECT OF THE REPORT) CONCERNING  
37 ANOTHER CHILD IN THE SAME HOME WITHIN FIVE DAYS OF THE INDICATION OF THE  
38 REPORT. THE OFFICIAL OR AGENCY MAY PROTECT THE CONFIDENTIALITY OF IDEN-  
39 TIFYING OR ADDRESS INFORMATION REGARDING THE FOSTER OR PROSPECTIVE ADOP-  
40 TIVE PARENTS. REPORTS REGARDING INDICATED REPORTS OF CHILD ABUSE OR  
41 MALTREATMENT PROVIDED PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A  
42 STATEMENT ADVISING RECIPIENTS THAT THE INFORMATION IN SUCH REPORT OF  
43 CHILD ABUSE OR MALTREATMENT SHALL BE KEPT CONFIDENTIAL, SHALL BE USED  
44 ONLY IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION OR RELATED  
45 PROCEEDINGS UNDER THE FAMILY COURT ACT AND MAY NOT BE REDISCLOSED EXCEPT  
46 AS NECESSARY FOR SUCH PROCEEDING OR PROCEEDINGS AND AS AUTHORIZED BY  
47 LAW. REPORTS UNDER THIS PARAGRAPH MAY BE TRANSMITTED BY ANY APPROPRIATE  
48 MEANS, INCLUDING, BUT NOT LIMITED TO, BY ELECTRONIC MEANS OR PLACEMENT  
49 ON THE RECORD DURING PROCEEDINGS IN FAMILY COURT.

50 S 6. This act shall take effect immediately, provided that sections  
51 one, three, four and five of this act shall take effect on the one  
52 hundred twentieth day after it shall have become a law; provided, howev-  
53 er, that section two of this act shall be deemed to have taken effect on  
54 the same date as section 1 of chapter 342 of the laws of 2010, took  
55 effect; and, provided further, effective immediately, the addition,  
56 amendment and/or repeal of any rule or regulation necessary for the

1 implementation of this act on its effective date is authorized and  
2 directed to be completed on or before such effective date.

REPEAL NOTE: Subparagraph (E) of paragraph (i) of subdivision (b) of section 1055 of the family court act, as amended by section 67 of chapter 41 of the laws of 2010 contains language inconsistent with language in chapter 342 of the laws of 2010.