

1514

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Subdivision 1 of section 376 of the social services law, as
2 amended by chapter 539 of the laws of 2014, is amended to read as
3 follows:
4 1. An authorized agency which shall board out any child and/or minor
5 under the age of eighteen years shall issue to the person receiving such
6 child and/or minor for board a certificate to receive, board or keep a
7 child and/or minor under the age of eighteen years. Prior to issuing
8 such certificate, the agency shall require that an applicant set forth:
9 his or her employment history, provide personal and employment refer-
10 ences and sign a sworn statement indicating whether the applicant, to
11 the best of his or her knowledge, has ever been convicted of a crime in
12 this state or any other jurisdiction. [The] IN ACCORDANCE WITH THE
13 REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN ADDITION
14 TO THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF SECTION THREE
15 HUNDRED SEVENTY-EIGHT-A OF THIS TITLE AND PARAGRAPH (A) OF SUBDIVISION
16 ONE OF SECTION FOUR HUNDRED TWENTY-FOUR-A OF THIS ARTICLE, THE agency
17 shall REVIEW INFORMATION AVAILABLE IN THE STATEWIDE AUTOMATED CHILD
18 WELFARE INFORMATION SYSTEM TO determine whether the applicant [has ever]
19 PREVIOUSLY held such a certificate, or a license or approval AS A FOSTER
20 PARENT and, if so, whether [the] SUCH certificate, license or approval
21 was revoked, not renewed, or a FOSTER child was removed from [the] HIS
22 OR HER home[, and the reason therefor. In such instances, the agency
23 shall evaluate the circumstances, pursuant to regulations established by
24 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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1 ER SUCH INFORMATION IN DETERMINING whether a certificate should be
2 issued [and the home re-opened] TO SUCH APPLICANT. Not until all
3 inquiries are completed and evaluated shall the agency cause such
4 certificate to be issued.

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

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

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