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

5258--A

2015-2016 Regular Sessions

I N S E N A T E

May 11, 2015

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraphs (i) and (ii) of paragraph 1 of subdivision (b) of section 1089 of the family court act, subparagraph (i) as amended by chapter 437 of the laws of 2006, subparagraph (ii) as amended by chapter 41 of the laws of 2010, are amended and a new subparagraph (iii) is added to read as follows:

(i) the child's parent, including any non-respondent parent, unless the parental rights of the parent have been terminated or surrendered and any other person legally responsible for the child's care at the most recent address or addresses known to the local social services district or agency, and the foster parent in whose home the child currently resides, each of whom shall be a party to the proceeding; [and]

(ii) the agency supervising the care of the child on behalf of the social services district with whom the child was placed, the child's attorney, and the attorney for the respondent parent[.]; AND

(III) IF THE CHILD IS AGE TEN OR OLDER, THE NOTICE OF THE PERMANENCY HEARING SHALL ALSO BE PROVIDED TO THE CHILD. THE CHILD HAS A RIGHT TO BE PRESENT AT THE HEARING, EXCEPT UPON A WAIVER OF THAT RIGHT AFTER CONSULTATION WITH THE ATTORNEY FOR THE CHILD. UPON AN APPLICATION BY THE ATTORNEY FOR THE CHILD, THE COURT SHALL GRANT AN ADJOURNMENT WHENEVER NECESSARY TO PROTECT THE CHILD'S RIGHT TO MEANINGFULLY PARTICIPATE IN THE HEARING.

S 2. This act shall take effect immediately.

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

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