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I N A S S E M B L Y

May 2, 2016

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.