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

2301

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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:

Section 1. Subdivision 1 of section 376 of the social services law, as amended by chapter 539 of the laws of 2014, is amended to read as follows:

1. An authorized agency which shall board out any [child/or] CHILD AND/OR minor under the age of eighteen years shall issue to the person receiving such child and/or minor for board a certificate to receive, board or keep a [child/or] CHILD AND/OR minor under the age of eighteen years. Prior to issuing such certificate, the agency shall require that an applicant set forth: his or her employment history, provide personal and employment references and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction. THE AGENCY SHALL DETERMINE WHETHER THE APPLICANT HAS EVER HELD SUCH A CERTIFICATE, OR A LICENSE OR APPROVAL AND, IF SO, WHETHER THE CERTIFICATE, LICENSE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES, THE AGENCY SHALL EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY THE OFFICE, TO DETERMINE WHETHER A CERTIFICATE SHOULD BE ISSUED AND THE HOME RE-OPENED. Not until all inquiries are completed and evaluated shall the agency cause such certificate to be issued.

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

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

LBD06891-02-5

1. Application for a license to receive, board or keep any child shall be made in writing to the commissioner of social services in and for the social services district wherein the premises to be licensed are located, in the form and manner prescribed by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES. The [department] OFFICE shall require that an applicant set forth: his or her employment history, provide personal and employment references and sign a sworn statement indicating whether, to the best of his or her knowledge, he or she has ever been convicted of a crime in this state or any other jurisdiction. SUCH COMMISSIONER OF SOCIAL SERVICES SHALL ALSO DETERMINE WHETHER THE APPLICANT HAS EVER HELD SUCH A LICENSE, OR A CERTIFICATE OR APPROVAL, AND, IF SO, WHETHER THE LICENSE, CERTIFICATE OR APPROVAL WAS REVOKED, NOT RENEWED, OR A CHILD WAS REMOVED FROM THE HOME, AND THE REASON THEREFOR. IN SUCH INSTANCES, SUCH COMMISSIONER OF SOCIAL SERVICES SHALL EVALUATE THE CIRCUMSTANCES, PURSUANT TO REGULATIONS ESTABLISHED BY THE OFFICE, TO DETERMINE WHETHER A LICENSE SHOULD BE ISSUED AND THE HOME RE-OPENED. Not until all inquiries are completed and evaluated shall the commissioner of social services cause such license to be issued.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing sections of this act on its effective date is authorized and directed to be made and completed on or before such effective date.