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

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I N S E N A T E

May 17, 2016

Introduced by Sen. AVELLA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, the education law, the social services law and the executive law, in relation to dispositional options and services for juvenile delinquents and persons in need of supervision

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

Section 1. Paragraphs (a) and (b) of subdivision 2 of section 352.2 of the family court act, paragraph (a) as amended by chapter 880 of the laws of 1985 and paragraph (b) as amended by chapter 145 of the laws of 2000, are amended to read as follows:

(a) In determining an appropriate order, the court shall consider AND DIRECT A DISPOSITION THAT SPECIFICALLY MEETS the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act, the court shall determine the appropriate disposition in accord with section 353.5 OF THIS PART. In all other cases, the court shall order the least restrictive available alternative enumerated in subdivision one OF THIS SECTION which is consistent with the needs and best interests of the respondent and the need for protection of the community. WHERE APPROPRIATE, THE COURT SHALL INCLUDE IN ITS ORDER A DIRECTION FOR A LOCAL SOCIAL SERVICES, MENTAL HEALTH, DEVELOPMENTAL DISABILITIES OR PROBATION OFFICIAL OR AN OFFICIAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, OFFICE OF MENTAL HEALTH OR OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS APPLICABLE, TO PROVIDE OR ARRANGE FOR THE PROVISION OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY TO FURTHER THE GOALS OF THIS SECTION. SUCH ORDER REGARDING A LOCAL SOCIAL SERVICES OFFICIAL SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY THAT IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COUNTY CHILD AND FAMILY SERVICES PLAN THEN IN EFFECT. IN ANY ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT MAY REQUIRE THE OFFICIAL TO MAKE PERIODIC

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

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PROGRESS REPORTS TO THE COURT ON THE IMPLEMENTATION OF SUCH ORDER. VIOLATION OF SUCH ORDER SHALL BE SUBJECT TO PUNISHMENT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-THREE OF THE JUDICIARY LAW.

(b) In an order of disposition entered pursuant to section 353.3 or 353.4 of this [chapter] PART, or where the court has determined pursuant to section 353.5 of this [chapter] PART that restrictive placement is not required, which order places the respondent with the commissioner of social services or with the office of children and family services for placement with an authorized agency or class of authorized agencies or in such facilities designated by the office of children and family services as are eligible for federal reimbursement pursuant to title IV-E of the social security act, the court in its order shall determine (i) that continuation in the respondent's home would be contrary to the best interests of the respondent; or in the case of a respondent for whom the court has determined that continuation in his or her home would not be contrary to the best interests of the respondent, that continuation in the respondent's home would be contrary to the need for protection of the community; (ii) that where appropriate, and where consistent with the need for protection of the community, reasonable efforts were made prior to the date of the dispositional hearing to prevent or eliminate the need for removal of the respondent from his or her home, or if the [child] RESPONDENT was removed from his or her home prior to the dispositional hearing, where appropriate and where consistent with the need for safety of the community, whether reasonable efforts were made to make it possible for the [child] RESPONDENT to safely return home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the [child] RESPONDENT from the home were not made but that the lack of such efforts was appropriate under the circumstances, or consistent with the need for protection of the community, or both, the court order shall include such a finding; and (iii) in the case of a [child] RESPONDENT who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the [child] RESPONDENT to make the transition from foster care to independent living. WHERE THE COURT DETERMINES THAT REASONABLE EFFORTS IN THE FORM OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY WOULD MAKE IT POSSIBLE FOR THE RESPONDENT TO SAFELY RETURN HOME OR TO MAKE THE TRANSITION TO INDEPENDENT LIVING, THE COURT MAY INCLUDE IN ITS ORDER A DIRECTION FOR SUCH SERVICES OR ASSISTANCE IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION. ANY ORDER OF PLACEMENT PURSUANT TO SECTION 353.3 OF THIS PART SHALL PROVIDE THAT ANY RESPONDENT UNDER TWENTY-ONE YEARS OF AGE, WHO HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA, BE ACCORDED EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATIONAL SERVICES, IF APPLICABLE, IN ACCORDANCE WITH THE EDUCATION LAW AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF EDUCATION IN ORDER THAT ANY CREDITS ACCRUED SHALL BE TRANSFERABLE TO ANY SCHOOL TO WHICH THE RESPONDENT IS TRANSFERRED FOLLOWING THE PLACEMENT.

S 2. Paragraphs (e) and (f) of subdivision 3 of section 353.2 of the family court act, paragraph (e) as added by chapter 920 of the laws of 1982 and paragraph (f) as amended by chapter 465 of the laws of 1992, are amended to read as follows:

(e) COOPERATE WITH A PROGRAM OF INTENSIVE SUPERVISION BY THE PROBATION DEPARTMENT DURING THE PERIOD OF PROBATION OR A SPECIFIED PORTION THEREOF, TO THE EXTENT AVAILABLE IN THE COUNTY, UPON A FINDING ON THE RECORD BY THE COURT THAT, ABSENT COOPERATION WITH SUCH A PROGRAM, PLACEMENT OF THE RESPONDENT WOULD BE NECESSARY. SUCH A PROGRAM SHALL BE CONDUCTED IN ACCORDANCE WITH REGULATIONS TO BE PROMULGATED BY THE DIVISION OF

PROBATION AND CORRECTIONAL ALTERNATIVES AND MAY REQUIRE THE RESPONDENT, AMONG OTHER CONDITIONS, TO COMPLY WITH A COMMUNITY-BASED REHABILITATIVE PROGRAM AND/OR A PROGRAM OF ELECTRONIC MONITORING TO THE EXTENT AVAILABLE IN THE COUNTY, AS PROVIDED BY SUBDIVISION ONE OF SECTION TWO HUNDRED FORTY-THREE OF THE EXECUTIVE LAW;

(F) obtain permission from the probation officer for any absence from respondent's residence in excess of two weeks; and

[(f)] (G) with the consent of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IN A DISTRICT WITH A CLOSE TO HOME PROGRAM, SUCH DISTRICT, spend a specified portion of the probation period, not exceeding one year, in a non-secure facility provided by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to article nineteen-G of the executive law OR, IN A DISTRICT WITH A CLOSE TO HOME PROGRAM, A NONSECURE FACILITY OPERATED IN SUCH PROGRAM.

S 3. Subdivision 6 of section 353.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

6. The maximum period of probation shall not exceed two years, WHICH MAY INCLUDE INTENSIVE SUPERVISION IN COOPERATION WITH A COMMUNITY-BASED REHABILITATIVE PROGRAM, IN ACCORDANCE WITH PARAGRAPH (E) OF SUBDIVISION THREE OF THIS SECTION, TO THE EXTENT AVAILABLE UP TO THE TERM OF PROBATION. If the court finds at the conclusion of the original period and after a hearing that exceptional circumstances require an additional year of probation, the court may continue the probation for an additional year.

S 4. Subdivisions 2 and 4 of section 355.3 of the family court act, subdivision 2 as added by chapter 920 of the laws of 1982, subdivision 4 as amended by chapter 454 of the laws of 1995 and paragraph (i) of subdivision 4 as amended by chapter 145 of the laws of 2000, are amended to read as follows:

2. The court shall conduct a hearing concerning the need for continuing the placement. The respondent, the presentment agency and the agency with [whom] WHICH the respondent has been placed shall be notified of such hearing and shall have the opportunity to be heard [thereat]. If the petition is filed within sixty days prior to the expiration of the period of placement, the court shall first determine at such hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

4. At the conclusion of the hearing the court may, in its discretion, order an extension of the placement for not more than one year, WHICH MAY INCLUDE A PERIOD OF POST-RELEASE SUPERVISION AND AFTERCARE, OR MAY DIRECT THAT THE RESPONDENT BE PLACED ON PROBATION FOR NOT MORE THAN ONE YEAR, PURSUANT TO SECTION 353.2 OF THIS PART, OR MAY DIRECT THAT THE RESPONDENT BE CONDITIONALLY DISCHARGED FOR NOT MORE THAN ONE YEAR, PURSUANT TO SECTION 353.1 OF THIS PART, OR MAY ORDER THAT THE PETITION FOR AN EXTENSION OF PLACEMENT BE DISMISSED. The court must consider and determine in its order:

(i) that where appropriate, and where consistent with the need for the protection of the community, reasonable efforts were made to make it possible for the respondent to safely return to his or her home;

(ii) in the case of a respondent who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the child to make the transition from foster care to independent living; and

(iii) in the case of a child placed outside New York state, whether the out-of-state placement continues to be appropriate and in the best interests of the child.

WHERE THE COURT DETERMINES THAT REASONABLE EFFORTS IN THE FORM OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY WOULD FURTHER THE RESPONDENT'S NEEDS AND BEST INTERESTS AND THE NEED FOR PROTECTION OF THE COMMUNITY AND WOULD MAKE IT POSSIBLE FOR THE RESPONDENT TO SAFELY RETURN HOME OR TO MAKE THE TRANSITION TO INDEPENDENT LIVING, THE COURT MAY INCLUDE IN ITS ORDER A DIRECTION FOR SUCH SERVICES OR ASSISTANCE IN ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION 352.2 OF THIS PART. SUCH ORDER REGARDING A LOCAL SOCIAL SERVICES OFFICIAL SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY THAT IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COUNTY CHILD AND FAMILY SERVICES PLAN THEN IN EFFECT. THE ORDER SHALL PROVIDE THAT ANY RESPONDENT UNDER TWENTY-ONE YEARS OF AGE, WHO HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA, BE ACCORDED EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATIONAL SERVICES, IF APPLICABLE, IN ACCORDANCE WITH THE EDUCATION LAW AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF EDUCATION IN ORDER THAT ANY CREDITS ACCRUED SHALL BE TRANSFERABLE TO ANY SCHOOL TO WHICH THE RESPONDENT IS TRANSFERRED FOLLOWING THE PLACEMENT. WHERE THE HEARING ON THE EXTENSION OF PLACEMENT HAS BEEN HELD IN CONJUNCTION WITH A PERMANENCY HEARING, PURSUANT TO SUBDIVISION TWO OF SECTION 355.5 OF THIS PART, THE COURT ORDER SHALL INCLUDE THE REQUIREMENTS OF SUBDIVISION SEVEN OF SUCH SECTION.

S 5. Subdivision 3 of section 355.4 of the family court act, as added by chapter 479 of the laws of 1992, is amended to read as follows:

3. Subject to regulations of the department of health, routine medical, dental and mental health services and treatment is defined for the purposes of this section to mean any routine diagnosis or treatment, including without limitation the administration of medications or nutrition, the extraction of bodily fluids for analysis, and dental care performed with a local anesthetic. Routine mental health treatment shall not include [psychiatric] administration of PSYCHOTROPIC medication unless it is part of an ongoing mental health plan or unless it is otherwise authorized by law. ROUTINE, EMERGENCY OR OTHER MENTAL HEALTH TREATMENT, INCLUDING ADMINISTRATION OF PSYCHOTROPIC MEDICATION, SHALL BE PROVIDED BY LICENSED MENTAL HEALTH PROFESSIONALS AS AUTHORIZED BY LAW.

S 6. Paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999 and subparagraph (ii) as amended by section 20 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(a) IN DETERMINING AN APPROPRIATE ORDER, THE COURT SHALL CONSIDER AND DIRECT A DISPOSITION THAT SPECIFICALLY MEETS THE NEEDS AND BEST INTERESTS OF THE RESPONDENT. The order shall state the court's reasons for the particular disposition. If the court places the [child] RESPONDENT in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the [child's] RESPONDENT'S home would be contrary to the RESPONDENT'S best interest [of the child] and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the [child] RESPONDENT from his or her home and, if the [child] RESPONDENT was removed from his or her home prior to the date of such hearing, that such removal was in the [child's] RESPONDENT'S best interest and, where appropriate, reasonable efforts were made to make it possible for the [child] RESPONDENT to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the [child] RESPONDENT from the home were not made but that the lack of such

efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a [child] RESPONDENT who has attained the age of fourteen, the services needed, if any, to assist the [child] RESPONDENT to make the transition from foster care to independent living. WHERE APPROPRIATE, INCLUDING, BUT NOT LIMITED TO, WHERE THE COURT DETERMINES THAT REASONABLE EFFORTS IN THE FORM OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY WOULD MAKE IT POSSIBLE FOR THE RESPONDENT TO SAFELY RETURN HOME OR TO MAKE THE TRANSITION TO INDEPENDENT LIVING, THE COURT SHALL INCLUDE IN ITS ORDER A DIRECTION FOR A LOCAL SOCIAL SERVICES, MENTAL HEALTH, DEVELOPMENTAL DISABILITIES OR PROBATION OFFICIAL OR AN OFFICIAL OF THE OFFICE OF MENTAL HEALTH OR OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS APPLICABLE, TO PROVIDE OR ARRANGE FOR THE PROVISION OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY TO FURTHER THE GOALS OF THIS SECTION. SUCH ORDER REGARDING A LOCAL SOCIAL SERVICES OFFICIAL SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY THAT IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COUNTY CHILD AND FAMILY SERVICES PLAN THEN IN EFFECT. IN ANY ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT MAY REQUIRE THE OFFICIAL MAKE PERIODIC PROGRESS REPORTS TO THE COURT ON THE IMPLEMENTATION OF SUCH ORDER. VIOLATION OF SUCH ORDER SHALL BE SUBJECT TO PUNISHMENT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-THREE OF THE JUDICIARY LAW. Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.

S 7. Subdivision (a) of section 756 of the family court act is amended by adding a new paragraph (iii) to read as follows:

(III) THE ORDER SHALL PROVIDE THAT ANY RESPONDENT UNDER THE AGE OF TWENTY-ONE YEARS BE ACCORDED EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATIONAL SERVICES, IF APPLICABLE, IN ACCORDANCE WITH THE EDUCATION LAW AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF EDUCATION IN ORDER THAT ANY CREDITS ACCRUED SHALL BE TRANSFERABLE TO ANY SCHOOL TO WHICH THE RESPONDENT IS TRANSFERRED FOLLOWING THE PLACEMENT. THE ORDER SHALL FURTHER PROVIDE THAT ANY ROUTINE, EMERGENCY OR OTHER MENTAL HEALTH TREATMENT, INCLUDING ADMINISTRATION OF PSYCHOTROPIC MEDICATION, IF ANY, SHALL BE PROVIDED BY LICENSED MENTAL HEALTH PROFESSIONALS AS AUTHORIZED BY LAW.

S 8. Section 756-a of the family court act is amended by adding a new subdivision (d-2) to read as follows:

(D-2)(I) THE ORDER SHALL PROVIDE THAT ANY RESPONDENT UNDER THE AGE OF TWENTY-ONE YEARS BE ACCORDED EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATIONAL SERVICES, IF APPLICABLE, IN ACCORDANCE WITH THE EDUCATION LAW AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF EDUCATION IN ORDER THAT ANY CREDITS ACCRUED SHALL BE TRANSFERABLE TO ANY SCHOOL TO WHICH THE RESPONDENT IS TRANSFERRED FOLLOWING THE PLACEMENT. THE ORDER SHALL FURTHER PROVIDE THAT ANY ROUTINE, EMERGENCY OR OTHER MENTAL HEALTH TREATMENT, INCLUDING ADMINISTRATION OF PSYCHOTROPIC MEDICATION, IF ANY, SHALL BE PROVIDED BY LICENSED MENTAL HEALTH PROFESSIONALS AS AUTHORIZED BY LAW.

(II) WHERE APPROPRIATE, INCLUDING, BUT NOT LIMITED TO, WHERE THE COURT DETERMINES THAT REASONABLE EFFORTS IN THE FORM OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY WOULD MAKE IT POSSIBLE FOR THE RESPONDENT TO SAFELY RETURN HOME OR TO MAKE THE TRANSITION TO INDEPENDENT LIVING, THE COURT SHALL INCLUDE IN ITS ORDER A DIRECTION FOR A LOCAL SOCIAL SERVICES, MENTAL HEALTH, DEVELOPMENTAL DISABILITIES OR PROBATION OFFICIAL OR AN OFFICIAL OF THE OFFICE OF MENTAL HEALTH OR OFFICE FOR

PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS APPLICABLE, TO PROVIDE OR ARRANGE FOR THE PROVISION OF SERVICES OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY TO FURTHER THE GOALS OF THIS SECTION. SUCH ORDER REGARDING A LOCAL SOCIAL SERVICES OFFICIAL SHALL NOT INCLUDE THE PROVISION OF ANY SERVICE OR ASSISTANCE TO THE RESPONDENT AND HIS OR HER FAMILY THAT IS NOT AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE COUNTY CHILD AND FAMILY SERVICES PLAN THEN IN EFFECT. IN ANY ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT MAY REQUIRE THE OFFICIAL TO MAKE PERIODIC PROGRESS REPORTS TO THE COURT ON THE IMPLEMENTATION OF SUCH ORDER. VIOLATION OF SUCH ORDER SHALL BE SUBJECT TO PUNISHMENT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-THREE OF THE JUDICIARY LAW.

S 9. Subdivision (b) of section 757 of the family court act, as amended by chapter 920 of the laws of 1982, is amended and a new subdivision (e) is added to read as follows:

(b) The maximum period of probation shall not exceed one year, WHICH MAY INCLUDE INTENSIVE SUPERVISION IN COOPERATION WITH A COMMUNITY-BASED REHABILITATIVE PROGRAM, IN ACCORDANCE WITH SUBDIVISION (E) OF THIS SECTION, TO THE EXTENT AVAILABLE, DURING ALL OR PART OF THE TERM OF PROBATION. If the court finds at the conclusion of the original period that exceptional circumstances require an additional year of probation, the court may continue probation for an additional year.

(E) IF THE RESPONDENT HAS BEEN FOUND TO BE A PERSON IN NEED OF SUPERVISION, AND IF THE COURT FURTHER FINDS THAT, ABSENT INTENSIVE SUPERVISION, THE RESPONDENT WOULD BE PLACED PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SIX OF THIS PART, THE COURT MAY DIRECT THE RESPONDENT TO COOPERATE WITH A PROGRAM OF INTENSIVE SUPERVISION, WHICH MAY INCLUDE COMPLIANCE WITH A COMMUNITY-BASED REHABILITATIVE PROGRAM, DURING ALL OR PART OF THE TERM OF PROBATION. THE LOCAL PROBATION DEPARTMENT MAY PROVIDE INTENSIVE SUPERVISION TO RESPONDENTS SO DIRECTED PURSUANT TO THIS SUBDIVISION IN ACCORDANCE WITH REGULATIONS TO BE PROMULGATED BY THE STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES PURSUANT TO SUBDIVISION ONE OF SECTION TWO HUNDRED FORTY-THREE OF THE EXECUTIVE LAW.

S 10. Subdivisions 1 and 2 of section 112 of the education law, as amended by section 62 of Part A of chapter 3 of the laws of 2005, are amended to read as follows:

1. The department shall establish and enforce standards of instruction, personnel qualifications and other requirements for education services or programs, as determined by rules of the regents and regulations of the commissioner, with respect to the individual requirements of children who are in full-time residential care in facilities or homes operated or supervised by any state department or agency or political subdivision AND SHALL REQUIRE THAT CREDITS ACCRUED BY CHILDREN IN PROGRAMS THAT CONFORM TO SUCH STANDARDS SHALL BE TRANSFERABLE TO ANY SCHOOL TO WHICH THE CHILD IS TRANSFERRED FOLLOWING THE RESIDENTIAL CARE. THE REGULATIONS SHALL DIRECT THE SCHOOL DISTRICT TO COOPERATE, TO THE EXTENT POSSIBLE, WITH THE AGENCY WITH WHICH THE CHILD IS PLACED TO COORDINATE THE TIMING OF THE CHILD'S RELEASE FROM THE PROGRAM WITH ENROLLMENT IN SCHOOL SO AS TO BE MINIMALLY DISRUPTIVE FOR THE CHILD AND FURTHER HIS OR HER BEST INTERESTS. The department shall cooperate with the office of children and family services, the department of mental hygiene and local departments of social services with respect to educational and vocational training programs for children placed with, committed to or under the supervision of such agencies. The department shall promulgate regulations requiring the cooperation of local school districts in facilitating the [prompt] enrollment WITHIN NO MORE THAN FIVE BUSINESS DAYS of children who are released or conditionally

released from residential facilities operated by or under contract with the office of children and family services, the department of mental hygiene and local departments of social services and in implementing plans for release or conditional release submitted to the family court pursuant to paragraph (c) of subdivision seven of section 353.3 AND PARAGRAPH (III) OF SUBDIVISION (A) OF SECTION SEVEN HUNDRED FIFTY-SIX of the family court act and the educational components of permanency hearing reports submitted pursuant to section one thousand eighty-nine of the family court act. Such regulations regarding the educational components of permanency hearing reports submitted pursuant to section one thousand eighty-nine of the family court act shall be developed in conjunction with the office of children and family services. SUCH REGULATIONS SHALL FACILITATE THE RETENTION OF CHILDREN PLACED OR REMANDED INTO FOSTER CARE IN THEIR ORIGINAL SCHOOLS AND, IF THAT IS NOT FEASIBLE OR DETERMINED TO BE IN THE CHILD'S BEST INTEREST, REQUIRE THE ENROLLMENT OF THE CHILDREN IN SCHOOL AND TRANSFER OF NECESSARY RECORDS WITHIN NO MORE THAN FIVE BUSINESS DAYS OF RECEIPT BY THE ORIGINAL SCHOOL OF NOTICE OF THE CHILD'S PLACEMENT INTO FOSTER CARE. Nothing herein contained shall be deemed to apply to responsibility for the provision or payment of care, maintenance or other services subject to the provisions of the executive law, mental hygiene law, social services law or any other law.

2. The commissioner shall prepare a report and submit it to the governor, the speaker of the assembly and the temporary president of the senate by December thirty-first, nineteen hundred ninety-six and on December thirty-first of each successive year. Such report shall contain, for each facility operated by or under contract with the office of children and family services that provides educational programs, an assessment of each facility's compliance with the rules of the board of regents, the regulations of the commissioner, and this chapter. Such report shall include, but not be limited to: the number of youth receiving services under article eighty-nine of this chapter; the office's activities undertaken as required by subdivisions one, two, four and eight of section forty-four hundred three of this chapter; the number of youth receiving bilingual education services; the number of youth eligible to receive limited English proficient services; interviews with facility residents conducted during site visits; library services; the ratio of teachers to students; the curriculum; the length of stay of each youth and the number of hours of instruction provided; instructional technology utilized; the educational services provided following the release and conditional release of the youth, including, but not limited to, the implementation of requirements for the PROMPT enrollment of such youth in school contained in plans for release and conditional release submitted to the family court pursuant to paragraph (c) of subdivision seven of section 353.3 AND PARAGRAPH (III) OF SUBDIVISION (A) OF SECTION SEVEN HUNDRED FIFTY-SIX of the family court act and in the educational components of permanency hearing reports submitted pursuant to section one thousand eighty-nine of the family court act and the compliance by local school districts with the regulations promulgated pursuant to subdivision one of this section; and any recommendations to ensure compliance with the rules of regents, regulations of the commissioner, and this chapter.

S 11. The opening paragraph of subdivision 1 of section 409-e of the social services law, as amended by section 60 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

With respect to each child who is identified by a local social services district as being considered for placement in foster care as

defined in section one thousand eighty-seven of the family court act by a social services district, such district, within thirty days from the date of such identification, shall perform an assessment of the child and his or her family circumstances. Where a child has been removed from his or her home AND PLACED INTO FOSTER CARE AS DEFINED IN SECTION ONE THOUSAND EIGHTY-SEVEN OF THE FAMILY COURT ACT, DETENTION OR PLACEMENT PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT OR NONSECURE OR LIMITED SECURE PLACEMENT PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT, within thirty days of such removal, DETENTION OR PLACEMENT, the local social services district shall perform an assessment of the child and his or her family circumstances, or update any assessment performed when the child was considered for placement. Any assessment shall be in accordance with such uniform procedures and criteria as the office of children and family services shall by regulation prescribe. Such assessment shall include the following:

S 12. Subdivision 1 of section 243 of the executive law, as amended by section 17 of part A of chapter 56 of the laws of 2010, is amended to read as follows:

1. The office shall exercise general supervision over the administration of probation services throughout the state, including probation in family courts and shall collect statistical and other information and make recommendations regarding the administration of probation services in the courts. The office shall endeavor to secure the effective application of the probation system and the enforcement of the probation laws and the laws relating to family courts throughout the state. After consultation with the state probation commission, the office shall recommend to the commissioner general rules which shall regulate methods and procedure in the administration of probation services, including investigation of defendants prior to sentence, and children prior to adjudication, supervision, case work, record keeping, and accounting, program planning and research so as to secure the most effective application of the probation system and the most efficient enforcement of the probation laws throughout the state. SUCH RULES SHALL PERMIT THE ESTABLISHMENT OF A PROGRAM OF INTENSIVE SUPERVISION FOR JUVENILES DIRECTED TO RECEIVE SUCH SERVICES PURSUANT TO PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION 353.2 OR SUBDIVISION (E) OF SECTION SEVEN HUNDRED FIFTY-SEVEN OF THE FAMILY COURT ACT, WHICH MAY REQUIRE PARTICIPATION BY THE JUVENILES IN COMMUNITY-BASED REHABILITATIVE PROGRAMS. SUCH RULES SHALL INCLUDE, BUT NOT BE LIMITED TO: (A) SPECIFICATION OF THE MAXIMUM CASELOAD LEVELS AND TRAINING REQUIRED FOR INTENSIVE SUPERVISION PROBATION OFFICERS; (B) THE FREQUENCY AND NATURE OF PROBATION CONTACTS WITH JUVENILES IN THE PROGRAM, SCHOOLS AND OTHER AGENCIES; AND (C) SUPERVISION, TREATMENT AND OTHER SERVICES TO BE PROVIDED TO SUCH JUVENILES. SUCH RULES SHALL FURTHER PROVIDE FOR THE ESTABLISHMENT OF A PROGRAM OF ELECTRONIC MONITORING FOR JUVENILES WHO ARE THE SUBJECTS OF JUVENILE DELINQUENCY PETITIONS AND WOULD OTHERWISE BE DETAINED PRIOR TO DISPOSITION PURSUANT TO SUBDIVISION THREE OF SECTION 320.5 OF THE FAMILY COURT ACT AND FOR ADJUDICATED JUVENILE DELINQUENTS PLACED ON PROBATION ON CONDITION OF COOPERATION WITH A PROGRAM OF ELECTRONIC MONITORING PURSUANT TO PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION 353.2 OF THE FAMILY COURT ACT. Such rules shall provide that the probation investigations ordered by the court in designated felony act cases under subdivision one of section 351.1 of the family court act shall have priority over other cases arising under articles three and seven of such act. When duly adopted by the commissioner, such rules shall be binding upon all probation officers and when duly adopted shall have the force and effect

of law, but shall not supersede rules that may be adopted pursuant to the family court act. The office shall keep informed as to the work of all probation officers and shall from time to time inquire into and report upon their conduct and efficiency. The office may investigate the work of any probation bureau or probation officer and shall have access to all records and probation offices. The office may issue subpoenas to compel the attendance of witnesses or the production of books and papers. The office may administer oaths and examine persons under oath. The office may recommend to the appropriate authorities the removal of any probation officer. The office may from time to time publish reports regarding probation including probation in family courts, and the operation of the probation system including probation in family courts and any other information regarding probation as the office may determine provided expenditures for such purpose are within amounts appropriated therefor.

S 13. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided, however, that any regulations necessary for the implementation of this act shall be promulgated on or before such effective date.