STATE OF NEW YORK

4833--A

Cal. No. 1550

2017-2018 Regular Sessions

IN SENATE

March 2, 2017

Introduced by Sens. AVELLA, SAVINO -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to eligibility of children for subsidized kinship guardianship assistance to expedite permanency for foster children before the family court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 458-a of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

3. "Prospective relative guardian" shall mean a person [~~or persons~~] who [~~is related to the child through blood, marriage, or adoption who~~] has been caring for the child as a fully certified or approved foster parent for at least six consecutive months prior to applying for kinship guardianship assistance payments **and who:**

(a) is related to the child through blood, marriage, or adoption; or

(b) is related to a half-sibling of the child through blood, marriage or adoption and where such person or persons is or are also the prospective or appointed relative guardian or guardians of such half-sibling; or

(c) is an adult with a positive relationship with the child, including, but not limited to, a step-parent, godparent, neighbor or family friend.

§ 2. Paragraph (a) of subdivision 7 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

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

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(a) Kinship guardianship assistance payments shall be made to the relative guardian or guardians until the child's eighteenth birthday or[~~, if the child had attained sixteen years of age before the agreement became effective,~~] until the child attains twenty-one years of age provided the child **consented upon attaining the age of eighteen and** is: (i) completing secondary education or a program leading to an equivalent credential; (ii) enrolled in an institution which provides post-secondary or vocational education; (iii) employed for at least eighty hours per month; (iv) participating in a program or activity designed to promote, or remove barriers to, employment; or (v) incapable of any of such activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

§ 3. This act shall take effect immediately; provided however that:

(a) the state title IV-E agency shall submit to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the state title IV-E state plan regarding the provisions of this act;

(b) notwithstanding any other provision of law, this act shall not take effect until sixty days following the date that the United States Department of Health and Human Services, Administration for Children, Youth and Families approves a title IV-E state plan amendment regarding the provisions of this act that are eligible for title IV-E reimbursement;

(c) the office of children and family services shall notify the legislative bill drafting commission upon the occurrence of the approval of the amended plan pursuant to subdivision (b) of this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and

(d) the addition, amendment or repeal of any rule or regulation necessary for the implementation of the kinship guardianship assistance program as authorized under this act on its effective date is authorized to be made and completed on or before such effective date.