

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.

LBD10178-03-7

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

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

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

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

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

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