STATE OF NEW YORK

10510--B

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Barrett, Jaffee, Hevesi) -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a temporary moratorium on aging out of foster care and allowing certain children to return to foster care; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Notwithstanding any other law, rule, or regulation to the contrary, the state shall place a moratorium on the aging out of children in the foster care system. Such moratorium shall continue for six months after the governor has declared that the state of emergency relating to the novel coronavirus (COVID-19) has ended. During such moratorium:

1. children who reach the age of twenty-one while in foster care shall not be removed from foster care and shall have the option to remain in foster care, and no youth who is over the age of eighteen shall be discharged from foster care without the express consent of the youth and the youth's attorney, and the foster child and foster parents or other caregivers shall continue to receive any benefits such child, parents or caregivers were entitled to receive prior to such child reaching such age, including, but not limited to, the provision of housing and monetary benefits, for the duration of such moratorium.

2. any former foster youth who requests to return to foster care, as provided for in Article 10-B of the Family Court Act, shall be permitted to return to placement upon request without obtaining court approval, and any requirement for participation in vocational or educational programs shall be waived for the duration of the moratorium provided for in this legislation.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed one hundred eighty days after the governor has declared

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

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that the state of emergency relating to the novel coronavirus (COVID-19) has ended; and provided, further, that the commissioner of social services shall notify the legislative bill drafting commission upon the occurrence of the expiration of the state disaster emergency declared by executive order number 202 and any further amendments or modifications, and as may be further extended pursuant to section 28 of the executive law, 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.