

# STATE OF NEW YORK

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8503--B

## IN SENATE

June 6, 2020

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Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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 youths 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:

1 Section 1. Notwithstanding any other law, rule, or regulation to the  
2 contrary, the state shall place a moratorium on youth aging out of  
3 foster care. Such moratorium shall continue for one hundred eighty days  
4 after the state disaster emergency declared pursuant to executive order  
5 202 of 2020 in response to the novel coronavirus (COVID-19) pandemic has  
6 ended. During such moratorium:

7 1. Youth who reach the age of twenty-one while in foster care shall  
8 not be removed and shall have the option to remain in care for the  
9 length of the moratorium. Provided, further, any youth who is eighteen  
10 years of age or older, or reaches such age during the moratorium shall  
11 not be discharged from foster care without the express consent of the  
12 youth and the youth's attorney. Nothing herein shall prohibit a youth  
13 from leaving care during the moratorium if they would prefer to be  
14 discharged from foster care. In addition, any benefits the foster care  
15 youth, foster parents or other caregivers were receiving prior to the  
16 youth reaching the age of twenty-one, shall continue to be provided  
17 during the length of the moratorium.

18 2. Any former foster care youth who requests to return to foster care  
19 pursuant to the provisions of article 10-B of the family court act,  
20 shall be permitted to return to placement upon request by the youth or  
21 the youth's attorney without obtaining court approval as required by  
22 article 10-B of the family court act, and any requirement for partic-  
23 ipation in vocational or educational programs shall be waived for the  
24 duration of the moratorium provided for in this legislation.

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

LBD16495-09-0

1     § 2. This act shall take effect immediately and shall expire and be  
2 deemed repealed one hundred eighty days after the state disaster emer-  
3 gency declared pursuant to executive order 202 of 2020 in response to  
4 the novel coronavirus (COVID-19) pandemic has ended; and provided,  
5 further, that the commissioner of the office of children and family  
6 services shall notify the legislative bill drafting commission upon the  
7 occurrence of the expiration of the state disaster emergency declared by  
8 executive order number 202 and any further amendments or modifications,  
9 and as may be further extended pursuant to section 28 of the executive  
10 law, in order that the commission may maintain an accurate and timely  
11 effective data base of the official text of the laws of the state of New  
12 York in furtherance of effectuating the provisions of section 44 of the  
13 legislative law and section 70-b of the public officers law.