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:

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

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

2. Any former foster care youth who requests to return to foster care pursuant to the provisions of article 10-B of the family court act, shall be permitted to return to placement upon request by the youth or the youth's attorney without obtaining court approval as required by article 10-B of the family court act, and any requirement for participation in vocational or educational programs shall be waived for the 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.

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§ 2. This act shall take effect immediately and shall expire and be
deemed repealed one hundred eighty days after the state disaster emer-
gency declared pursuant to executive order 202 of 2020 in response to
the novel coronavirus (COVID-19) pandemic has ended; and provided,
further, that the commissioner of the office of children and family
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.