

STATE OF NEW YORK

6215

2019-2020 Regular Sessions

IN SENATE

May 23, 2019

Introduced by Sen. MONTGOMERY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings; and to repeal certain provisions of the family court act, in relation to technical changes thereto

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

1 Section 1. Section 1017 of the family court act is amended by adding a
2 new subdivision 5 to read as follows:

3 5. In any case in which an order has been issued pursuant to this
4 article remanding or placing a child in the custody of the local social
5 services district, the social services official or authorized agency
6 charged with custody or care of the child shall report any anticipated
7 change in placement to the attorneys for the parties and the attorney
8 for the child not later than ten days prior to such change in any case
9 in which the child is moved from the foster home or program into which
10 he or she has been placed or in which the foster parents move out of
11 state with the child; provided, however, that where an immediate change
12 of placement on an emergency basis is required, the report shall be
13 transmitted no later than the next business day after such change in
14 placement has been made. The social services official or authorized
15 agency shall also submit a report to the attorneys for the parties and
16 the attorney for the child or include in the placement change report any
17 indicated report of child abuse or maltreatment concerning the child or
18 (if a person or persons caring for the child is or are the subject of
19 the report) another child in the same home within five days of the indi-
20 cation of the report. The official or agency may protect the confiden-
21 tiality of identifying or address information regarding the foster or

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

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prospective adoptive parents. Reports regarding indicated reports of child abuse or maltreatment provided pursuant to this subdivision shall include a statement advising recipients that the information in such report of child abuse or maltreatment shall be kept confidential, shall be used only in connection with a proceeding under this article or related proceedings under this act and may not be redisclosed except as necessary for such proceeding or proceedings and as authorized by law. Reports under this paragraph may be transmitted by any appropriate means, including, but not limited to, by electronic means or placement on the record during proceedings in family court.

§ 2. Subparagraph (E) of paragraph (i) of subdivision (b) of section 1055 of the family court act, as amended by chapter 41 of the laws of 2010, is REPEALED.

§ 3. Section 1055 of the family court act is amended by adding a new subdivision (j) to read as follows:

(j) In any case in which an order has been issued pursuant to this section placing a child in the custody or care of the commissioner of social services, the social services official or authorized agency charged with custody of the child shall report any anticipated change in placement to the attorneys for the parties and the attorney for the child not later than ten days prior to such change in any case in which the child is moved from the foster home or program into which he or she has been placed or in which the foster parents move out of state with the child; provided, however, that where an immediate change of placement on an emergency basis is required, the report shall be transmitted no later than the next business day after such change in placement has been made. The social services official or authorized agency shall also submit a report to the attorneys for the parties and the attorney for the child or include in the placement change report any indicated report of child abuse or maltreatment concerning the child or (if a person or persons caring for the child is or are the subject of the report) another child in the same home within five days of the indication of the report. The official or agency may protect the confidentiality of identifying or address information regarding the foster or prospective adoptive parents. Reports regarding indicated reports of child abuse or maltreatment provided pursuant to this subdivision shall include a statement advising recipients that the information in such report of child abuse or maltreatment shall be kept confidential, shall be used only in connection with a proceeding under this article or related proceedings under this act and may not be redisclosed except as necessary for such proceeding or proceedings and as authorized by law. Reports under this paragraph may be transmitted by any appropriate means, including, but not limited to, by electronic means or placement on the record during proceedings in family court.

§ 4. Subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act is amended by adding a new clause (H) to read as follows:

(H) a direction that the social services official or authorized agency charged with care and custody or guardianship and custody of the child, as applicable, report any anticipated change in placement to the attorneys for the parties and the attorney for the child not later than ten days prior to such change in any case in which the child is moved from the foster home or program into which he or she has been placed or in which the foster parents move out of state with the child; provided, however, that where an immediate change of placement on an emergency basis is required, the report shall be transmitted no later than the

1 next business day after such change in placement has been made. The
2 social services official or authorized agency shall also submit a report
3 to the attorneys for the parties and the attorney for the child or
4 include in the placement change report any indicated report of child
5 abuse or maltreatment concerning the child or (if a person or persons
6 caring for the child is or are the subject of the report) another child
7 in the same home within five days of the indication of the report. The
8 official or agency may protect the confidentiality of identifying or
9 address information regarding the foster or prospective adoptive
10 parents. Reports under this paragraph shall not be sent to attorneys for
11 birth parents whose parental rights have been terminated or who have
12 surrendered their child or children. Reports regarding indicated reports
13 of child abuse or maltreatment provided pursuant to this subdivision
14 shall include a statement advising recipients that the information in
15 such report of child abuse or maltreatment shall be kept confidential,
16 shall be used only in connection with a proceeding under this article or
17 related proceedings under this act and may not be redisclosed except as
18 necessary for such proceeding or proceedings and as authorized by law.
19 Reports under this paragraph may be transmitted by any appropriate means
20 including, but not limited to, by electronic means or placement on the
21 record during proceedings in family court; and

22 § 5. Subdivision 3 of section 358-a of the social services law is
23 amended by adding a new paragraph (g) to read as follows:

24 (g) In any case in which an order has been issued pursuant to this
25 section approving a foster care placement instrument, the social
26 services official or authorized agency charged with custody or care of
27 the child shall report any anticipated change in placement to the attor-
28 neys for the parties and the attorney for the child not later than ten
29 days prior to such change in any case in which the child is moved from
30 the foster home or program into which he or she has been placed or in
31 which the foster parents move out of state with the child; provided,
32 however, that where an immediate change of placement on an emergency
33 basis is required, the report shall be transmitted no later than the
34 next business day after such change in placement has been made. The
35 social services official or authorized agency shall also submit a report
36 to the attorneys for the parties and the attorney for the child or
37 include in the placement change report any indicated report of child
38 abuse or maltreatment concerning the child or (if a person or persons
39 caring for the child is or are the subject of the report) another child
40 in the same home within five days of the indication of the report. The
41 official or agency may protect the confidentiality of identifying or
42 address information regarding the foster or prospective adoptive
43 parents. Reports regarding indicated reports of child abuse or
44 maltreatment provided pursuant to this subdivision shall include a
45 statement advising recipients that the information in such report of
46 child abuse or maltreatment shall be kept confidential, shall be used
47 only in connection with a proceeding under this section or related
48 proceedings under the family court act and may not be redisclosed except
49 as necessary for such proceeding or proceedings and as authorized by
50 law. Reports under this paragraph may be transmitted by any appropriate
51 means including, but not limited to, by electronic means or placement on
52 the record during proceedings in family court.

53 § 6. This act shall take effect immediately, provided that sections
54 one, three, four and five of this act shall take effect on the one
55 hundred twentieth day after it shall have become a law; provided, howev-
56 er, that section two of this act shall be deemed to have taken effect on

1 the same date as section 1 of chapter 342 of the laws of 2010, took
2 effect. Effective immediately, the addition, amendment and/or repeal of
3 any rule or regulation necessary for the implementation of this act on
4 its effective date are authorized to be made and completed on or before
5 such effective date.

REPEAL NOTE: Subparagraph (E) of paragraph (i) of subdivision (b) of section 1055 of the family court act, as amended by section 67 of chapter 41 of the laws of 2010, contains language inconsistent with language in chapter 342 of the laws of 2010.