

STATE OF NEW YORK

6951

IN SENATE

January 6, 2020

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

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

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

1 Section 1. Subdivision 5 of section 1017 of the family court act, as
2 added by a chapter of the laws of 2019 amending the family court act and
3 the social services law relating to notice of indicated reports of child
4 maltreatment and changes of placement in child protective and voluntary
5 foster care placement and review proceedings, as proposed in legislative
6 bills numbers S. 6215 and A. 7974, is amended to read as follows:

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

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

LBD10897-02-0

~~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]~~ court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to change the placement or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

§ 2. Subdivision (j) of section 1055 of the family court act, as added by a chapter of the laws of 2019 amending the family court act and the social services law relating to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings, as proposed in legislative bills numbers S. 6215 and A. 7974, is amended 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]~~ court and the attorneys for the parties, including the attorney for the child, forthwith,

1 but not later than one business day following either the decision to
2 change the placement or the actual date the placement change occurred,
3 whichever is sooner. Such notice shall indicate the date that the place-
4 ment change is anticipated to occur or the date the placement change
5 occurred, as applicable. Provided, however, if such notice lists an
6 anticipated date for the placement change, the local social services
7 district or authorized agency shall subsequently notify the court and
8 attorneys for the parties, including the attorney for the child, of the
9 date the placement change occurred; such notice shall occur no later
10 than one business day following the placement change.

11 § 3. Clause (H) of subparagraph (vii) of paragraph 2 of subdivision
12 (d) of section 1089 of the family court act, as added by a chapter of
13 the laws of 2019 amending the family court act and the social services
14 law relating to notice of indicated reports of child maltreatment and
15 changes of placement in child protective and voluntary foster care
16 placement and review proceedings, as proposed in legislative bills
17 numbers S. 6215 and A. 7974, is amended to read as follows:

18 (H) a direction that the social services official or authorized agency
19 charged with care and custody or guardianship and custody of the child,
20 as applicable, report any anticipated change in placement to the [~~attor-~~
21 ~~neys for the parties and the attorney for the child not later than ten~~
22 ~~days prior to such change in any case in which the child is moved from~~
23 ~~the foster home or program into which he or she has been placed or in~~
24 ~~which the foster parents move out of state with the child; provided,~~
25 ~~however, that where an immediate change of placement on an emergency~~
26 ~~basis is required, the report shall be transmitted no later than the~~
27 ~~next business day after such change in placement has been made. The~~
28 ~~social services official or authorized agency shall also submit a report~~
29 ~~to the attorneys for the parties and the attorney for the child or~~
30 ~~include in the placement change report any indicated report of child~~
31 ~~abuse or maltreatment concerning the child or (if a person or persons~~
32 ~~caring for the child is or are the subject of the report) another child~~
33 ~~in the same home within five days of the indication of the report. The~~
34 ~~official or agency may protect the confidentiality of identifying or~~
35 ~~address information regarding the foster or prospective adoptive~~
36 ~~parents. Reports under this paragraph shall not be sent to attorneys for~~
37 ~~birth parents whose parental rights have been terminated or who have~~
38 ~~surrendered their child or children. Reports regarding indicated reports~~
39 ~~of child abuse or maltreatment provided pursuant to this subdivision~~
40 ~~shall include a statement advising recipients that the information in~~
41 ~~such report of child abuse or maltreatment shall be kept confidential,~~
42 ~~shall be used only in connection with a proceeding under this article or~~
43 ~~related proceedings under this act and may not be redisclosed except as~~
44 ~~necessary for such proceeding or proceedings and as authorized by law.~~
45 ~~Reports under this paragraph may be transmitted by any appropriate means~~
46 ~~including, but not limited to, by electronic means or placement on the~~
47 ~~record during proceedings in family court] court and the attorneys for
48 the parties, including the attorney for the child, forthwith, but not
49 later than one business day following either the decision to change the
50 placement or the actual date the placement change occurred, whichever is
51 sooner. Such notice shall indicate the date that the placement change is
52 anticipated to occur or the date the placement change occurred, as
53 applicable. Provided, however, if such notice lists an anticipated date
54 for the placement change, the local social services district or author-
55 ized agency shall subsequently notify the court and attorneys for the
56 parties, including the attorney for the child, of the date the placement~~

1 change occurred; such notice shall occur no later than one business day
2 following the placement change; and

3 § 4. Paragraph (g) of subdivision 3 of section 358-a of the social
4 services law, as added by a chapter of the laws of 2019 amending the
5 family court act and the social services law relating to notice of indi-
6 cated reports of child maltreatment and changes of placement in child
7 protective and voluntary foster care placement and review proceedings,
8 as proposed in legislative bills numbers S. 6215 and A. 7974, is amended
9 to read as follows:

10 (g) In any case in which an order has been issued pursuant to this
11 section approving a foster care placement instrument, the social
12 services official or authorized agency charged with custody or care of
13 the child shall report any anticipated change in placement to the
14 ~~[attorneys for the parties and the attorney for the child not later than~~
15 ~~ten days prior to such change in any case in which the child is moved~~
16 ~~from the foster home or program into which he or she has been placed or~~
17 ~~in which the foster parents move out of state with the child; provided,~~
18 ~~however, that where an immediate change of placement on an emergency~~
19 ~~basis is required, the report shall be transmitted no later than the~~
20 ~~next business day after such change in placement has been made. The~~
21 ~~social services official or authorized agency shall also submit a report~~
22 ~~to the attorneys for the parties and the attorney for the child or~~
23 ~~include in the placement change report any indicated report of child~~
24 ~~abuse or maltreatment concerning the child or (if a person or persons~~
25 ~~caring for the child is or are the subject of the report) another child~~
26 ~~in the same home within five days of the indication of the report. The~~
27 ~~official or agency may protect the confidentiality of identifying or~~
28 ~~address information regarding the foster or prospective adoptive~~
29 ~~parents. Reports regarding indicated reports of child abuse or~~
30 ~~maltreatment provided pursuant to this subdivision shall include a~~
31 ~~statement advising recipients that the information in such report of~~
32 ~~child abuse or maltreatment shall be kept confidential, shall be used~~
33 ~~only in connection with a proceeding under this section or related~~
34 ~~proceedings under the family court act and may not be redisclosed except~~
35 ~~as necessary for such proceeding or proceedings and as authorized by~~
36 ~~law. Reports under this paragraph may be transmitted by any appropriate~~
37 ~~means including, but not limited to, by electronic means or placement on~~
38 ~~the record during proceedings in family court]~~ court and the attorneys
39 for the parties, including the attorney for the child, forthwith, but
40 not later than one business day following either the decision to change
41 the placement or the actual date the placement change occurred, whichev-
42 er is sooner. Such notice shall indicate the date that the placement
43 change is anticipated to occur or the date the placement change
44 occurred, as applicable. Provided, however, if such notice lists an
45 anticipated date for the placement change, the local social services
46 district or authorized agency shall subsequently notify the court and
47 attorneys for the parties, including the attorney for the child, of the
48 date the placement change occurred; such notice shall occur no later
49 than one business day following the placement change.

50 § 5. This act shall take effect on the same date and in the same
51 manner as a chapter of the laws of 2019 amending the family court act
52 and the social services law relating to notice of indicated reports of
53 child maltreatment and changes of placement in child protective and
54 voluntary foster care placement and review proceedings, as proposed in
55 legislative bills numbers S. 6215 and A. 7974, takes effect.