

STATE OF NEW YORK

8503

IN SENATE

June 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 establish a six-month 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 Assem-
bly, 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 the aging out of chil-
3 dren in the foster care system. Such moratorium shall continue for six
4 months after the expiration of the declared state of emergency relating
5 to the novel coronavirus (COVID-19). During such moratorium:

6 1. children who obtain an age which, under normal circumstances, would
7 prohibit them from receiving benefits from the foster care system shall
8 not be removed from foster care and the foster child and foster parents
9 or other caregivers shall continue to receive any benefits such child,
10 parents or caregivers were entitled to receive prior to such child
11 reaching such age, including, but not limited to, the provision of hous-
12 ing and monetary benefits, for the duration of such moratorium.

13 2. children who have been discharged from foster care but who are
14 eligible to return to foster care upon court approval shall be eligible
15 to return to foster care without first obtaining such court approval.
16 Local social services districts shall grant such return to foster care
17 and any requirements for participation in vocational and educational
18 programs shall be waived for the duration of the moratorium.

19 § 2. This act shall take effect immediately and shall expire and be
20 deemed repealed one hundred eighty days after the expiration of the
21 declared state of emergency relating to the novel coronavirus (COVID-
22 19); and provided, further, that the commissioner of social services
23 shall notify the legislative bill drafting commission upon the occur-
24 rence of the expiration of the state disaster emergency declared by
25 executive order number 202 and any further amendments or modifications,
26 and as may be further extended pursuant to section 28 of the executive
27 law, in order that the commission may maintain an accurate and timely

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

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1 effective data base of the official text of the laws of the state of New
2 York in furtherance of effectuating the provisions of section 44 of the
3 legislative law and section 70-b of the public officers law.