

STATE OF NEW YORK

8481

IN ASSEMBLY

January 3, 2024

Introduced by M. of A. HEVESI -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to dispositional alternatives for children placed with local social services agencies as destitute minors

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

1 Section 1. Subdivision (d) of section 1095 of the family court act, as
2 amended by chapter 3 of the laws of 2012, is amended to read as follows:
3 (d) If the court sustains the petition pursuant to subdivision (b) of
4 this section, it may immediately convene a dispositional hearing or may
5 adjourn the proceeding for further inquiries to be made prior to dispo-
6 sition provided however, that if a petition pursuant to article six of
7 this act has been filed by a person or persons seeking custody or guar-
8 dianship of the child, or if a petition pursuant to article seventeen of
9 the surrogate's court procedure act seeking guardianship of the child
10 has been filed, the court shall consolidate the dispositional hearing
11 with a hearing under section one thousand ninety-six of this article,
12 unless consolidation would not be appropriate under the circumstances.
13 If the court does not consolidate such dispositional proceedings it
14 shall hold the dispositional hearing under this section in abeyance
15 pending the disposition of the petition filed pursuant to article six of
16 this act or article seventeen of the surrogate's court procedure act.
17 Based upon material and relevant evidence presented at the dispositional
18 hearing, the court shall enter an order of disposition stating the
19 grounds for its order and directing one of the following alternatives:
20 (1) placing the child in the care and custody of the commissioner of
21 social services; [~~ex~~]
22 (2) granting an order of custody or guardianship to relatives or suit-
23 able persons pursuant to a petition under article six of this act or
24 guardianship of the child to a relative or suitable person under article
25 seventeen of the surrogate's court procedure act and in accordance with
26 section one thousand ninety-six of this article; or

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

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1 (3) freeing the child for adoption and granting guardianship and
2 custody to the commissioner of social services for the purposes of
3 consenting to an adoption where both of the child's parents are
4 deceased, or where one of the child's parents is deceased and the other
5 parent is not entitled to consent or notice pursuant to sections one
6 hundred eleven and one hundred eleven-a of the domestic relations law or
7 section three hundred eighty-four-c of the social services law and no
8 other guardian or custodian has been appointed.

9 § 2. Section 1095 of the family court act is amended by adding a new
10 subdivision (h) to read as follows:

11 (h) If the child has been freed for adoption pursuant to paragraph
12 three of subdivision (d) of this section, the court shall include the
13 following in its order:

14 (1) a date certain for the permanency hearing in accordance with para-
15 graph two of subdivision (a) of section one thousand eighty-nine of this
16 act;

17 (2) a direction that the child be placed together with or, at mini-
18 mum, to visit and have regular communication with, his or her siblings,
19 if any, unless contrary to the best interests of the child and/or the
20 siblings;

21 (3) if the child is or will be fourteen or older by the date of the
22 permanency hearing, the services and assistance that may be necessary to
23 assist the child in learning independent living skills; and

24 (4) a direction for the commissioner of social services to provide or
25 arrange for services or assistance, limited to those authorized or
26 required to be made available under the comprehensive annual services
27 program plan then in effect, to facilitate the child's permanency plan.

28 § 3. Paragraphs (b) and (c) of subdivision 1 of section 398 of the
29 social services law, paragraph (b) as added and paragraph (c) as amended
30 by chapter 3 of the laws of 2012, are amended and a new paragraph (d) is
31 added to read as follows:

32 (b) report to the local criminal justice agency and to the statewide
33 central register for missing children as described in section eight
34 hundred thirty-seven-e of the executive law such relevant information as
35 required on a form prescribed by the commissioner of the division of
36 criminal justice services, in appropriate instances; ~~and~~

37 (c) assume charge of and provide care and support for any child who is
38 a destitute child pursuant to paragraph (a) of subdivision three of
39 section three hundred seventy-one of this article who cannot be properly
40 cared for in his or her home, and if required, petition the family court
41 to obtain custody of the child in accordance with article ten-C of the
42 family court act[-]; and

43 (d) consent to the adoption of a child whose custody and guardianship
44 has been transferred to a social services district in accordance with
45 section one thousand ninety-five of the family court act or paragraph
46 (a) of subdivision four of section three hundred eighty-four-b of this
47 article, where the child's parents are both deceased, or where one
48 parent is deceased and the other parent is not entitled to consent or
49 notice pursuant to sections one hundred eleven and one hundred eleven-a
50 of the domestic relations law or section three hundred eighty-four-c of
51 this article and no other guardian or custodian has been appointed.

52 § 4. This act shall take effect on the ninetieth day after it shall
53 have become a law.