STATE OF NEW YORK

9321

IN ASSEMBLY

February 29, 2024

Introduced by M. of A. HEVESI -- 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 enacting the "safe landings for youth leaving foster care act" or "safe landings act"

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

Section 1. Short title. This act shall be known and may be cited as the "safe landings for youth leaving foster care act" or the "safe landings act".

§ 2. Section 249 of the family court act is amended by adding a new subdivision (c) to read as follows:

(c) In any proceeding under subdivision eleven of section 355.5 of this act, subdivision (j) of section seven hundred fifty-nine-a of this act, section one thousand fifteen-a of this act, subdivision (d) of section one thousand eighty-eight of this act, clause (C-1) of subparagraph (viii) of paragraph two of subdivision (d) of section one thousand eighty-nine of this act, and/or paragraph (c) of subdivision two-a of section three hundred fifty-eight-a of the social services law, the court shall appoint an attorney to represent a youth who was formerly in foster care and is seeking to enforce an order made on their behalf before their twenty-first birthday while they were still in foster care, if independent legal representation is not available to such youth. Such representation shall continue for all further proceedings thereon, including all motions and any related appeals.

§ 3. Section 255 of the family court act, as amended by chapter 563 of the laws of 1980, is amended to read as follows:

§ 255. Cooperation of officials and organizations. **(a)** It is hereby made the duty of, and the family court or a judge thereof may order, any state, county, municipal and school district officer and employee to render such assistance and cooperation as shall be within [~~his~~] **their** legal authority, as may be required, to further the objects of this act provided, however, that with respect to a school district an order made pursuant to this section shall be limited to requiring the performance

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

LBD14516-01-4

of the duties imposed upon the school district and board of education or trustees thereof pursuant to sections four thousand five, forty-four hundred two and forty-four hundred four of the education law, to review, evaluate, recommend, and determine the appropriate special services or programs necessary to meet the needs of a handicapped child, but shall not require the provisions of a specific special service or program, and such order shall be made only where it appears to the court or judge that adequate administrative procedure to require the performance of such duties is not available. It is hereby made the duty of and the family court or judge thereof may order, any agency or other institution to render such information, assistance and cooperation as shall be within its legal authority concerning a child who is or shall be under its care, treatment, supervision or custody as may be required to further the objects of this act. The court is authorized to seek the cooperation of, and may use, within its authorized appropriation therefor, the services of all societies or organizations, public or private, having for their object the protection or aid of children or families, including family counselling services, to the end that the court may be assisted in every reasonable way to give the children and families within its jurisdiction such care, protection and assistance as will best enhance their welfare.

(b) An order of the family court or a judge thereof directing a social services district and/or social services official, as defined in section two of the social services law, and/or an authorized agency, as defined by subsection ten of section three hundred seventy-one of the social services law, to perform an action for the purpose of assisting a youth placed in foster care, shall remain enforceable after such youth is discharged from foster care pursuant to subdivision (d) of section one thousand eighty-eight of this act.

§ 4. Section 355.5 of the family court act is amended by adding a new subdivision 11 to read as follows:

11. Where placement will end prior to a subsequent permanency hearing due to the respondent's age and/or failure to consent to continuation of placement, court orders made pursuant to this section shall be enforceable against the agency with whom such respondent was placed after such respondent was discharged from care.

(a) The court shall maintain jurisdiction over a case for purposes of hearing a motion for contempt against the agency with whom the respondent was placed pursuant to section seven hundred fifty-three of the judiciary law. Such a motion may be brought by a respondent who was formerly placed with a commissioner of social services or the office of children and family services pursuant to section 353.3 of this part and resided in a foster home or non-secure facility.

(b) (i) The court shall maintain jurisdiction over a motion described in paragraph (a) of this subdivision if such motion is filed before the respondent attains the age of twenty-two, or after such respondent attains the age of twenty-two and upon a showing of good cause, which may include, but shall not be limited to, a failure to obtain stable housing. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

(ii) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting

pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing.

§ 5. Section 756-a of the family court act is amended by adding a new subdivision (j) to read as follows:

(j) Where placement will end prior to a subsequent permanency hearing due to the respondent's age and/or failure to consent to continuation of placement, court orders made pursuant to this section shall be enforceable against the social services district and/or social services official, as defined in section two of the social services law, and/or the authorized agency, as defined by subsection ten of section three hundred seventy-one of the social services law, with whom such respondent was placed after such respondent was discharged from care.

(i) The court shall maintain jurisdiction over a case for purposes of hearing a motion for contempt against the agency with whom the respondent was placed pursuant to section seven hundred fifty-three of the judiciary law. Such a motion may be brought by such respondent who was formerly placed pursuant to section seven hundred fifty-six of this part or this section.

(ii) (A) The court shall maintain jurisdiction over a motion described in paragraph (i) of this subdivision if such motion is filed before the respondent attains the age of twenty-two, or after such respondent attains the age of twenty-two and upon a showing of good cause, which may include, but shall not be limited to, a failure to obtain stable housing. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing.

§ 6. Section 1015-a of the family court act, as added by chapter 760 of the laws of 1987, is amended to read as follows:

§ 1015-a. Court-ordered services. In any proceeding under this article, the court may order a social services official to provide or arrange for the provision of services or assistance to the child and [~~his or her~~] their family to facilitate the protection of the child, the rehabilitation of the family and, as appropriate, the discharge of the child from foster care. Such order shall not include the provision of any service or assistance to the child and [~~his or her~~] their family which is not authorized or required to be made available pursuant to the comprehensive annual services program plan then in effect. In any order issued pursuant to this section the court may require a social services official to make periodic progress reports to the court on the implementation of such order. Nothing in such order shall preclude any party from exercising its rights under this article or any other provision of law relating to the return of the care and custody of the child by a social services official to the parent, parents or guardian. Violation of such order shall be subject to punishment pursuant to section seven hundred fifty-three of the judiciary law. Such order relating to services for a child placed in foster care shall be enforceable after

such child is discharged from foster care pursuant to subdivision (d) of section one thousand eighty-eight of this act.

§ 7. Section 1088 of the family court act is amended by adding a new subdivision (d) to read as follows:

(d) (i) Subject to the provisions of paragraph (ii) of this subdivision, the court shall also maintain jurisdiction over a case for purposes of hearing a motion brought by a former foster care youth, as defined in article ten-B of this act, or by a young adult who left foster care upon or after attaining the age of twenty-one, for contempt pursuant to section seven hundred fifty-three of the judiciary law, against a social services district and/or social services official, as defined in section two of the social services law, and/or an authorized agency, as defined in subdivision ten of section three hundred seventy-one of the social services law.

(ii) (A) The court shall maintain jurisdiction over a motion described in paragraph (i) of this subdivision if such motion is filed before the former foster care youth or young adult attains the age of twenty-two, or after the former foster care youth or young adult attains the age of twenty-two and upon a showing of good cause, which may include, but shall not be limited to, a failure to obtain stable housing. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing.

§ 8. Subparagraph (viii) of paragraph 2 of subdivision (d) of section 1089 of the family court act is amended by adding a new clause (C-1) to read as follows:

(C-1) Where placement will be ending prior to a subsequent permanency hearing due to the child attaining twenty-one years of age, the court may direct the social services district and/or the social services official, as defined by section two of the social services law, and/or an authorized agency, as defined by subdivision ten of section three hundred seventy-one of the social services law, to provide assistance or services to such child and such orders shall be enforceable after such child is discharged from foster care pursuant to subdivision (d) of section one thousand eighty-eight of this article.

§ 9. Subdivision (a) of section 1090 of the family court act, as amended by chapter 605 of the laws of 2011, is amended to read as follows:

(a) If an attorney for the child has been appointed by the family court in a proceeding pursuant to this article or section three hundred fifty-eight-a, three hundred eighty-three-c, three hundred eighty-four, or three hundred eighty-four-b of the social services law, or article ten, ten-B or ten-C of this act, the appointment of the attorney for the child shall continue without further court order or appointment, unless another appointment of an attorney for the child has been made by the court, until the child is discharged from placement and all orders regarding supervision, protection or services have expired. The attorney for the child shall also represent the child without further order or

appointment in any proceedings under article ten-B or ten-C of this act. **The attorney for the child shall also represent the child without further order or appointment in any proceeding brought by a youth who was formerly in foster care to enforce orders that were made prior to such child's discharge from care when such child was between the ages of eighteen and twenty-one.** All notices, reports and motions required by law shall be provided to such attorney. The attorney for the child may be relieved of [~~his or her~~] **their** representation upon application to the court for termination of the appointment. Upon approval of the application, the court shall immediately appoint another attorney to whom all notices, reports, and motions required by law shall be provided.

§ 10. Subdivision 2-a of section 358-a of the social services law is amended by adding a new paragraph (c) to read as follows:

(c) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the court shall also maintain jurisdiction over a case for the purposes of hearing and deciding a motion brought by a former foster care youth, as defined in article ten-B of the family court act, or by a young adult who left foster care upon or after attaining the age of twenty-one, for contempt pursuant to section seven hundred fifty-three of the judiciary law against a social services district and/or social services official, as defined by section two of this chapter, and/or an authorized agency, as defined by subdivision ten of section three hundred seventy-one of this chapter.

(ii) (A) The court shall maintain jurisdiction over a motion described in subparagraph (i) of this paragraph if such motion is filed before the former foster care youth or young adult attains the age of twenty-two, or after the former foster care youth or young adult attains the age of twenty-two and upon a showing of good cause, which may include, but shall not be limited to, a failure to obtain stable housing. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing.

§ 11. This act shall take effect immediately.