

# 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:

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

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

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

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

21 § 255. Cooperation of officials and organizations. (a) It is hereby  
22 made the duty of, and the family court or a judge thereof may order, any  
23 state, county, municipal and school district officer and employee to  
24 render such assistance and cooperation as shall be within [~~his~~] their  
25 legal authority, as may be required, to further the objects of this act  
26 provided, however, that with respect to a school district an order made  
27 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 § 1015-a. Court-ordered services. In any proceeding under this arti-  
39 cle, the court may order a social services official to provide or  
40 arrange for the provision of services or assistance to the child and  
41 ~~his or her~~ their family to facilitate the protection of the child, the  
42 rehabilitation of the family and, as appropriate, the discharge of the  
43 child from foster care. Such order shall not include the provision of  
44 any service or assistance to the child and ~~his or her~~ their family  
45 which is not authorized or required to be made available pursuant to the  
46 comprehensive annual services program plan then in effect. In any order  
47 issued pursuant to this section the court may require a social services  
48 official to make periodic progress reports to the court on the implemen-  
49 tation of such order. Nothing in such order shall preclude any party  
50 from exercising its rights under this article or any other provision of  
51 law relating to the return of the care and custody of the child by a  
52 social services official to the parent, parents or guardian. Violation  
53 of such order shall be subject to punishment pursuant to section seven  
54 hundred fifty-three of the judiciary law. Such order relating to  
55 services for a child placed in foster care shall be enforceable after

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

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

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

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

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

32 § 8. Subparagraph (viii) of paragraph 2 of subdivision (d) of section  
33 1089 of the family court act is amended by adding a new clause (C-1) to  
34 read as follows:

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

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

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

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

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

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

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

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

41 § 11. This act shall take effect immediately.