

STATE OF NEW YORK

9321--A

IN ASSEMBLY

February 29, 2024

Introduced by M. of A. HEVESI, CLARK, STECK, ARDILA, BURDICK, REYES, L. ROSENTHAL, EPSTEIN, TAPIA, SEAWRIGHT, KELLES, SIMONE, SIMON, GONZALEZ-ROJAS, O'DONNELL, BURGOS, KIM, DICKENS, DE LOS SANTOS, WALKER, PAULIN, DAVILA, DINOWITZ, BEEPHAN, STERN, BORES, BRONSON, LUNSFORD, CRUZ, SHRESTHA, LEVENBERG -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-six-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:

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

LBD14516-02-4

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

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

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

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

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

51 (b) (i) The court shall maintain jurisdiction over a motion described
52 in paragraph (a) of this subdivision if such motion is filed before the
53 respondent attains the age of twenty-two, or after such respondent
54 attains the age of twenty-two and upon a showing of good cause, which
55 may include, but shall not be limited to, a failure to obtain stable

1 housing. The court's jurisdiction over any such motion shall continue
2 until such motion and any related appeals are finally resolved.

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

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

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

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

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

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

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

46 § 1015-a. Court-ordered services. In any proceeding under this arti-
47 cle, the court may order a social services official to provide or
48 arrange for the provision of services or assistance to the child and
49 [~~his or her~~] their family to facilitate the protection of the child, the
50 rehabilitation of the family and, as appropriate, the discharge of the
51 child from foster care. Such order shall not include the provision of
52 any service or assistance to the child and [~~his or her~~] their family
53 which is not authorized or required to be made available pursuant to the
54 comprehensive annual services program plan then in effect. In any order
55 issued pursuant to this section the court may require a social services
56 official to make periodic progress reports to the court on the implemen-

1 tation of such order. Nothing in such order shall preclude any party
2 from exercising its rights under this article or any other provision of
3 law relating to the return of the care and custody of the child by a
4 social services official to the parent, parents or guardian. Violation
5 of such order shall be subject to punishment pursuant to section seven
6 hundred fifty-three of the judiciary law. Such order relating to
7 services for a child placed in foster care shall be enforceable after
8 such child is discharged from foster care pursuant to subdivision (d) of
9 section one thousand eighty-eight of this act.

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

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

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

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

39 § 8. Subparagraph (viii) of paragraph 2 of subdivision (d) of section
40 1089 of the family court act is amended by adding a new clause (C-1) to
41 read as follows:

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

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

54 (a) If an attorney for the child has been appointed by the family
55 court in a proceeding pursuant to this article or section three hundred
56 fifty-eight-a, three hundred eighty-three-c, three hundred eighty-four,

1 or three hundred eighty-four-b of the social services law, or article
2 ten, ten-B or ten-C of this act, the appointment of the attorney for the
3 child shall continue without further court order or appointment, unless
4 another appointment of an attorney for the child has been made by the
5 court, until the child is discharged from placement and all orders
6 regarding supervision, protection or services have expired. The attorney
7 for the child shall also represent the child without further order or
8 appointment in any proceedings under article ten-B or ten-C of this act.

9 The attorney for the child shall also represent the child without
10 further order or appointment in any proceeding brought by a youth who
11 was formerly in foster care to enforce orders that were made prior to
12 such child's discharge from care when such child was between the ages of
13 eighteen and twenty-one. All notices, reports and motions required by
14 law shall be provided to such attorney. The attorney for the child may
15 be relieved of [~~his or her~~] their representation upon application to the
16 court for termination of the appointment. Upon approval of the applica-
17 tion, the court shall immediately appoint another attorney to whom all
18 notices, reports, and motions required by law shall be provided.

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

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

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

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

48 § 11. This act shall take effect immediately.