STATE OF NEW YORK

1771

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to commencing a study on the relationship between the corrections system and the child welfare system

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

Section 1. The correction law is amended by adding a new section 30 to read as follows:

§ 30. Incarcerated individual study. 1. The commissioner shall conduct a comprehensive study on incarcerated individuals' prior involvement with child welfare and juvenile systems, including but not limited to:

(a) previous placement in out-of-home care, specifying type of placement: foster care, kinship foster care, secure detention facilities, non-secure detention facilities, group homes or other authorized agencies or facilities operated or licensed by the office of children and family services;

(b) the approximate length of such period of placement;

(c) the age of the incarcerated individual during such period of placement;

(d) the ethnic background of the incarcerated individual; and

(e) the incarcerated individual's gender.

2. As part of the study the commissioner shall conduct surveys on current incarcerated individuals in state, county, and municipal correctional facilities. The survey shall be based on a random sample or other scientifically appropriate sample of not less than ten percent of all state, county, and municipal correctional facilities.

3. The commissioner shall ensure the confidentiality of each survey participant by using self-administered questionnaires and other similar survey methods, which will ensure the respondent's anonymity.

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

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4. An incarcerated individual shall be deemed to have given his or her informed consent only if he or she is informed in writing of the potential risks and benefits of the study.

5. The commissioner shall make a written report on the relationship between the corrections system and the child welfare system to the governor, temporary president of the senate and speaker of the assembly of its findings, conclusions and recommendations on or before June thirtieth of the year next succeeding the year in which this subdivision shall take effect.

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