

STATE OF NEW YORK

8724--A

Cal. No. 929

IN SENATE

March 4, 2024

Introduced by Sens. HOYLMAN-SIGAL, CLEARE, FERNANDEZ, GOUNARDES, HARCKHAM, PARKER, SALAZAR, SEPULVEDA, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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

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

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

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

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

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

55 (ii) For the purposes of this paragraph, "stable housing" shall mean
56 housing where the youth respondent shall be reasonably expected to

1 reside for at least twelve months; provided, however, that a homeless
2 shelter, temporary accommodations with family or friends, a single-room
3 occupancy hotel, or any other congregate living arrangement which houses
4 more than ten unrelated persons, or remaining in a foster care setting
5 pursuant to a local social services district policy or practice after
6 the respondent attains the age of twenty-one, shall not be considered
7 stable housing.

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

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

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

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

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

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

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

1 of such order shall be subject to punishment pursuant to section seven
2 hundred fifty-three of the judiciary law. Such order relating to
3 services for a child placed in foster care shall be enforceable after
4 such child is discharged from foster care pursuant to subdivision (d) of
5 section one thousand eighty-eight of this act.

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

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

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

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

35 § 8. Subparagraph (viii) of paragraph 2 of subdivision (d) of section
36 1089 of the family court act is amended by adding a new clause (C-1) to
37 read as follows:

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

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

50 (a) If an attorney for the child has been appointed by the family
51 court in a proceeding pursuant to this article or section three hundred
52 fifty-eight-a, three hundred eighty-three-c, three hundred eighty-four,
53 or three hundred eighty-four-b of the social services law, or article
54 ten, ten-B or ten-C of this act, the appointment of the attorney for the
55 child shall continue without further court order or appointment, unless
56 another appointment of an attorney for the child has been made by the

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

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

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

27 (ii) (A) The court shall maintain jurisdiction over a motion described
28 in subparagraph (i) of this paragraph if such motion is filed before the
29 former foster care youth or young adult attains the age of twenty-two,
30 or after the former foster care youth or young adult attains the age of
31 twenty-two and upon a showing of good cause, which may include, but
32 shall not be limited to, a failure to obtain stable housing. The
33 court's jurisdiction over any such motion shall continue until such
34 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 § 11. This act shall take effect immediately.