

# STATE OF NEW YORK

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2798

2023-2024 Regular Sessions

## IN ASSEMBLY

January 27, 2023

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Introduced by M. of A. HEVESI, CRUZ, SIMON, GUNTHER, OTIS -- read once  
and referred to the Committee on Children and Families

AN ACT in relation to a study of the number of children in foster care  
who have a developmental disability

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

1 Section 1. The commissioner of the office of children and family  
2 services, in consultation with the commissioner of the office for people  
3 with developmental disabilities, shall conduct a study to determine the  
4 number of children who have been placed in foster care and who have been  
5 diagnosed with a developmental disability. Such study shall include, but  
6 shall not be limited to, the following:

7 (a) assessing the demographics of the children in foster care with a  
8 developmental disability, including, but not limited to, their county of  
9 residence, age, race and gender identity, and determining whether the  
10 placement of such individuals in foster care was voluntary or court  
11 ordered;

12 (b) evaluating the current guidelines and regulations used to oversee  
13 the placement and treatment of children with a developmental disability;  
14 and

15 (c) analyzing the extent to which such age-appropriate children are  
16 prepared for a transition from foster care to an independent living  
17 situation.

18 § 2. For purposes of this section, "developmental disability" shall  
19 have the same meaning as set forth in subdivision 22 of section 1.03 of  
20 the mental hygiene law.

21 § 3. The commissioner of the office of children and family services  
22 and the commissioner of the office for people with developmental disa-  
23 bilities may acquire directly from the head of any department, agency,  
24 or instrumentality of the state, available non-identifiable information  
25 which the offices consider useful in the discharge of their duties. All

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

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1 departments, agencies, and instrumentalities of the state shall cooper-  
2 ate with the offices with respect to such information and shall furnish  
3 all information requested by the offices to the extent permitted by law.  
4 Information collected shall not reveal the name, social security number  
5 or any other information which may be used to identify the children or  
6 the family of the children.

7 § 4. The commissioner of the office of children and family services  
8 and the commissioner of the office for people with developmental disa-  
9 bilities shall submit a report of the findings of the study, with any  
10 personal and identifying information redacted, conducted pursuant to  
11 section one of this act, to the governor, the temporary president of the  
12 senate, the speaker of the assembly and the minority leaders of the  
13 senate and assembly no later than one year following the effective date  
14 of this act. The report shall also include recommendations on how to  
15 consistently maintain a record of the number of children who have been  
16 placed in foster care who have been diagnosed with a developmental disa-  
17 bility, recommendations to improve the placement and treatment of chil-  
18 dren in foster care and recommendations to further develop existing  
19 guidelines and regulations to prepare age-appropriate children who have  
20 a developmental disability for a transition to an independent living  
21 situation.

22 § 5. This act shall take effect immediately.