STATE OF NEW YORK

8846--A

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. HEVESI, CRUZ, SIMON, GUNTHER, OTIS, DARLING, MAHER, LUNSFORD -- Multi-Sponsored by -- M. of A. MANKTELOW -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring maintained records for certain children to include whether they have a developmental disability; and conducting a study on the number of children in foster care who have a developmental disability

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

Section 1. Subdivision 1 of section 372 of the social services law, paragraph (j) as amended by chapter 555 of the laws of 1978, is amended to read as follows:

1. Every court, and every public board, commission, institution, or officer having powers or charged with duties in relation to abandoned, delinquent, destitute, neglected or dependent children who shall receive, accept or commit any child shall provide and keep a record showing:

(a) the full and true name of the child[~~,~~];

(b) his **or her** sex and date and place of birth, if ascertainable, or his **or her** apparent age[~~,~~];

(c) the full and true names and places of birth of his **or her** parents, and their actual residence if living, or their latest known residence, if deceased or whereabouts unknown and the name and actual residence of any other person having custody of the child, as nearly as the same can reasonably be ascertained[~~,~~];

(d) the religious faith of the parents and of the child[~~,~~];

(e) the name and address of any person, agency, institution or other organization to which the child is committed, placed out, boarded out, or otherwise given into care, custody or control[~~,~~];

(f) the religious faith and occupation of the head or heads of the family with whom the child is placed out or boarded out and their relationship, if any, to the child[~~,~~];

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

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(g) if any such child shall die, the date and cause of death and place of burial[~~,~~];

(h) any further disposition or change in care, custody or control of the child[~~,~~];

(i) the date or dates of reception and of any subsequent disposition or change in care, custody or control and, in case of adoption, the name and title of the judge or surrogate making the order of adoption, the date of such order and the date and place of filing of such order[~~,~~];

(j) the reasons for any act performed in reference to such child herein required to be recorded, together with such further information as the department may require; and shall make to the department upon blanks provided by the department reports of each such child placed out, or boarded out, containing the information herein required to be kept; and shall furnish such information to any authorized agency to which any such child shall be committed or otherwise given into custody**; and**

(k) if any such child shall have a developmental disability as defined pursuant to subdivision twenty-two of section 1.03 of the mental hygiene law, and, if so, the type of such developmental disability.

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

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

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

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

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

§ 4. The commissioner of the office of children and family services and the commissioner of the office for people with developmental disabilities may acquire directly from the head of any department, agency, or instrumentality of the state, available non-identifiable information which the offices consider useful in the discharge of their duties. All departments, agencies, and instrumentalities of the state shall cooperate with the offices with respect to such information and shall furnish all information requested by the offices to the extent permitted by law. Information collected shall not reveal the name, social security number or any other information which may be used to identify the children or the family of the children.

§ 5. The commissioner of the office of children and family services and the commissioner of the office for people with developmental disabilities shall submit a report of the findings of the study, with any personal and identifying information redacted, conducted pursuant to section one of this act, to the governor, the temporary president of the senate, the speaker of the assembly and the minority leaders of the senate and assembly no later than one year following the effective date

of this act. The report shall also include recommendations on how to consistently maintain a record of the number of children who have been placed in foster care who have been diagnosed with a developmental disability, recommendations to improve the placement and treatment of children in foster care and recommendations to further develop existing guidelines and regulations to prepare age-appropriate children who have a developmental disability for a transition to an independent living situation.

§ 6. This act shall take effect immediately.