STATE OF NEW YORK

922

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to the "safe landings for youth leaving foster care act" or "safe landings act"; and to amend a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, in relation to the effectiveness thereof

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

Section 1. Subdivision (b) of section 255 of the family court act, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

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

§ 2. Paragraph (b) of subdivision 11 of section 355.5 of the family court act, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as

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

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proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended and a new paragraph (c) is added to read as follows:

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

[~~(ii) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing; provided, however, that discharge into a congregate living arrangement licensed by the office of mental health or the office for people with developmental disabilities, in accordance with a youth's permanency plan or discharge plan, to receive residential services which are reasonably expected to continue for at least twelve months, including a congregate living arrangement which houses more than ten unrelated persons, shall constitute stable housing.~~]

(c) If the respondent is eligible to return to foster care pursuant to the provisions of article ten-B of this act, upon the consent of the respondent, the court may convert a motion brought under this subdivision to a motion to return the respondent to foster care.

§ 3. Subdivision (j) of section 756-a of the family court act, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

(j) Where placement will end prior to a subsequent permanency hearing due to the respondent's age and/or failure to consent to continuation of placement, court orders made pursuant to this section shall be enforceable against the social services district and/or social services official, as defined in section two of the social services law, [~~and/or the authorized agency, as defined by subdivision ten of section three hundred seventy-one of the social services law,~~] with whom such respondent was placed after such respondent was discharged from care.

(i) The court shall maintain jurisdiction over a case for purposes of hearing a motion for contempt against the agency with whom the respondent was placed pursuant to section seven hundred fifty-three of the judiciary law. Such a motion may be brought by such respondent who was formerly placed pursuant to section seven hundred fifty-six of this part or this section. In addition to any other defense, it shall be an affirmative defense to a motion filed in accordance with this paragraph that compliance with the court order was not possible due solely to the youth's refusal to consent to continuation of foster care placement where such refusal is documented in a signed, notarized letter executed by the youth after consultation with their attorney for the child.

(ii) [~~(A)~~] The court shall maintain jurisdiction over a motion described in paragraph (i) of this subdivision if such motion is filed

before the respondent attains the age of [~~twenty-two, or after such respondent attains the age of twenty-two and upon a showing of good cause, which may include, but shall not be limited to, a failure to obtain stable housing~~] twenty-three. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

[~~(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the respondent attains the age of twenty-one, shall not be considered stable housing; provided, however, that discharge into a congregate living arrangement licensed by the office of mental health or the office for people with developmental disabilities, in accordance with a youth's permanency plan or discharge plan, to receive residential services which are reasonably expected to continue for at least twelve months, including a congregate living arrangement which houses more than ten unrelated persons, shall constitute stable housing.~~]

(iii) If the respondent is eligible to return to foster care pursuant to the provisions of article ten-B of this act, upon the consent of the respondent, the court may convert a motion brought under this subdivision to a motion to return the respondent to foster care.

§ 4. Subdivision (d) of section 1088 of the family court act, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

(d) (i) Subject to the provisions of paragraph (ii) of this subdivision, the court shall also maintain jurisdiction over a case for purposes of hearing a motion brought by a former foster care youth, as defined in article ten-B of this act, or by a young adult who left foster care upon or after attaining the age of twenty-one, for contempt pursuant to section seven hundred fifty-three of the judiciary law, against a social services district and/or social services official, as defined in section two of the social services law[~~, and/or an authorized agency, as defined in subdivision ten of section three hundred seventy-one of the social services law~~]. In addition to any other defense, it shall be an affirmative defense to a motion filed in accordance with this paragraph that compliance with the court order was not possible due solely to the youth's refusal to consent to continuation of foster care placement where such refusal is documented in a signed, notarized letter executed by the youth after consultation with their attorney for the child.

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

[~~(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the youth attains the age of twenty-one, shall not be considered stable housing; provided, however, that discharge into a congregate living arrangement licensed by the office of mental health or the office for people with developmental disabilities, in accordance with a youth's permanency plan or discharge plan, to receive residential services which are reasonably expected to continue for at least twelve months, including a congregate living arrangement which houses more than ten unrelated persons, shall constitute stable housing.~~]

(iii) If the youth is eligible to return to foster care pursuant to the provisions of article ten-B of this act, upon the consent of the youth, the court may convert a motion brought under this subdivision to a motion to return the youth to foster care.

§ 5. Clause (C-1) of subparagraph (viii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

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

§ 6. Paragraph (c) of subdivision 2-a of section 358-a of the social services law, as added by a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

(c) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the court shall also maintain jurisdiction over a case for the purposes of hearing and deciding a motion brought by a former foster care youth, as defined in article ten-B of the family court act, or by a young adult who left foster care upon or after attaining the age of twenty-one, for contempt pursuant to section seven hundred fifty-three of the judiciary law against a social services district and/or social services official, as defined by section two of this chapter[~~, and/or an authorized agency, as defined by subdivision ten of section three hundred seventy-one of this chapter~~]. In addition to any other defense, it shall be an affirmative defense to a motion filed in accordance with this paragraph that compliance with the court order was not possible due solely to the youth's refusal to consent to continuation of foster care placement where such refusal is documented in a signed, notarized letter executed by the youth after consultation with their attorney for the child.

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

[~~(B) For the purposes of this paragraph, "stable housing" shall mean housing where the youth respondent shall be reasonably expected to reside for at least twelve months; provided, however, that a homeless shelter, temporary accommodations with family or friends, a single-room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons, or remaining in a foster care setting pursuant to a local social services district policy or practice after the youth attains the age of twenty-one, shall not be considered stable housing; provided, however, that discharge into a congregate living arrangement licensed by the office of mental health or the office for people with developmental disabilities, in accordance with a youth's permanency plan or discharge plan, to receive residential services which are reasonably expected to continue for at least twelve months, including a congregate living arrangement which houses more than ten unrelated persons, shall constitute stable housing.~~]

(iii) If the youth is eligible to return to foster care pursuant to the provisions of article ten-B of the family court act, upon the consent of the youth, the court may convert a motion brought under this paragraph to a motion to return the youth to foster care.

§ 7. Section 11 of a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, is amended to read as follows:

§ 11. This act shall take effect on the [~~thirtieth~~] **one hundred eighieth** day after it shall have become a law **and shall apply only to orders issued on or after such date**.

§ 8. This act shall take effect immediately; provided however, that sections one, two, three, four, five and six of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the family court act and the social services law relating to enacting the "safe landings for youth leaving foster care act" or "safe landings act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, takes effect.