

STATE OF NEW YORK

10093

IN SENATE

April 28, 2026

Introduced by Sen. SUTTON -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to restoring safe and appropriate transitional care placements

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

1 Section 1. Subdivision (g) of section 13.38 of the mental hygiene law,
2 as amended by chapter 405 of the laws of 1998, is amended and a new
3 subdivision (h) is added to read as follows:

4 (g) The office may make payments necessary to maintain individuals
5 described in subdivision (a) of this section on an emergency basis in a
6 child care facility or an in-state or out-of-state residential school
7 [~~on an emergency basis~~] or residential adult program associated with the
8 individual's former residential school where circumstances temporarily
9 prevent the transfer of individuals to adult services or placements
10 within the office's system of care.

11 (h) 1. After an individual described in subdivision (a) of this
12 section has been placed within the office's system of care, the office
13 shall make payments necessary to return the individual to their previous
14 in-state or out-of-state residential school or residential adult program
15 associated with such school if: (i) the office's system of care is fail-
16 ing to provide residential and habilitation services appropriate for the
17 individual; (ii) continuation in such system of care is adversely
18 affecting the individual's health, safety, or welfare; (iii) the resi-
19 dential school or residential adult program associated with the school
20 that previously provided transitional care to the individual, is
21 currently able to provide appropriate services for the individual; (iv)
22 the residential school or residential adult program associated with the
23 residential school that provided transitional care previously is willing
24 and able to re-admit the individual; and (v) the individual or their
25 guardian consents to the transfer.

26 2. The individual or their guardian may notify the office that they
27 believe that conditions for the return of the individual as set forth in
28 paragraph one of this subdivision are satisfied and request that the

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

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1 individual return to the individual's previous in-state or out-of-state
2 residential school or residential adult program associated with the
3 school. In the event the individual or their guardian requests a return
4 to the residential school or residential adult program under this subdivi-
5 vision and the office declines the request, the individual may seek
6 review of the determination in accordance with the provisions of article
7 seventy-eight of the civil practice laws and rules.

8 3. The provisions of this subdivision shall supplement, and shall not
9 limit or restrict, any rights and remedies to which the individual may
10 be entitled under applicable law.

11 4. When an individual returns to their previous transitional care
12 placement at a residential school or a residential adult placement asso-
13 ciated with the residential school, their administrative due process
14 rights pursuant to subdivision (e) of this section are revived.

15 § 2. This act shall take effect immediately.