§ 507-a. Placement and commitment; procedures. 1. Youth may be placed in or committed to the custody of the division:

(a) for placement, as a juvenile delinquent pursuant to the family court act; or

(b) for commitment pursuant to the penal law.

2. (a) Consistent with other provisions of law, only those youth who have reached the age of twelve but who have not reached the age of twenty-one, unless such youth is over the age of seven and less than twelve years of age and has been adjudicated a juvenile delinquent pursuant to subparagraph (iii) of paragraph (a) of subdivision one of section 301.2 of the family court act, may be placed in the custody of the office of children and family services. Except as provided for in paragraph (a-1) of this subdivision, no youth who has reached the age of twenty-one may remain in custody of the office of children and family services.

(a-1) (i) A youth who is committed to the office of children and family services as a juvenile offender or a juvenile offender adjudicated as a youthful offender may remain in the custody of the office during the period of his or her sentence beyond the age of twenty-one in accordance with the provisions of subdivision five of section five hundred eight of this title but in no event may such a youth remain in the custody of the office beyond his or her twenty-third birthday; and (ii) a youth found to have committed a designated class A felony act who is restrictively placed with the office under subdivision four of section 353.5 of the family court act for committing an act on or after the youth's sixteenth birthday may remain in the custody of the office of children and family services up to the age of twenty-three in accordance with his or her placement order.

(a-2) Whenever it shall appear to the satisfaction of the office of children and family services that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the office, the office shall cause the return of such youth to the county from which placement was made.

(b) The division shall deliver such youth to the custody of the placing court, along with the records provided to the division pursuant

to section five hundred seven-b of this article, there to be dealt with by the court in all respects as though no placement had been made.

(c) The cost and expense of the care and return of such youth incurred by the division shall be reimbursed to the state by the social services district from which such youth was placed in the manner provided by section five hundred twenty-nine of this article.

3. The division may photograph any youth in its custody. Such photograph may be used only for the purpose of assisting in the return of conditionally released children and runaways pursuant to section five hundred ten-b of this article. Such photograph shall be destroyed immediately upon the discharge of the youth from division custody.

4. (a) A youth placed with or committed to the division may, immediately following placement or commitment, be remanded to an appropriate detention facility.

(b) The office of children and family services shall admit a child placed with the office to a facility of the office within fifteen days of the date of the order of placement with the office and shall admit a juvenile offender, youthful offender or adolescent offender committed to the office to a facility of the office within ten days of the date of the order of commitment to the office, except as provided in section five hundred seven-b of this article.

5. Consistent with other provisions of law, in the discretion of the commissioner of the office of children and family services, youth placed within the office under the family court act who attain the age of eighteen while in custody of the office and who are not required to remain in the placement with the office as a result of a dispositional order of the family court may reside in a placement in an authorized agency or a non-secure facility until the age of twenty-one, provided that such youth attend a full-time vocational or educational program and are likely to benefit from such program.