§ 510-a. Conditional release. 1. The division may conditionally release any youth placed with the division to aftercare whenever it deems such conditional release to be in the best interest of the youth, that suitable care and supervision can be provided and that there is a reasonable probability that the youth can be conditionally released without endangering the public safety; provided, however, that no youth while absent from a facility or program without the consent of the director of such facility or program shall be conditionally released by the division solely by reason of the absence. The division may establish regulations in connection with such conditional release.

2. It shall be a condition of such release that the youth so released shall continue to be the responsibility of the division for the period provided in the order of placement, notwithstanding the youth's conditional release therefrom, and that the division, pursuant to its regulations, may cause such youth to be returned to a division facility or authorized agency at any time within the period of placement, where there is a violation of the conditions of release or a change of circumstances.

3. Youth conditionally released by the division may be provided for as follows:

* (a) If, in the opinion of the office of children and family services, there is no suitable parent, relative or guardian to whom a youth can be conditionally released, and suitable care cannot otherwise be secured, the division may conditionally release such youth to the care of an authorized agency established pursuant to section three hundred seventy-one of the social services law or any other suitable person; provided that where such suitable person has no legal relationship with the juvenile, the office shall advise such person of the procedures for obtaining custody or guardianship of the juvenile.

* NB Effective until March 31, 2028

* (a) If, in the opinion of the division, there is no suitable parent, relative or guardian to whom a youth can be conditionally released, and suitable care cannot otherwise be secured, the division may conditionally release such youth to the care of an authorized agency established pursuant to section three hundred seventy-one of the social

services law or any other suitable person.

* NB Effective March 31, 2028

(b) The division may provide clothing, other necessities and services for any conditionally released youth, as may be required, including medical care and services not provided to such youth as medical assistance for needy persons pursuant to title eleven of article five of the social services law.

(c) If the youth so released is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, the youth shall be enrolled in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If the youth so released is not subject to article sixty-five of the education law and does not elect to participate in an educational program leading to a high school diploma, steps shall be taken to the extent possible to facilitate the youth's gainful employment or enrollment in a vocational program following release.

4. In addition to the other requirements of this section, no youth placed with the division pursuant to a restrictive placement under the family court act shall be released except pursuant to section 353.5 of the family court act.