§ 1088. Continuing court jurisdiction. (a) If a child is placed pursuant to section three hundred fifty-eight-a, three hundred eighty-four, or three hundred eighty-four-a of the social services law, or pursuant to section one thousand seventeen, one thousand twenty-two, one thousand twenty-seven, one thousand fifty-two, one thousand eighty-nine, one thousand ninety-one, one thousand ninety-four or one thousand ninety-five of this act, or directly placed with a relative pursuant to section one thousand seventeen or one thousand fifty-five of this act; or if the child is freed for adoption pursuant to section six hundred thirty-one of this act or section three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law, the case shall remain on the court's calendar and the court shall maintain jurisdiction over the case until the child is discharged from placement and all orders regarding supervision, protection or services have expired.

(b) The court shall rehear the matter whenever it deems necessary or desirable, or upon motion by any party entitled to notice in proceedings under this article, or by the attorney for the child, and whenever a permanency hearing is required by this article. While the court maintains jurisdiction over the case, the provisions of section one thousand thirty-eight of this act shall continue to apply.

(c) The court shall also maintain jurisdiction over a case for purposes of hearing a motion to permit a former foster care youth, as defined in article ten-B of this act, to return to the custody of the social services district from which the youth was most recently discharged or, in the case of a youth previously placed with the office of children and family services for placement, to be placed in the custody of the social services district of the child's residence or, in the case of a child freed for adoption, the authorized agency into whose custody and guardianship the child has been placed.

(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. 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) 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-three. The court's jurisdiction over any such motion shall continue until such motion and any related appeals are finally resolved.

(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.