NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

ARTHUR Y. WEBB
Acting Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 82 ADM-59
[Services]

TO: Commissioners of Social Services
Directors of Authorized Agencies

SUBJECT: Chapter 117 of the Laws of 1982

DATE: September 8, 1982

SUGGESTED DISTRIBUTION: Legal Staff
Child Protective Services Staff
Children's Services Staff

CONTACT PERSON: Any questions concerning this release should be directed to Mr. Jamie Greenberg, Office of Services Policy Planning, by calling 1-800-342-3715, extension 4-9591

I. Purpose

The purpose of this directive is to advise local social services districts and authorized agencies of the provisions of Chapter 117 of the Laws of 1982. This legislation amends Section 1055(b) of the Family Court Act pertaining to extensions of placement in child abuse or neglect proceedings.

II. Background

This legislation was introduced at the request of the Office of Court Administration for the purpose of prescribing a time frame for when a petition to extend a placement must be filed. Prior to the enactment of Chapter 117, no point in time was specified for when such petitions needed to be filed, although, the law did prohibit the extension of the placement without a hearing. Additionally, Chapter 117 alters in a limited way who may make a motion to extend the placement, as well as who must be notified of the hearing and served with the petition.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
			FCA 1055		

DSS-296 (REV. 8/82)

III. Program Implications

As a result of the requirement that petitions to extend placements in child abuse and neglect proceedings be filed, along with supporting affidavits and reports, at least sixty days prior to the expiration of the period of placement, it will be necessary to come to a determination about the need for placement continuation and develop documentation to support such an extension well before the original period of placement is set to expire.

In amending the list of interested parties who may make a motion to extend a placement, the bill has added the child and the child's law guardian as persons who may make such a motion. This chapter also deleted the family court judge from the list of parties who can initiate such a petition or motion.

There is added a new paragraph (IV) to subdivision (b) of section 1055 of the Family Court Act which provides that, "pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court, for good cause shown, may enter a temporary order extending the placement for a period not to exceed thirty days. Such temporary order may be renewed upon good cause shown."

IV. Required Action

A) Where a local district has been given the care and custody of a child, and it is deemed in the best interest of that child to extend a placement made under the authority of Section 1055 of the Family Court Act, a petition to extend such a placement accompanied by supporting affidavits or reports shall be filed by the local district at least sixty days prior to the expiration of the period of placement, except for good cause shown.

B) Notice of the hearing and a copy of the petition and any supporting affidavits or reports shall be served upon the agency supervising the care of the child, the child's parent or other person responsible for the child's care, the foster parent(s) in whose home the child resides at the time of the filing of the petition for extension of placement, and the child or child's law guardian at the time of the original placement. The Court will prescribe the manner and the time frames for the service of the notice of the hearing. All of the preceeding parties are entitled to participate in the hearing proceedings.

V. Effective Date

This legislation, which is attached for informational purposes, became effective September 1, 1982.

Norris Phillips
Deputy Commissioner
Division of Services

NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

ARTHUR Y. WEBB
Acting Commissioner

September 27, 1982

Re: Administrative Directive
82 Adm-59, "Chapter 117
of the Laws of 1982"

Dear Commissioner:

The above cited Administrative Directive, dated September 8, 1982, was inadvertantly released without a copy of the enacting legislation attached.

Please attach the enclosed copy of chapter 117 of the Laws of 1982 to the directive.

Your understanding in this matter is appreciated.

Sincerely,

Norris P. Phillips
Deputy Commissioner

NPP:JG:dh

Enclosure

STATE OF NEW YORK

5223—B

1981-1982 Regular Sessions

IN SENATE

March 31, 1981

Introduced by Sen. BARCLAY—(at request of the office of Court Administration)—read twice and ordered printed, and when printed to be committed to the Committee on Child Care—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee—recommitted to the Committee on Child Care in accordance with Senate Rule 6, sec. 8—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to extensions of placement in neglect or child abuse proceedings

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

1 Section 1. Subdivision (b) of section ten hundred fifty-five of the
2 family court act, as amended by chapter two hundred twenty of the laws
3 of nineteen hundred seventy-five, is amended to read as follows:
4 (b) (i) Placements under this section may be for an initial period of
5 eighteen months and the court in its discretion may [at the expiration
6 of that period, upon a hearing,] make successive extensions for addi-
7 tional periods of one year each. [The place in which or the person with
8 whom the child has been placed under this section shall submit a report
9 at the end of the initial period of placement and at the end of the
10 period of a placement extension, making recommendations and giving such
11 supporting data as is appropriate] A petition to extend a placement ac-
12 companied by supporting affidavits or reports shall be filed at least
13 sixty days prior to the expiration of the period of placement, except
14 for good cause shown.
15 (ii) No placement shall be extended or continued pursuant to this
16 subdivision except upon a hearing held concerning the need for extending
17 or continuing the placement. Such hearing shall be held upon [the
18 court's own motion or upon the motion of the person, agency or institu-

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

LBD2-39-22-45B

1 tion with whom the child was placed] the petition filed by the person,
2 agency or institution with whom the child was placed, or the motion of
3 the child or the child's law guardian or of the foster parent or parents
4 in whose home the child [resided during the period of placement] resides
5 at the time of the application for extension of placement.
6 (iii) Notice of the hearing and a copy of the petition and any sup-
7 porting affidavits or reports shall be served by the petitioner upon the
8 person, agency or institution with whom the child was placed, upon the
9 agency supervising the care of the child on behalf of the agency with
10 whom the child was placed, upon the child's parent or other person
11 responsible for the child's care, [and] upon the foster parent or
12 parents in whose home the child [resided during the period of placement]
13 resides at the time of the filing of the petition for extension of
14 placement and upon the child or the child's law guardian at the time of
15 the original placement, each of whom shall be a party entitled to par-
16 ticipate in the proceeding. Service of notice of the hearing shall be
17 made in such manner and on such notice as the court may, in its discre-
18 tion, prescribe.
19 (iv) Pending final determination of a petition to extend such place-
20 ment filed in accordance with the provisions of this section, the court,
21 for good cause shown, may enter a temporary order extending the place-
22 ment for a period not to exceed thirty days. Such temporary order may be
23 renewed upon good cause shown.
24 § 2. This act shall take effect on the first day of September next
25 succeeding the date on which it shall have become a law.