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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 94 INF-46

DIVISION: Legal Affairs

TO: Commissioners of
 Social Services

DATE: October 11, 1994

SUBJECT: Digest of Laws of 1994 Relating to Social Services

SUGGESTED

DISTRIBUTION: General Administration Staff
 Family Court Judges
 Staff Development Coordinators

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ATTACHMENTS: See Table of Contents

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FILING REFERENCES

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DIGEST OF LAWS OF 1994
RELATING TO SOCIAL SERVICES

N O T I C E

The purpose of this Digest is to highlight provisions of the Laws of 1994 and to direct interested persons to the appropriate provisions of the law. This Digest is neither designed nor intended to be considered as the Department's interpretation of these laws for the purpose of implementation.

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET

ALBANY, NEW YORK 12243

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ECONOMIC SECURITY

Chapter 170 - State Budget Plan

[Assembly 11854, introduced at the request of the Rules Committee]

Establishes Medicaid cost controls; creates family preservation centers, expands the State's finger imaging program to prevent multiple enrollment of home relief benefit recipients, amends provisions of law concerning the establishment of paternity and medical support enforcement and authorizes grants for home visiting programs.

Statutes Involved:

Numerous

Effective Date: June 9, 1994

Chapter 240 - Additional State Payments

[Senate 6946 by Senator Holland]

Extends for one year the State's assumption of responsibility for payment of the social services districts' shares of the cost of additional State payments to Supplemental Security Income recipients.

Statutes Involved:

Social Services Law
Section 212, amended

Effective Date: July 6, 1994

Chapter 442 - Jury Pools

[Assembly 9264 by Assemblyman Eve, et al.]

Requires the Department of Social Services to seek appropriate waivers from federal officials for the release of names and addresses of recipients of Aid to Dependent Children, Home Relief and Medicaid to the Chief Administrator of the Courts for the purpose of integrating such persons into lists of prospective jurors.

Statutes Involved:

Social Services Law
Section 20, subd. 6, added

Judiciary Law
Section 506, amended

Labor Law

Section 537, subd. 3, amended

Effective Date: July 20, 1994

Chapter 460 - Standard of Monthly Need;

Personal Needs Allowance

[Assembly 10839 by Assemblywoman Jacobs, et al., at the request of the Department of Social Services]

Increases the standards of need for determining eligibility and payment of federal Supplemental Security Income (SSI) and additional State payments to the aged, blind and disabled to reflect SSI benefit increases that may result from any cost-of-living adjustment occurring between January 1, 1995, and June 30, 1995; allocates a portion of the increase to the personal needs allowance for residents of congregate care facilities.

Statutes Involved:

Social Services Law

- Section 131-o, subd. 1, paras. (a), (b), (c) and (d), amended
- Section 209, subd. 2, paras. (a)-(g), amended
- Section 210, subd. 1, amended

Effective Date: December 31, 1994

Chapter 569 - Education of Homeless Children

[Assembly 8130-A by the Committee on Rules]

Sets forth requirements for the education of homeless children and the transportation of homeless children to and from school.

Statutes Involved:

Social Services Law

- Section 17, subd. (f), relettered, subd. (g), new subd. (f), added
- Section 62, subd. 6, amended

Education Law

- Section 3202, subd. 8, amended
- Section 3209, amended
- Section 3602, subd. 7, para. b, amended
- Section 4410-a, subd. 1, para. b., amended

Executive Law

- Section 532-b, subd. 1, para. (e), amended
- Section 532-e, subd. (g), added

Effective Date: August 26, 1994

HEALTH & LONG TERM CARE

Chapter 29 - Foster Family Care Demonstration Program
[Senate 1775-B by Senator Holland, et al.]

Extends until December 31, 1995, the authority under the Medical Assistance program for the foster family care program for elderly or disabled persons.

Statutes Involved:

Social Services Law
Section 364-h, subd. 10, amended

- L. 1983, C. 942, sect. 3, amended
- L. 1984, C. 541, sect. 3, amended
- L. 1985, C. 256, sect. 6, amended

Effective Date: April 1, 1994

Chapter 30 - Care at Home Program
[Senate 6325-A by Senator Tully]

Extends until December 31, 1995, the authority under the Medical Assistance program for the care at home program.

Statutes Involved:

L. 1984, C. 906, sect. 3, amended

Effective Date: April 1, 1994

Chapter 31 - Eldercare
[Senate 6974 by Senator Holland]

Extends until December 31, 1995, the authority under the Medical Assistance program for a demonstration program entitled Eldercare: A Social Health Maintenance Organization.

Statutes Involved:

L. 1982, C. 602, sect. 2, amended

Effective Date: April 1, 1994

Chapter 32 - Pre-Paid Capitation Programs
[Senate 6975 by Senator Holland]

Extends until December 31, 1995, the authority under the Medical Assistance program for two pre-paid capitation programs.

Statutes Involved:

L. 1982, C. 715, sect. 1, amended

Effective Date: April 1, 1994

Chapter 33 - Guaranteed Medical Assistance Eligibility
[Senate 6976 by Senator Holland]

Extends until December 31, 1995, the authority under the Medical Assistance program to provide six months of guaranteed eligibility for Aid to Dependent Children and Home Relief recipients enrolled in comprehensive service plans.

Statutes Involved:

Social Services Law
Section 366, subd. 4, para. (k), amended

L. 1993, C. 535, sect. 2, amended
L. 1984, C. 904, sect. 18, amended

Effective Date: April 1, 1994

Chapter 170 - State Budget Plan
[Assembly 11854, introduced at the request of the Rules Committee]

Establishes Medicaid cost controls; creates family preservation centers, expands the State's finger imaging program to prevent multiple enrollment of home relief benefit recipients, amends provisions of law concerning the establishment of paternity and medical support enforcement and authorizes grants for home visiting programs.

Statutes Involved:

Numerous

Effective Date: June 9, 1994

Chapter 209 - Elderly Pharmaceutical Insurance Coverage
[Senate 7238-A by Senator Skelos, et al.]

Increases the income limits for participation in the Elderly Pharmaceutical Insurance Coverage program.

Statutes Involved:

Executive Law

- Section 547-b, subs. 1 and 2, amended
- Section 547-e, subd. 4, amended
- Section 547-g, subd. 2, paras. (i) and (ii), amended
- Section 547-g, subd. 4, paras. (i) and (ii), amended
- Section 547-h, subd. 2, paras. (i) and (ii), amended
- Section 547-h, subd. 3, paras. (i) and (ii), amended
- Section 547-h, subd. 5, paras. (a) and (b), amended

Effective Date: June 28, 1994; deemed effective April 1, 1994

Chapter 311 - Catastrophic Health Care Expense Program
[Senate 5606-B by the Committee on Rules]

Revises the standard for eligibility for benefits under the Catastrophic Health Care Expense Program (CHCEP) from use of the imputed public assistance grant appropriate to the social services district in which a family resides, to 100 percent of the federal poverty line for the household size in the year of application. The Chapter also provides CHCEP benefits without cost sharing between the family and the CHCEP.

Statutes Involved:

Public Health Law

- Section 2807-c, subd. 19, para. (f), subpara. (ii), amended

Social Services Law

- Section 369-b, subs. 5, 6, and 8, amended
- Section 369-b, subd. 9, repealed
- Section 369-b, subs. 10, 11, and 12, renumbered 9, 10, and 11
- Section 369-c, subs. 1, 2, and 3, amended
- Section 369-d, amended

Effective Date: July 20, 1994

Chapter 320 - Hospital Emergency Room Demonstration Programs
[Senate 6565 by Senator Tully, et al.]

Extends until December 31, 1994, the date by which the Council on Health Care Financing and its subcommittee must submit a final report to the Legislature concerning the hospital emergency room demonstration programs.

Statutes Involved:

Social Services Law
Section 364-k, subd. 10, amended

L. 1988, C. 710, sect. 11, amended

Effective Date: July 20, 1994; deemed effective January 1, 1994

Chapter 388 - Rate of Payment to Residential Health Care Facilities
[Senate 7740 by Senator Tully]

Extends until December 31, 1995, the existing reimbursement methodology for residential health care facilities' real property costs.

Statutes Involved:

L. 1978, C. 483, sect. 3, amended

Effective Date: July 20, 1994

Chapter 438 - Assisted Living Programs
[Assembly 8527-A by the Committee on Rules]

Authorizes the Department of Social Services to enter into contracts with assisted living programs where contracts with social services districts would be impracticable.

Statutes Involved:

Social Services Law
Section 461-l, subd. 3, para. (a), subpara. (iii), amended

Effective Date: July 20, 1994

Chapter 503 - Medical Parole
[Senate 5145-A by Senator Maltese, at the request of the Governor]

Changes the standard for release for medical parole from a physician's statement that there is a reasonable probability that the inmate is physically incapable of presenting any danger to society due to the severity of his or her illness, to a physician's statement that the inmate is so debilitated or incapacitated by illness that the inmate will be severely restricted in the ability to self-ambulate and care for himself or herself. Provides medical parole for periods of six months, rather than four months, to ease the burden of administering the program.

Statutes Involved:

Executive Law

Section 259-r, subds. 2 and 3, amended

Section 259-r, subd. 4, paras. (a) and (d), amended

Effective Date: July 26, 1994

Chapter 521 - Immunization of Children
[Senate 7802-A by Senator Tully, et al.,
at the request of the Governor]

Adds Hepatitis B to the list of required immunizations for children. Requires schools to obtain evidence that a child had been immunized for hepatitis B in order to permit the child to attend school and report compliance with this requirement on an annual basis to the State Commissioner of Health. Expands the category of persons who may consent to the immunization of a child. Establishes an advisory council to review and report on access to immunizations in the State. Authorizes the State Commissioner of Health to conduct demonstration projects which would test the feasibility of establishing a Statewide Childhood Immunization Registry.

Statutes Involved:

Public Health Law

Section 2164, sect. heading, amended

Section 2164, subd. 2, amended

Section 2164, subd. 3, amended

Section 2164, subd. 5, amended

Section 2164, subd. 6, amended

Section 2164, subd. 7, para. (a), amended

Section 2164, subd. 8-a, opening para., amended

Section 2164, subd. 11, added

Section 2504, subd. 5, renumb. subd. 6, new subd. 5, added

Effective Date: July 26, 1994

Chapter 575 - Financing Health Facilities
[Assembly 8267-B by the Committee on Rules]

Includes health facilities improvement programs undertaken by the Medical Care Facilities Finance Agency (MCFFA) or the Facilities Development Corporation among the programs MCFFA may fund.

Statutes Involved:

L. 1973, C. 392, sect. 1, sect. 3, subds. 8 and 9, amended

L. 1973, C. 392, sect. 1, sect. 5, subds. 14, 15, and 16, amended

L. 1973, C. 392, sect. 1, sect. 8, subd. 2, para. (b), amended

L. 1973, C. 392, sect. 1, sect. 9, subd. 9, amended

Effective Date: July 26, 1994

Chapter 597 - Chronic Care Management Demonstration Program
[Assembly 10872-A by Assmeblyman Nicoletti, et al.]

Expands the availability of chronic care management demonstration programs in the State. Authorizes the Department of Social Services, with the advice and consent of the Department of Health and Onondaga County, to contract with a chronic care management demonstration program sponsored by Loretto Rest Nursing Home Company, Inc. This new chronic care management demonstration program would supplement the two existing programs that currently operate in the State. One program is sponsored by Beth Abraham Hospital, as authorized by Chapter 653 of the Laws of 1984, and extended until October 1, 1995, by Chapter 300 of the Laws of 1992. The other program is sponsored by Rochester Health Care, Inc., as authorized by Chapter 530 of the Laws of 1988, and extended until October 1, 1996, by Chapter 363 of the Laws of 1993.

Statutes Involved:

None

Effective Date: July 26, 1994; deemed repealed October 1, 1999

Chapter 598 - Comprehensive Psychiatric Emergency Programs
[Assembly 10884-A by Assemblyman Sanders, et al.]

Makes certain statutory changes to the comprehensive psychiatric emergency program (CPEP) to permit the expansion of CPEPs into non-urban areas of the State and to extend the authority of the Office of Mental Health (OMH) to operate CPEP until July 1, 2000.

Statutes Involved:

- Mental Hygiene Law
 - Section 9.55, amended
 - Section 9.57, amended
 - Section 31.05, subd. (a), para. 6, amended
 - Section 31.27, subd. (a), para. 5, amended
 - Section 31.27, subd. (a), paras. 7, 8, and 9, renumb. paras. 9, 10 and 11, new paras. 7 and 8, added
 - Section 31.27, subd. (b), para. 1, amended
 - Section 31.27, subd. (d), amended
 - Section 31.27, subd. (i), added

L. 1989, C. 723, sects. 19, 20 and 21, amended

Effective Date: July 24, 1994

Chapter 614 - Financing Health Facilities
[Assembly 11802 by the Committee on Rules]

Increases the bond issuance authority of the New York State Medical Care Facilities Financy Agency from \$1,799,250,000 to \$1,974,250,000 for the New York State Secured Hospital Revenue Bond Program (Bond Program). The Bond Program enables financially distressed hospitals that serve a demonstrated public need to obtain tax-exempt financing for urgently needed mordernization projects.

Statutes Involved:

L. 1973, C. 392, sect. 1, sect. 7-a, subd. 5, amended

Effective Date: July 26, 1994

Chapter 693 - Hospitality House Pilot Program
[Assembly 11829-A by the Committee on Rules]

Establishes a hospitality house pilot program sponsored by Genesee Region Home Care Association, Inc. and Blue Cross/Blue Shield of Rochester. The hospitality house pilot program would provide short-term room and board in hotel-like accommodations for up to 28 functionally impaired or terminally ill persons who might otherwise be institutionalized because they lack spouses, friends or others who are able to serve as caregivers. To be eligible to participate in the hospitality house pilot program, a person would need hospice services or home health services. The pilot program would serve Medical Assistance recipients and Medicare beneficiaries, as well as persons whose medical care would be financed by other payors.

Statutes Involved:

Public Health Law
Section 2813-a, added

Effective Date: August 2, 1994; repealed December 31, 1999

Chapter 731 - Child Health Plans
[Assembly 12232 by the Committee on Rules]

Amends the definition of eligible child or eligible children concerning who can participate in the child health insurance program for low income children.

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Statutes Involved:

Public Health Law
Section 2510, subd. 4, amended

Effective Date: August 2, 1994

SERVICES & COMMUNITY DEVELOPMENT

Chapter 36 - Provision of Services

[Senate 4573-A by Senator Saland, at the request of
the Office of Court Administration]

Clarifies existing provisions of the Family Court Act (FCA) by authorizing the court to order the provisions of appropriate services pursuant to Section 1022(c) of the FCA after the filing of an abuse or neglect petition. Section 1022(c) of the FCA applies to orders of the court before a petition is filed. The chapter makes technical amendments to Sections 1027 and 1028 of the CA to clarify the legislative intent that the services enumerated in Section 1022(c) of the FCA can be ordered by the court both before and after the filing of an abuse or neglect petition.

Statutes Involved:

Family Court Act
Section 1027, subd. (b), amended
Section 1028, amended

Effective Date: April 4, 1994

Chapter 46 - Services of Temporary Orders of Protection

[Assembly 9266 by Assemblyman Stringer, et al.]

Requires the court, upon the issuance of a temporary order of protection, to deliver immediately a copy of the order to a peace officer designated by the court, or a police officer, or to any county or municipal officer who may be directed to effect service of the order, or, in New York City, to a designated representative of the police department of that City. Upon delivery of such order, the appropriate officer must serve or provide for the service of the temporary order of protection and any associated papers that may be served simultaneously, including the summons and petition, if not served previously. The officer serving the order must provide the court with an affirmation, certificate or affidavit of service when the order is served. The court would not be required to deliver a temporary order of protection to a designated officer if the petitioner states on the record that he or she will arrange for other means of service.

Statutes Involved:

Family Court Act
Section 153-b, amended

Effective Date: June 10, 1994

Chapter 169 - State Budget Plan
[Senate 8595, introduced by the Committee on Rules]

Authorizes social services districts to provide transitional care and maintenance, amend provisions relating to the provision of domestic violence services, establishes a community council and requires the council to develop a community service project plan.

Statutes Involved:

Numerous

Effective Date: June 9, 1994

Chapter 170 - State Budget Plan
[Assembly 11854, introduced at the request of the Rules Committee]

Establishes Medicaid cost controls; creates family preservation centers, expands the State's finger imaging program to prevent multiple enrollment of home relief benefit recipients, amends provisions of law concerning the establishment of paternity and medical support enforcement and authorizes grants for home visiting programs.

Statutes Involved:

Numerous

Effective Date: June 9, 1994

Chapter 190 - Indemnification of Adoptive Parents
[Senate 7042-A by Senator Larken, et al.]

Permits insurance to be written in this State to cover lawful expenses incurred by adopting parents when one or both of the birth parents withdraw their consent to the adoption.

Statutes Involved:

Insurance Law

Section 1113, subsect. (a), para. 17, amended

Effective Date: June 20, 1994

Chapter 212 - State Aid to Rural Areas

[Assembly 5058-B by Assemblywoman Cook, at the request
of the Commission on Rural Resources]

Requires designated State agencies, including the Department of Social Services, to submit to the Governor, members of the Legislature and the Commission on Rural Resources an annual report concerning the financial and technical assistance provided rural areas of the State. Each designated State agency would be required to included in its report a listing and description of any direct commitment of financial and/or technical assistance by the agency specifically for rural areas, the number of applications approved and the proportionate share of dollars and/or technical assistance rendered to public and/or private sector interests within rural areas of the State, a listing and description of the activities and participation of any rural advisory committees which directly serve such State agency or of which the agency is a member, a listing and description of existing and/or new rural program development efforts within the State agency or of which the agency is a part, a description of existing and/or new rule making or regulatory flexibility afforded to rural areas of the State and recommendations for any statutory changes as well as financial and other resources to improve State agency assistance and responsiveness to rural areas of the State.

Statutes Involved:

Executive Law

Section 164-b, added

Effective Date: June 28, 1994

Chapters 222 and 224 - Family Protection and
Domestic Violence Intervention Act

[Senate 8642 by Senator Saland, et al.]

Establishes requirements for making mandatory arrests in family offense matters in certain circumstances; establishes expanded notice requirements for law enforcement officials when dealing with victims of domestic violence; establishes new preliminary procedures for family offenses in family court; requires a court to consider the presence of aggravating circumstances in making a determination as to whether an arrest warrant should be issued; and authorizes a maximum three year order of protection upon a finding by a court of aggravating circumstances.

Statutes Involved:

Numerous

Effective Date: June 30, 1994

Chapter 296 - Lunch Periods
[Senate 1297 by Senator Stachowski]

Requires each school to schedule a reasonable time for each full day pupil attending pre-kindergarten through grade 12 to consume lunch.

Statutes Involved:

Education Law
Section 813, added

Effective Date: July 1, 1995

Chapter 306 - Child Abuse Reports
[Assembly reprint 30004 by Senator Libous, et al.]

Clarifies that credentialed substance abuse counselors and alcoholism counselors are mandated reporters of suspected child abuse or maltreatment.

Statutes Involved:

Social Services Law
Section 412, subd. 13, added
Section 413, subd. 1, amended

Effective Date: July 20, 1994

Chapter 357 - Retired Senior Volunteer Projects
[Senate 7204-A by Senator Skelos]

Specifically includes as activities that may be performed by volunteers participating in Retired Senior Volunteer Projects the following: assisting with meal preparation at nutrition sites, leading activities at day care centers for children, delivering meals to the home-bound elderly, tutoring adults or children, assisting with services for the homeless, and assisting school districts to notify a person in parental relation to any elementary school pupil when the pupil is deemed absent from school.

Statutes Involved:

Executive Law
Section 536-a, subd. 7, amended

Effective Date: July 20, 1994

Chapter 371 - Private Placement Adoption
[Senate 7466 by Senator Skelos]

Requires that a copy of the extra-judicial consent to a private placement adoption be given to the parent upon execution.

Statutes Involved:

Domestic Relations Law
Section 115-b, subd. 4, para. (c), amended

Effective Date: July 20, 1994

Chapter 395 - Inter-Generational Day Care
[Senate 7888 by Senator Skelos]

Extends the statutory authorization for the inter-generational day care program for an additional two years.

Statutes Involved:

L. 1987, C. 841, sects. 10 and 12, amended

Effective Date: July 20, 1994

Chapter 396 - New York State Office for
the Prevention of Domestic Violence
[Senate 7902 by Senator Goodman, et al.]

Requires the Office for the Prevention of Domestic Violence to establish model domestic violence policies for the counties and the State.

Statutes Involved:

Executive Law
Section 575, subd. 3, para. (e), amended
Section 575, subd. 4, paras. (c), (d) and (e), amended
Section 575, subds. 7 and 8, added

Effective Date: January 1, 1995

Chapter 426 - Deaths of Children
[Assembly 1090 by Assemblywoman Cook]

Requires medical examiners and coroners to report their findings to the State Central Register of Child Abuse and Maltreatment (SCR) in cases involving the deaths of children where reports have been made to the SCR.

Statutes Involved:

Social Services Law
Section 418, amended

Effective Date: July 20, 1994

Chapter 430 - Child Abuse or Neglect
[Assembly 3490 by Assemblyman Lopez]

Requires that prior to accepting an admission to an allegation or permitting a respondent to consent to a finding of child abuse or neglect, the family court must inform the respondent that such an admission or consent will result in the court making a fact-finding order of abuse or neglect and must further inform the respondent of the potential consequences of such an order.

Statutes Involved:

Family Court Act
Section 1051, subd. (f), added

Effective Date: October 18, 1994

Chapter 530 - Missing and Exploited
Children Clearinghouse Fund
[Senate 8449-A Senator Skelos, et al.]

Creates a Missing and Exploited Children Clearinghouse Fund and appropriates \$100,000 to the Division of Criminal Justice Services for the purposes of enhancing public information and prevention education efforts designed to aid in the prevention and exploitation of children or the recovery of missing and exploited children.

Statutes Involved:

State Finance Law
Section 92-w, added

Effective Date: July 26, 1994

Chapter 565 - Prohibition on Smoking
[Assembly 7139-E by Assemblyman Grannis, et al.,
at the request of the Governor]

Prohibits smoking in facilities, other than private homes, in which child care services are provided, as well as day care centers and group homes and public institutions for children.

Statutes Involved:

Public Health Law

Section 1399-n, subs. 9-14, renumb. subs. 10-15, subs. 9 and 16,
added

Section 1399-o, subs. 1 and 2, amended

Section 1399-o, subd. 8, added

Section 1399-gg, added

Education Law

Section 409, open. para. design. subd. 1, subd. 2, added

Section 3020-a, subd. 4, amended

Effective Date: August 25, 1994

Chapter 566 - Examination of Incapacitated Persons
[Assembly 7151 by Assemblywoman Weinstein, et al.]

Authorizes a psychiatric examiner, as defined in the Criminal Procedure Law (CPL), to examine a child in a juvenile delinquency (JD) proceeding to determine if the child is mentally ill, mentally retarded, or developmentally disabled. A psychiatric examiner is defined by the CPL to include a qualified psychiatrist or certified psychologist. Authorizes the family court in a JD proceeding to issue an order for an examination of a juvenile before the court to determine if he or she is an incapacitated person.

Statutes Involved:

Criminal Procedure Law

Section 730.10, subd. 2, amended

Family Court Act

Section 322.1, subd. 1, amended

Effective Date: July 26, 1994

Chapter 600 - Transitional Care and Maintenance
[Assembly 10895-A by Assemblyman Sanders, et al.,
at the request of the Governor]

Sets forth standards for the provision of transitional care to persons with disabilities, handicaps or other special needs who are in foster care or residential school placements, who reach the age of 21, for whom placement in out of home care under the auspices of the Office Mental Health (OMH) or Office of Mental Retardation and Developmental Disabilities (OMRDD) is appropriate, and for whom no such placements are available. Where appropriate placements are not available, transitional care would provide funding for the recipients of such care to remain in the residential schools or residential child care facilities where they are placed at the time such persons reach age 21. Sixty percent of the costs for such care would be funded by the State and 40 percent by social services districts, subject to the social services districts meeting certain requirements, one of which would be to have agreements with residential facilities covering reimbursement rates and access for persons in transitional care. This funding scheme would continue until January 1, 1999, when OMH or OMRDD, as appropriate, will assume responsibility for all costs of care of persons in transitional care who entered transitional care before July 1, 1996. The Department of Social Services (DSS) would be required to enter into memoranda of understanding with the State Education Department (SED), OMH and OMRDD addressing the discontinuance of transitional funding where the persons receiving transitional care are offered adult placements or are a danger to other persons in the residential facilities.

Requires that the committee on special education (CSE) advise parents of children at risk of placement into residential care of the availability of community support services, including assessments of the families' service needs. Where a child is in foster care, the CSE must advise the social services district that the child is at risk of an educational residential placement. The CSE must seek to involve in its planning for the child the social services district, appropriate community services agencies and local mental health agencies. Requires DSS to establish guidelines for the acceptance by social services districts of notices from CSEs that children in foster care are at risk of educational residential placement and to assure that districts participate appropriately in the CSE planning process.

Requires OMH and OMRDD to develop plans and implement procedures to assure that all persons who qualify for transitional care on or after July 1, 1996, receive assistance in locating appropriate adult residential placements so that no new transitional care placements will be made on or after that date. The OMH and OMRDD also would be required to develop and implement plans to find appropriate adult residential placements for those persons remaining in transitional care as of July 1, 1996. Provides that, where a person receiving transitional care was informed by OMH or OMRDD of the availability of an adult placement, the person would have the right to an administrative fair hearing to contest the appropriateness of the available placement. Permits OMH and OMRDD to make payments to residential child care facilities or residential schools on an emergency basis where no OMH or OMRDD adult care placements are available and persons who should be placed in OMH or OMRDD facilities reach the age of 21 while in residential child care or residential school placements.

Requires OMH and OMRDD to develop a plan, subject to the approval of the Division for the Budget, for allocating the anticipated savings to the State for expected decreases in the costs of transitional care.

Requires DSS, SED, OMH, OMRDD and the Council on Children and Families to submit a report to the Governor and Legislature by March 1, 1995, analyzing and proposing demonstration projects to evaluate the cost-effectiveness of diverting funds from residential placements under the EL to the provision of family services to avoid such placements. Those same agencies also would be required to submit a report to the Governor and Legislature by January 1, 1997, on the progress of implementation of the bill.

Creates an advisory council of representatives from DSS, OMH, OMRDD, SED and the disabled community to monitor services and programs and provide recommendations to the Governor and Legislature concerning transitional care.

Statutes Involved:

Social Services Law

Section 34, subd. 3, para. (h), relettered para. (i), new para. (h), added

Article 8-B, added

Education Law

Section 4402, subd. 1, para. b, subpara. 3, clause (c), amended
Section 4402, subd. 1, para. b, subpara. 4, amended
Section 4402, subd. 2, para. b, subpara. 3, amended
Section 4403, subd. 19, added

Mental Hygiene Law

Section 7.37, subd. (b), amended
Section 7.38, added
Section 13.37, subd. (b), amended
Section 13.38, added

Effective Date: January 1, 1995

Chapter 601 - Permanency Planning for Foster Children

[Assembly 10911-A by Assemblyman Green, et al.,
at the request of the Governor]

Changes from 21 years to 18 years the age of a child at which a parent may be contacted through the Adoption Information Registry. Authorizes a relative with care and custody of a child to receive guardianship and custody of the child directly rather than through an authorized agency and to initiate a proceeding in family court or surrogate's court to transfer guardianship and custody. Expands the definition of "child" for the purposes of determining eligibility for an adoption subsidy to include a child

whose guardianship and custody have been committed directly to a certified or approved foster parent. Establishes eligibility and reimbursement criteria for the payment of adoption subsidies on behalf of a child in the custody and guardianship of an Indian tribe. Authorizes payment of the portion of non-recurring adoption expenses that are attorney's fees or court costs directly to an attorney by a social services district.

Statutes Involved:

Domestic Relations Law

- Section 114, opening, second and closing paras., designated subs. 1, 2 and 3
- Section 114, subd. 4, added
- Section 115-b, subd. 2, para. (a), amended
- Section 115-d, subd. 9, amended

Social Services Law

- Section 383-c, subd. 3, para. (b), amended
- Section 383-c, subd. 5, para. (b), subpara. (ii), amended
- Section 384-b, subd. 3, paras. (a) and (b), amended
- Section 451, subd. 1, amended
- Section 451, subd. 7, added
- Section 453-a, subd. 1, amended
- Section 456, subd. 1, amended

Effective Date: October 25, 1994

Chapter 641 - Efficiency Study Grants
[Senate 7871-A by Senator Cook, et al.]

Authorizes efficiency grants to be awarded to a school district, a group of school districts or to a board of cooperative educational services for the purpose of training staff who are involved in studying a collaborative service delivery system for school-aged at-risk youth and their families.

Statutes:

Education Law

- Section 3602, subd. 14, para. h, subpara. 2, amended

Effective Date: August 2, 1994

Chapter 657 - Rural Human Services Networking Program
[Senate 8815 by Senator Cook]

Extends the expiration date of the Rural Human Services Networking Program for two years. That Program enables the Department of Social Services to explore innovative methods of providing human services in rural areas where such services are generally not currently available.

Statutes Involved:

L. 1989, C. 737, sect. 3, amended

Effective Date: August 2, 1994

Chapter 658 - Child Abductions
[Senate 8829 by Senator Skelos, et al.]

Requires all pupils in grades K through 8 in all public schools in the State to receive instruction designed to prevent child abductions.

Statutes Involved:

Education Law
Section 803-a, added

Effective Date: September 1, 1994

Chapter 667 - School-Community Collaboration
[Assembly 10114-B by Assemblywoman Clark, et al.,
at the request of the Governor]

Creates a task force on school-community collaboration consisting of various State agencies, including the Department of Social Services, with the goal of coordinating, facilitating and improving services to children and families. The task force would be required to: (i) assist local agencies to identify the technical assistance and training needed by the agencies; (ii) identify and recommend innovations that would improve collaboration through more efficient use of existing resources; (iii) identify useful models of school-community collaboration that can be replicated; (iv) identify methods of improving communication among the agencies and their local counterparts; (v) review statutes, budget authorizations, regulations, policies, current activities and proposed activities that affect school-community collaboration and; (vi) make recommendations to the Governor and the Legislature concerning any changes that would improve such collaboration.

Statutes Involved:

Executive Law
Section 447, added

Effective Date: October 1, 1994; repealed October 1, 1998

Chapter 681 - Runaway and Homeless Youth Program
[Assembly 10925 by Assemblyman Towns, et al., at
the request of the Division for Youth]

Eliminates the requirement for a local match for transitional independent living support programs provided under the Runaway and Homeless Youth Act.

Statutes Involved:

Executive Law

Section 420, subd. 2, para. (d), subpara. 2, amended

Effective Date: August 2, 1994

Chapter 690 - Missing Children
[Assembly 11736-A by the Committee on Rules,
at the Request of the Governor]

Requires schools, upon notification by the Division of Criminal Justice Services (DCJS), to flag the school records of a child who has been listed with the Statewide Central Register for Missing Children (SCRMC) maintained by DCJS, to report to the local law enforcement authority and DCJS any requests for such records immediately, and to remove the flag from the records upon notification by DCJS that the missing child has been recovered.

Includes within the definition of a missing child a child who has been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so. Requires DCJS to notify the New York City Department of Health (NYCDOH), the New York State Department of health (DOH) and the appropriate school or schools of the entry of a report of a missing child in the SCRMC and of the recovery of any missing child. Requires DCJS to promulgate rules and regulations prescribing the form in which entries will be made to the SCRMC and the manner in which notices that are sent to other agencies will be processed.

Requires NYCDOH or DOH, upon notification by DCJS that a person who was born in the State is a missing child, to flag the birth certificate records of such child and remove the flag from the records upon notification by DCJS that the child has been recovered. Sets forth procedures regarding the handling of written and oral requests for flagged birth records.

Requires any primary or secondary school that enrolls any child under circumstances that reasonably indicate that the child may be a missing person to make an inquiry of DCJS. Requires authorized agencies to contact the local law enforcement agency if a child appears to match the description of a child registered in the SCRMC.

Statutes Involved:

Education Law

Section 3212, subd. 2, para. a, amended
Section 3222, subs. 4 and 5, added

Executive Law

Section 837-e, subd. 1, amended
Section 837-e, subd. 1-a, added
Section 837-e, subd. 4, para. (c), amended

Public Health Law

Section 4100, subd. 2, para. (i), added
Section 4104, amended
Section 4170, subd. (h), added
Section 4174, subd. 8, added

Social Services Law

Section 372, subd. 7, amended

Effective Date: August 18, 1995

Chapter 728 - Construction of Child Day Care Facilities
[Assembly 12205 by the Committee on Rules]

Requires the development of a five-year comprehensive strategic development plan for child day care facilities. Provides for the issuance of up to \$750,000 in grants to not-for-profit organizations for pre-development, planning, management and coordination activities leading to the development of child day care centers in under-served areas meeting the needs of low-income working families. Provides for the issuance of up to \$4 million in grants, revolving loans and loan guarantees for child care facilities construction projects to establish, expand and develop not-for-profit child day care centers that are intended to serve the needs of low-income working families or economically distressed areas or highly distressed communities.

Require the Department of Social Services to develop the five-year comprehensive strategic development plan for child day care facilities in the State by December 31, 1995. Prior to the development of the plan, the Department is required to develop a child day care facility information system containing specified information regarding early childhood providers, collect other specified information regarding the need and funding available for child day care facilities, and submit a preliminary report containing specified information to the Division of the Budget and the chairs of the Senate Finance and Assembly Ways and Means Committees by February 1, 1995. The Department also is responsible for developing a request for proposals and distributing the grants for pre-development, planning, management and coordination activities leading to the development of child day care centers. In addition, the Department is responsible for developing jointly with the Urban Development Corporation (UDC), in consultation with the Department of Economic Development (DED), a request for proposals for the

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grants, revolving loans and loan guarantees for child care facilities construction projects. The Department would receive, initially review, and assess the applications for such projects to determine which projects should be referred to UDC and to rank the referred projects by groups according to the capacity of such projects to meet identified needs for child day care. The UDC, in consultation with DED, would be responsible for selecting and contracting with the award recipients.

Statutes Involved:

Social Services Law
Section 410-ccc, added

L. 1968, C. 174, sect. 1, sect. 16-g, added

Effective Date: August 2, 1994

ADULT SERVICES

Chapter 363 - Expanded In-home Services for
the Elderly Program
[Senate 7372 by Senator Skelos]

Deletes the requirement for a maintenance of effort agreement in the Expanded In-home Services for the Elderly Program.

Statutes Involved:

Executive Law
Section 541, subd. 4, para. (i), amended

Effective Date: July 20, 1994

Chapter 478 - Standby Guardian
[Assembly 11828 by the Committee on Rules]

Permits the filing of a petition for judicial appointment of a standby guardian by a legal guardian of an infant as well as by a parent; requires the petition to state that the petitioner suffers from either a progressively chronic illness or an irreversibly fatal illness, and the basis for the statement such as the date and source of a medical diagnosis, without requiring the identification of the illness in questions; and permits written designation by a parent or legal guardian of a standby guardian and an alternate standby guardian.

Statutes Involved:

Surrogate's Court Procedure Act
Section 1726, subs. 3, 4 and 8, amended

Effective Date: July 20, 1994

Chapter 560 - Involuntary Outpatient Treatment Program
[Assembly 5681-C by Assemblywoman Connelly, et al.]

Establishes as a pilot project an Involuntary Outpatient Treatment Program which seeks to enable those mentally ill persons who are capable of being maintained safely in the community with the help of such program to lead productive lives.

Statutes Involved:

Judiciary Law

Section 35, subd. 1, para. a, amended

Mental Hygiene law

Section 9.61, added

Effective Date: July 26, 1994; repealed June 30, 1998

Chapter 634 - Security Guards
[Senate 6109-C by Senator Kiehl, et al.]

Authorizes the Commissioner of the Division of Criminal Justice Services to waive training requirements for certain security guards.

Statutes Involved:

General Business Law

Section 71, subd. 3, amended
Section 89-f, subds. 6 and 14, amended
Section 89-g, subd. 1, amended
Section 89-g, subds. 6 and 8, amended
Section 89-g, subd. 5, amended
Section 89-g, subds. 9 and 10, added
Section 89-h, subds. 2, 9 and 10, amended
Section 89-i, amended
Section 89-k, amended
Section 89-l, subd. 2, para. a, amended
Section 89-l, subd. 5, amended
Section 89-n, subd. 1, para. b, amended
Section 89-n, subd. 2, para. a, amended
Section 89-n, subd. 3, amended
Section 89-o, amended
Section 89-r, amended
Section 89-w, added

Executive Law

Section 841-a, subds. 1 and 4, amended
Section 841-c, amended

Effective Date: August 2, 1994

Chapter 649 - Congregate Services Initiative for the Elderly
[Senate 8552-A by Senator DiCarlo, et al.]

Establishes a congregate services initiative for the elderly (CSI) to be administered by the Office for the Aging. Through this program, funds would

be allocated to designated agencies so that services and activities can be provided to the well-elderly that may help to prevent them from becoming frail-elderly. The CSI program would be funded solely by monies specifically appropriated by the Legislature for the program.

Statutes Involved:

Executive Law
Section 543-a, added

Effective Date: August 2, 1994

Chapter 688 - Rights of Patients and Residents
[Assembly 11562 by the Committee on Rules]

Provides that every patient in a hospital, nursing home or mental hygiene facility or every resident in an adult care facility has the right to authorize those family members and other adults who will be given priority to visit with the patient or resident, consistent with the patient's ability to receive visitors.

Statutes Involved:

Public Health Law
Section 2803, subd. 1, para. (h), added
Section 2803-c, subd. 3, para. (o), added

Mental Hygiene Law
Section 33.02, subd. (a), para. 13, added

Social Services Law
Section 461-d, subd. 3, para. (k), added

Effective Date: October 31, 1994

Chapter 694 - General Power of Attorney
[Assembly 11839 by the Committee on Rules]

Makes several changes to the statutory short form of general power of attorney.

Statutes Involved:

General Obligation Law
Section 5-1501, amended
Section 5-1502L, amended
Section 5-1503, amended

Effective Date: October 1, 1994

Chapter 733 - Adult Care Facilities
[Assembly 12242 by the Committee on Rules]

Permits a suspension or limitation of an adult care facility (ACF) or a residential child care facility (CCF) operating certificate without a hearing for up to 60 days, where the Department of Social Services (Department) finds that the public health or an individual's health, safety or welfare are in imminent danger.

Provides that any order or determination to suspend any ACF or CCF operating certificate will specify the conditions of the suspension. Permissible conditions for suspending an operating certificate include the immediate transfer of residents to other appropriate placements; the appointment of a temporary operator; the immediate transfer of all records concerning the operation of the ACF or CCF; a bar to the operator from accessing the ACF or CCF; and the requirement that the operator provide to the temporary operator any funds received by the operator for the operation of the facility.

Adds as violations for which rectification does not preclude the assessment of fines if danger to residents is established: the failure in systemic practices and procedures and unreasonable threats of retaliation or taking reprisals, including, but not limited to, unreasonable threats of eviction or hospitalization against any resident, employee or other person who makes a complaint concerning the operation of an ACF, participates in the investigation of a complaint, or is the subject of an action identified in a complaint.

Requires the Department Social Services (Department), by March 1, 1995, and annually thereafter, to submit a report to the Governor and Legislature with data concerning the results of inspections and enforcement actions of adult homes and residences for adults. The report also must include results of audits of financial conditions and practices of a selected sample of adult homes and residences for adults, and recommendations for further legislative action.

Provides that on or before issuance by the Department to an ACF of official written notice of the proposed revocation, suspension or denial of the operator's operating certificate; the limitation of the operating certificate with respect to new admissions; the issuance of a Department order or Commissioner's order; the seeking of equitable relief under such section; or the proposed assessment of civil penalties for violations of non-rectifiable "endangerment" violations, written notice must be given to the appropriate office of the Department of Mental Hygiene (DMH), the Department of Health (DOH) and social services districts. Upon resolution of such enforcement actions, the Department must so notify such agencies.

Requires more detailed financial information from operators of adult homes and residences for adults.

Requires the Department to perform, on a selected sample of adult homes and residences for adults, financial audits as part of the inspection process.

Permits the public disclosure of financial reports submitted to the Department by ACFs.

Requires that on or before January 1, 1995, the Department, in consultation with the DOH, submit a report to the Governor and the Legislature that makes recommendations regarding the appropriateness of permitting operators of adult homes, residences for adults and enriched housing programs to be able to receive reimbursement for services available under Title XIX of the federal Social Security Act.

Statutes Involved:

Social Services Law

- Section 460-d, subd. 4, para. (b), amended
- Section 460-d, subd. 4, paras. (c) and (d), relettered paras. (d) and (e), new para. (c), added
- Section 460-d, subd. 5, amended
- Section 460-d, subd. 7, para. (b), subpara. 2, amended
- Section 460-d, subd. 9, para. (a), amended
- Section 460-d, subds. 10, 11 and 12, added
- Section 460-e, subd. 2, amended
- Section 461-c, subd. 9, added
- Section 461-e, subd. 4, para. (a), amended
- Section 461-e, subd. 4, para. (d), relettered para. (e), new para. (d), added
- Section 461-e, subd. 7, amended

Effective Date: August 2, 1994

Chapter 734 - Adult Care Facilities
 [Assembly 12243 by the Committee on Rules]

Requires that each written admission agreement between an adult care facility (ACF) operator and a resident contain an implied warranty of habitability.

Requires that each written admission agreement between an ACF operator and a resident contain a statement that the resident is entitled to the prompt return, within three business days, of any of his or her money, property or thing of value held in trust or in custody by the ACF.

Provides that the operator of an adult home or residence for adults has an affirmative duty to report any death or attempted suicide of a resident to the Department of Social Services (Department) within 24 hours of its occurrence, and to require such an operator to send any reports involving such a resident who had at any time received services from a mental hygiene service provider to the State Commission on Quality of Care for the Mentally Disabled (CQC).

Requires that a patient about to be discharged or conditionally released from an inpatient facility operated or licensed by an office of the Department of Mental Health to an adult home or residence for adults must, whenever possible and appropriate, as determined by the facility, be referred to such home or residence in the patient's home county that has

received the highest rating. When such a referral is unavailable or inappropriate, an inpatient facility would be permitted to refer a patient to any rated home or residence, provided, however, that no referral could be made to such home or residence that had received an official written notice from the Department of: the proposed revocation, suspension or denial of its operating certificate; the limitation of its operating certificate with respect to new admissions; the issuance of a Department order or Commissioner's order of the seeking of equitable relief or the proposed assessment of civil penalties. Referrals would be permitted to resume when such enforcement actions are resolved.

Requires a community provider of mental hygiene services, serving a resident of any adult home or residence that had received the lowest rating from the Department for 18 months, from August 2, 1994, with the consent of the resident, to assist the Department in efforts to secure an appropriate alternative placement for the resident. The Commissioner of Mental Health also would be required to refer promptly to the Department any serious complaint received about the care provided or health and safety conditions in an adult home or residence for adults. Additionally, the Commissioner of Mental Health would be permitted to assist the Department, as appropriate, in the investigation and resolution of such complaints, and complaints initially received by the Department.

Establishes an adult home and residence for adults resident advocacy program to assist residents of certain of these facilities who have at any time received or are receiving services from mental hygiene providers, in understanding their legal rights, and to promote and protect the rights of such residents.

Provides the CQC with access to certain adult homes and residences for adults and to their books, records and data that are necessary for the purpose of carrying out CQC's functions, powers and duties.

Establishes within the CQC an adult home and residence for adults special oversight team. The team would be authorized to investigate complaints regarding the quality of care in certain adult homes and residences for adults, examine the programmatic and financial operation of such ACFs, and examine the programmatic and financial operations of providers of mental hygiene services to residents of such ACFs. The team also would be authorized to make a report and recommendations, based on any such investigation, to the operator of any such ACF and to any appropriate commissioner of a State agency. Such commissioner(s) and operator would be required to make a written report of any actions regarding recommendations made within 90 days of receipt of a report, and also would be required to make further periodic reports as CQC determines appropriate.

Requires that a patient about to be discharged as an inpatient from a hospital to an adult home or residence for adults must, whenever possible and appropriate, be referred to a home or residence that has received the highest rating. When such referral is unavailable or inappropriate, the hospital would be permitted to refer a patient to any rated home or residence, provided, however, that no referral could be made to a home or residence that had received an official written notice from the Department of: the proposed revocation, suspension or denial of its operating

certificate; the limitation of its operating certificate with respect to new admissions; the issuance of a Department order or Commissioner's order of the seeking of equitable relief; or the proposed assessment of civil penalties. Referrals would be permitted to resume when such enforcement actions are resolved.

Statutes Involved:

Social Services Law

- Section 461-c, subds. 1, 2 and 3, amended
- Section 461-c, subd. 2-a, added
- Section 461-m, added

Mental Hygiene Law

- Section 29.15, subd. (i), amended
- Section 45.07, subd. (k), added
- Section 45.09, subd. (a), amended
- Section 45.10, added

Public Health Law

- Section 2803-m, added

Effective Date: August 2, 1994

Chapter 735 - Adult Care Facilities
[Assembly 12244 by the Committee on Rules]

Requires adult care facilities (ACFs) that receive the Department of Social Services' (Department) highest rating to be inspected by the Department at least every 18 months; all other ACFs would be inspected at least annually. Requires inspection reports to identify those areas of an ACFs' operations or any of its component parts found to be out of compliance with the Department's regulations and all other applicable requirements as a result of a failure in its systemic practices and procedures. Such inspection reports would no longer be required to indicate any area of operation or component part thereof in which the ACF exceeds compliance with minimum applicable requirements. Requires operators of adult homes and residences for adults to develop, biannually update and implement plans for quality assurance activities for each area of facility operation.

Expands the area of consideration when the Department assesses the character, competence and standing in the community of an applicant who is seeking to operate an ACF.

Establishes an interim "Facility Improvement Program" to assist financially, during the last quarter of the 1994-95 State fiscal year, those adult homes, residences for adults and enriched housing programs providing services to certain low-income residents. This program would make available an incentive payment, within amounts appropriated, to a facility receiving a rating of "A". A facility receiving a "B" rating would qualify for a

payment based on compliance with a corrective action plan to rectify violations of the Department's regulations and development of a satisfactory expenditure plan detailing the use of any funds received through this program. In addition, consideration would be given to the operator's history including, but not limited to, character and competence and record of compliance. Those facilities receiving a "C" rating would be ineligible for any incentive funding through this program. Requires the Department, by February 1, 1995, in consultation with interested State agencies, facility operators and resident advocates, to develop recommendations for a facility rating system and quality incentive program.

Statutes Involved:

Social Services Law

- Section 461-a, subd. 2, paras. (a) and (c), amended
- Section 461-a, subd. 2, para. (d), relettered para. (e),
new para. (d), added
- Section 461-b, subd. 3, para. (a), amended
- Section 461-n, added

Effective Date: August 2, 1994

CHILD AND SPOUSAL SUPPORT

Chapter 170 - State Budget Plan

[Assembly 11854, introduced at the request of the Rules Committee]

Establishes Medicaid cost controls; creates family preservation centers, expands the State's finger imaging program to prevent multiple enrollment of home relief benefit recipients, amends provisions of law concerning the establishment of paternity and medical support enforcement and authorizes grants for home visiting programs.

Statutes Involved:

Numerous

Effective Date: June 9, 1994

Chapter 463 - Family Court Hearing Examiners

[Assembly 10905 by Assemblyman Vitaliano, et al., at the request of the Office of Court Administration]

Explicitly authorizes family court hearing examiners to hear and determine applications for child support filed by the social services districts on behalf of children placed in foster care.

Statutes Involved:

Family Court Act
Section 439, subd. (a), amended

Effective Date: October 18, 1994

Chapter 544 - Orders of Support

[Assembly 573 by Assemblyman Crowley, et al.]

Requires the family court to specify the support obligor's social security number and the name and address of the support obligor's employer in an order of support where required by federal law and where the record of the proceeding contains the information.

Statutes Involved:

Family Court Act
Section 443, amended

Effective Date: August 26, 1994

EMPLOYMENT

Chapter 553 - New York State Veterans Bill of Rights
for Employment and Training Services
[Assembly 3671-D by Assemblyman McEneny, et al.]

Enacts the New York State Veterans Bill of Rights for Employment and Training Services which directs all State agencies administering federally funded employment and training programs to give preference to veterans in referral to such programs; provides for preferences to be given to veterans depending on whether they are disabled or on whether they performed combat or non-combat duties; and requires State agencies to use their existing funds to establish a position of veterans services coordinator and to provide training on issues relating to veterans.

Statutes Involved:

None

Effective Date: July 26, 1994

Chapter 630 - Employment and Training Programs
[Assembly 12128 by the Committee on Rules,
at the request of the Department of Social Services]

Extends for six years the authority of the Department of Taxation and Finance to provide to the Department of Social Services certain employee wage information with respect to participants in employment and training programs for research purposes.

Statutes Involved:

Tax Law

Section 171-a, subd. 3, para. (a), subpara. (i), amended

Section 697, subsect. (e), para. 3, amended

L. 1993, C. 491, sect. 4, amended

L. 1993, C. 491, sect. 5, amended

Effective Date: July 26, 1994

HOUSING SERVICES

Chapter 349 - Single Room Occupancy Units
[Senate 6969 by Senator Holland]

Expands the ability of the Department of Social Services to provide grants for single room occupancy units which contain both kitchens and bathrooms.

Statutes Involved:

Social Services Law
Section 45, subd. 5, amended

Effective Date: July 20, 1994

ADMINISTRATION

Chapter 732 - Performance Incentive Awards
[Assembly 12234 by the Committee on Rules,
at the request of the Governor]

Authorizes the Department of Social Services to make performance awards to social services districts for achieving certain goals related to specified activities. The performance awards would provide an adjustment to the districts' capped administrative costs while relating the adjustment to the quality of services provided by the districts, how efficiently they meet the requirements of State and federal law and how effectively they provide for the needy.

Statutes Involved:

Social Services Law
Section 153-j, added

Effective Date: August 2, 1994; expires August 2, 1997

MISCELLANEOUS

Chapter 13 - Alzheimer's Disease Task Force
[Assembly 9317 by Assemblyman Harenberg]

Extends the existence of the Alzheimer's Disease Task Force from February 1, 1994, until March 31, 1995.

Statutes Involved:

L. 1992, C. 208, sects. 4 and 5, amended

Effective Date: March 14, 1994; deemed effective February 1, 1994

Chapter 196 - Traumatic Brain Injury Program
[Assembly 8929-A by the Committee on Rules]

Establishes the New York State Traumatic Brain Injury Program and creates the Traumatic Brain Injury Services Coordinating Council.

Statutes Involved:

Public Health Law
Article 27-CC, added

Effective Date: June 20, 1994

Chapter 326 - Community Services Block Grant Program
[Senate 6672-A by Senator Volker]

Extends the Department of State's authority to administer the Community Services Block Grant Program until September 30, 1995.

Statutes Involved:

Executive Law
Section 159-i, amended

L. 1982, C. 728, sect. 5, amended
L. 1983, C. 710, sect. 7, amended

Effective Date: July 20, 1994

Chapter 563 - Commencing Action or Special Proceedings
[Assembly 6891-A by Assemblyman Lentol]

Makes technical amendments concerning how actions or proceedings are commenced.

Statutes Involved:

Civil Practice Law and Rules

- Section 304, amended
- Section 1006, subd. (b), amended
- Section 1101, subd. (c), amended
- Section 1327, amended
- Section 3019, subd. (d), amended
- Section 5239, amended
- Section 6221, amended
- Section 6512, amended
- Section 7102, subd. (a), amended

Real Property Actions and Proceedings Law

- Section 731, subd. 1, amended

Real Property Tax Law

- Section 702, subd. 3, amended
- Section 704, subd. 1, amended

Abandoned Property Law

- Section 1406, subd. 4, para. (c), amended

Social Services Law

- Section 461-h, subd. 3, para. (a), amended
- Section 473-a, subd. 5, para. (a), amended

Effective Date: July 26, 1994

Chapter 659 - Voter Registration
[Senate 8867 by Senator Nozzalio, et al.,
at the request of the Governor]

Conforms State law to the requirements of the National Voter Registration Act of 1993 (Public Law 103-31). That law, commonly known as "Motor Voter," sought to increase participation in national elections by mandating states to engage in aggressive outreach activities to encourage voter registration at the same time that applications for motor vehicle licenses, public assistance benefits and services for persons with disabilities are submitted.

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Statutes Involved:

Numerous

Effective Date: January 1, 1995

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| Section 5241, subd. (c), para. 2, subpara. (iv) amended | 170 | 5,8,16,37 |
| Section 5241, subd. (g), para. 1, subpara. (ii), para. 2, amended | 170 | 5,8,16,37 |
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| Section 240, subd. 1, amended | 170 | 5,8,16,37 |
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| Section 252, amended | 222 | 17-18 |
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| Section 3020-a, subd. 4, amended | 565 | 21 |
| Section 3202, subd. 8, amended | 569 | 6 |
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| Section 3212, subd. 2, para. a, amended | 690 | 26-27 |
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| Section 3602, subd. 7, para. (b), amended | 569 | 6 |
| Section 3602, subd. 14, para. (h), subpara. 2, amended | 569 | 6 |
| Section 4402, subd. 1, para. b, subpara. 3, clause (c), amended | 600 | 22-23 |
| Section 4402, subd. 1, para. b, subpara. 4, amended | 600 | 22-23 |
| Section 4402, subd. 2, para. b, subpara. 3, amended | 600 | 22-23 |
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| Section 7-1.12, subd. (a), para. 5, subpara. (v), amended | 170 | 5,8,16,37 |
| Section 7-3.1, subd. (c), amended | 170 | 5,8,16,37 |
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| Section 575, subd. 3, para. (e), amended | 396 | 19 |
| Section 575, subd. 4, paras. (c), (d) and (e), amended | 396 | 19 |
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| Section 115, subd. (a), amended | 222 | 17-18 |
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| Section 322.1, subd. 1, amended | 566 | 21 |
| Section 413, subd. 3, para. c, amended | 170 | 5,8,16,37 |
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| Section 418, sect. heading and subds. (a) and (b), amended | 170 | 5,8,16,37 |
| Section 439, subd. (a), amended | 463 | 37 |
| Section 440, subd. 1, para. (a), amended | 170 | 5,8,16,37 |
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| Section 443, amended | 170 | 5,8,16,37 |
| Section 516-a, amended | 170 | 5,8,16,37 |
| Section 532, sect. heading and subds. (a) and (b), amended | 170 | 5,8,16,37 |
| Section 812, subd. 1, amended | 222 | 17-18 |
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| Section 812, subd. 2, para. (f), amended | 222 | 17-18 |
| Section 812, subd. 5, amended amended | 222, 224 | 17-18 |
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| Section 826, subd. (a), amended | 222 | 17-18 |
| Section 827, subd. (a), para. (vi), amended | 222 | 17-18 |
| Section 827, subd. (a), para (vii), added | 222 | 17-18 |
| Section 828, sect. heading, amended | 222 | 17-18 |
| Section 828. subd. 1, opening para., designated para. (a), new para. (b), added | 222 | 17-18 |
| Section 828, subd. 4, added | 222 | 17-18 |
| Section 841, subd. (c), amended | 222 | 17-18 |
| Section 841, subd. (d), amended | 222 | 17-18 |
| Section 841, subd. (e), added | 222 | 17-18 |
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| Section 1027, subd. (b), amended | 36 | 15 |
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| Section 89-h, subds. 2, 9 and 10, amended | 634 | 30 |
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| Section 89-l, subd. 2, para. a, amended | 634 | 30 |
| Section 89-l, subd. 5, amended | 634 | 30 |
| Section 89-n, subd. 1, para. b, amended | 634 | 30 |
| Section 89-n, subd. 2, para. a, amended | 634 | 30 |
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| Section 212, subd. 2, para. (e), closing para., added | 222 | 17-18 |
| Section 216, subd. 1, para. (e), repealed | 222 | 17-18 |
| Section 254-a, repealed | 222 | 17-18 |
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| Section 537, subd. 3, amended | 442 | 5-6 |
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| Section 7.38, added | 601 | 23-24 |
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| Section 13.37, subd. (b), amended | 600 | 22-23 |
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| Section 29.15, subd. (i), amended | 734 | 33-35 |
| Section 31.05, subd. (a), para. 6, amended | 598 | 12 |
| Section 31.27, subd. (a), para. 5, amended | 598 | 12 |
| Section 31.27, subd. (a), paras. 7, 8 and 9, renumb. paras. 9, 10 and 11, new paras. 7 and 8, added | 598 | 12 |
| Section 31.27, subd. (b), para. 1, amended | 598 | 12 |
| Section 31.27, subd. (d), amended | 598 | 12 |
| Section 31.27, subd. (i), added | 598 | 12 |
| Section 33.02, subd. (a), para. 13, added | 688 | 31 |

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| Section 1399, subds. 9-14 renumb. subds. 10-15, subds. 9 and 16, added | 565 | 21 |
| Section 1399-o, subds. 1 and 2, amended | 565 | 21 |
| Section 1399-o, subd. 8, added | 565 | 21 |
| Section 1399-gg, added | 565 | 21 |
| Section 2164, sect. heading, amended | 521 | 11 |
| Section 2164, subds. 2, 3, 5, and 6, amended | 521 | 11 |
| Section 2164, subd. 7, para. (a), amended | 521 | 11 |
| Section 2164, subd. 8-a, opening para. 1, amended | 521 | 11 |
| Section 2164, subd. 11, added | 521 | 11 |
| Section 2504, subd. 5, renumb. subd. 6, new subd. 5, added | 521 | 11 |
| Section 2510, subd. 4, amended | 731 | 13-14 |
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| Section 2803-c, subd. 3, para (o), added | 688 | 31 |
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| Section 2807-c, subd. 9, para. (f), subpara. (ii), amended | 311 | 9 |
| Section 2813-a, added | 693 | 13 |
| Section 4135-b, subd. 1, para. (a), amended | 170 | 5, 8, 16, 37 |
| Section 4135-b, subds. 2 and 3, amended | 170 | 5, 8, 16, 37 |
| Section 4100, subd. 2, para. (i), added | 690 | 26-27 |
| Section 4104, amended | 690 | 26-27 |
| Section 4170, subd. (h), added | 690 | 26-27 |
| Section 4174, subd. 8, added | 690 | 26-27 |

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| Social Services Law | | |
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| Article 8-B, added | 600 | 22-23 |
| Section 17, subd. (f), relettered subd. (g), new subd. (f), added | 569 | 6 |
| Section 20, subd. 6, added | 442 | 5-6 |
| Section 34, subd. 3, para. (h), relettered para. (i), new para. (h), added | 600 | 22-23 |
| Section 45, subd. 5, amended | 349 | 39 |
| Section 62, subd. 6, amended | 569 | 6 |
| Section 111-b, subd. 14, added | 170 | 5,8,16,37 |
| Section 111-k, opening para. and subd. 1, amended | 170 | 5,8,16,37 |
| Section 131-o, subd. 1, paras. (a), (b), (c) and (d), amended | 460 | 6 |
| Section 131-u, amended | 169 | 16 |
| Section 139-a, subd. 3, amended | 170 | 5,8,16,37 |
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| Section 209, subd. 2,, paras. (a)-(g), amended | 460 | 6 |
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| Section 212, subd. 3, amended | 240 | 5 |
| Section 364-h, subd. 10, amended | 29 | 7 |
| Section 364-j, subd. 6, para. (e), amended | 170 | 5,8,16,37 |
| Section 364-k, subd. 10, amended | 320 | 9-10 |
| Section 365, subd. 4, amended | 170 | 5,8,16,37 |
| Section 365-a, subd. 2, para. (e), amended | 170 | 5,8,16,37 |
| Section 366, subd. 2, para. (a), subpara. 10, clause (iii), amended | 170 | 5,8,16,37 |
| Section 366, subd. 2, para. (b), opening para., desig. subpara. 1, para. 2, added | 170 | 5,8,16,37 |
| Section 366, subd. 4, para. (k), amended | 33 | 8 |
| Section 366, subd. 4, para. (r), added | 170 | 5,8,16,37 |
| Section 366, subd. 5, para. (a), amended | 170 | 5,8,16,37 |
| Section 366, subd. 5, para. (a), relettered para. (e), para. (d), added | 170 | 5,8,16,37 |
| Section 366, subd. 9, added | 170 | 5,8,16,37 |
| Section 367-a, subd. 1, para. (b) designated subd. 11, paras. (c), (d) and (e) relettered paras. (b), (c) and (d) | 170 | 5,8,16,37 |

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| Social Services Law (cont.) | | |
| Section 367-a, subd. 9, repealed new subd. 9, added | 170 | 5,8,16,37 |
| Section 367-a, subd. 11, amended | 170 | 5,8,16,37 |
| Section 368-a, subd. 1, para. (g), subpara. (iii), amended, subparas. (iv) and (v), added | 170 | 5,8,16,37 |
| Section 368-a, subd. 1, para. (n), added | 170 | 5,8,16,37 |
| Section 369, subd. 2, para. (b), subpara. (i), amended | 170 | 5,8,16,37 |
| Section 369, subds. 5 and 6, added | 170 | 5,8,16,37 |
| Section 398, subd. 6, para. (g), subpara. 1, amended | 169 | 16 |
| Section 369-b, subs. 5, 6 and 8, amended | 311 | 9 |
| Section 369-b, subd. 9, repealed | 311 | 9 |
| Section 369-b, subds. 10, 11 and 12, renumbered 9, 10 and 11 | 311 | 9 |
| Section 369-c, subds. 1, 2 and 3, amended | 311 | 9 |
| Section 369-d, amended | 311 | 9 |
| Section 372, subd. 7, amended | 690 | 26-27 |
| Section 383-c, subd. 3, para. (b), amended | 601 | 23-24 |
| Section 383-c, subd. 5, para. (b), subpara. (iii), amended | 601 | 23-24 |
| Section 384-b, subd. 3, paras. (a) and (b), amended | 601 | 23-24 |
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| Section 412, subd. 13, added | 306 | 18 |
| Section 413, subd. 1, amended | 306 | 18 |
| Section 418, amended | 426 | 20 |
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| Section 456, subd. 1, amended | 601 | 23-24 |
| Section 459-a, subd. 4, opening para., amended | 169 | 16 |
| Section 459-a, subd. 5, amended | 169 | 16 |
| Section 459-a, subd. 6, repealed | 169 | 16 |
| Section 459-b, repealed, new section 459-b, added | 169 | 16 |
| Section 459-c, repealed, new section 459-c, added | 169 | 16 |
| Section 459-d, repealed | 169 | 16 |
| Section 459-e, renumbered section 459-d | 169 | 16 |

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| Social Services Law (cont.) | | |
| Section 459-f, renumbered section 459-e and amended | 169 | 16 |
| Section 459-g, renumbered section 459-f and amended | 169 | 16 |
| Section 459-h, renumbered section 459-g | 169 | 16 |
| Section 460-c, subd. 9, added | 733 | 32-33 |
| Section 460-d, subd. 4, para. (b), amended | 733 | 32-33 |
| Section 460-d, subd. 4, paras. (c) and (d), relettered paras. (d) and (e), new para. (c), added | 733 | 32-33 |
| Section 460-d, subd. 5, amended | 733 | 32-33 |
| Section 460-d, subd. 7, para. (b), subpara. 2, amended | 733 | 32-33 |
| Section 460-d, subd. 9, para. (a), amended | 733 | 32-33 |
| Section 460-d, subds. 10, 11 and 12, added | 733 | 32-33 |
| Section 460-e, subd. 2, amended | 733 | 32-33 |
| Section 460-e, subd. 4, para. (a), amended | 733 | 32-33 |
| Section 460-e, subd. 4, para (d), relettered para. (e), new para. (d), added | 733 | 32-33 |
| Section 461-a, subd. 2, paras. (a) and (c), amended | 735 | 35-36 |
| Section 461-a, subd. 2, para. (d), relettered para. (e), para. (d), added | 735 | 35-36 |
| Section 461-b, subd. 3, para. (a), amended | 735 | 35-36 |
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| Section 461-c, subd. 2-a, added | 734 | 33-35 |
| Section 461-d, subd. 3, para. (k), added | 688 | 31 |
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| Section 461-h, subd. 3, para. (a), amended | 563 | 42 |
| Section 461-l, subd. 3, para. (a), subpara. (iii), amended | 438 | 10 |
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| Section 465, subd. 2, amended | 169 | 16 |
| Section 465, subd. 4, added | 169 | 16 |
| Section 465-b, subd. 2, added | 169 | 16 |
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| State Finance Law | | |
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| Tax Law | | |
| Section 171-a, subd. 3, para. (a), subpara. (i), amended | 630 | 38 |
| Section 171-f, subd. (5), para. (a), subpara (v) renumbered subpara. (vi), new subpara. (v), added | 170 | 5,8,16,37 |
| Section 697, subsect. (e), para. 3, amended | 630 | 38 |
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| L. 1973, C. 392, sect. 1, sect. 5, subsds. 14, 15 and 16, amended | 575 | 11-12 |
| L. 1973, C. 392, sect. 1, sect. 8 subd. 2, para. (b), amended | 575 | 11-12 |
| L. 1973, C. 392, sect. 1, sect. 9 subd. 9, amended | 575 | 11-12 |
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| L. 1982, C. 602, sect. 2, amended | 31 | 7 |
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