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| INFORMATIONAL LETTER |
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TRANSMITTAL: 96 INF-29

DIVISION: Legal Affairs

TO: Commissioners of
Social Services

DATE: December 13, 1996

SUBJECT: Digest of Laws of 1996 Relating to Social Services

SUGGESTED

DISTRIBUTION: General Administration Staff
Family Court Judges
Staff Development Coordinators

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ATTACHMENTS: Digest of Laws (Available on-line)

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FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
95 INF-45					
94 INF-46					
93 INF-49					
92 INF-53					
91 INF-17					
89 INF-47					
89 INF-14					
87 INF-52					
86 INF-15					
86 INF-1					
84 INF-14					
82 INF-23					

DIGEST OF LAWS OF 1996
RELATING TO SOCIAL SERVICES

N O T I C E

The purpose of this Digest is to highlight provisions of the Laws of 1996 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

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ALBANY, NEW YORK 12243

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TEMPORARY ASSISTANCE

Chapter 61 - Immunizations
[Senate 314-A by Senator Holland]

Requires social services districts to provide all applicants for and recipients of public assistance with children five years of age or less with information concerning the availability of immunizations and schedules regarding age-appropriate immunizations.

Statutes Involved:

Social Services Law
Section 131, subd. 13, added

Effective Date: October 20, 1996

Chapter 213 - Standard of Monthly Need,
Personal Needs Allowance
[Senate 9823-A by Assemblywoman Jacobs, et al.]

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, 1997 and June 30, 1997.

Statutes Involved:

Social Services Law
Section 131-o, subd. 1, paras. (a)-(d), amended
Section 209, subd. 2, paras. (a)-(g), amended
Section 210, subd. 1, amended

Effective Date: December 31, 1996

Chapter 299 - Additional State Payments
[Senate 7552 by Senator Holland]

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

Statutes Involved:

Social Services Law
Section 212, subd. 3, amended

Effective Date: July 10, 1996

Chapter 700 - Notification of Imprisonment
[Senate 5344-B by Senator Johnson, et al.]

Requires that a court deliver to the Department of Social Services (Department) a certificate of conviction and notification of the sentence imposed for every person who receives a sentence of imprisonment. The Department would have to deliver the certificate of conviction and provide notification of the sentence to the appropriate social services district. Requires the Department of Correctional Services to notify the Department whenever a person who is committed to the Department of Correctional Services is a "social services recipient" and a certificate of conviction and the term of the sentence imposed have not been delivered by the sentencing court to the local commissioner of social services. Requires social services districts to reinvestigate a person's eligibility for public assistance when the district receives information that a sentence of imprisonment has been imposed upon such person.

Statutes Involved:

- Corrections Law
 - Section 71, subd. 7, added
- Criminal Procedures Law
 - Section 380.80, added
- Social Services Law
 - Section 134-a, subd. 5, added

Effective Date: January 7, 1997

Chapter 701 - Food Stamps
[Senate 6852-A by Senator Alesi, et al.]

Provides that any person found to have knowingly used, transferred, acquired, altered, purchased, transported or possessed food stamps, food stamp program coupons, authorization cards or electronic access devices which entitle a person to obtain food stamps in any unauthroized manner must have his or her liquor license or license to sell lottery tickets revoked if the value of the food stamp benefits obtained exceeds \$1,000.

Statutes Involved:

- Social Services Law
 - Section 147, amended
- Tax Law
 - Section 1607, subd. g, added

Effective Date: November 1, 1996

Chapter 713 - Reparation Payments
[Assembly 4011-B by Assemblyman McLaughlin, et al.]

Excludes reparation payments made to victims of Nazi persecution from consideration in determining eligibility for and the amount of benefits to be paid under certain public assistance programs.

Statutes Involved:

- Real Property Tax Law
 - Section 467, subd. 3, para. (a), amended
 - Section 467-b, subd. 1, para. c, amended
 - Section 467-c, subd. 1, para. f, amended

- Social Services Law
 - Section 131-n, subd. 2, amended

- Tax Law
 - Section 606, subsect. (e), para. 1, subpara. (c), amended

Effective Date: October 30, 1996

Chapter 716 - Child Assistance Demonstration Program (CAP)
[Assembly 9508-A by Assemblywoman Jacobs, et al.]

Permits a custodial parent to participate in the CAP program even though no support order has been obtained where: the other parent is deceased; the custodial parent has made a diligent effort to obtain an order but due to reasons outside the parent's control has been unable to obtain an order in a reasonable time; the custodial parent has good cause not to cooperate in obtaining a child support order; or the child resides with both parents and paternity either has been acknowledged or established.

The CAP is a demonstration program testing an alternative to the traditional Aid to Dependent Children (ADC) program. In the existing CAP demonstration, households receive a child assistance payment for each child in the household for whom a child support order has been obtained. In addition, the custodial parent is able to retain more of his or her earned income than under the ADC eligibility formula.

Statutes Involved:

- Social Services Law
 - Section 111-l, subd. 3, paras. (d) and (e), amended
 - Section 111-l, subd. 6, amended

Effective Date: November 5, 1996

Chapter 717 - Child Care Disregard
[Senate 6242-A by Senator Holland, et al.]

Eliminates the requirement that specified amounts of earnings which are spent for day care costs be disregarded in calculating public assistance benefits.

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Statutes Involved:

Social Services Law

Section 131-a, subd. 5, para. (f), amended

Section 131-a, subd. 8, para. (a), subpara. (iii), amended

Effective Date: October 1, 1997

HEALTH & LONG TERM CARE

Chapter 47 - Medical Assistance Reimbursement
[Senate 5756-A by Senator Hannon]

Restores Medical Assistance reimbursement for physician services delivered in a hospital emergency room or hospital-based clinic.

Statutes Involved:

Social Services Law
Section 365-a, subd. 2, para. (a), amended

Effective Date: April 12, 1996

Chapter 48 - Medical Parole
[Senate 6596-A by Senator Nozzolio]

Extends the medical parole program until 1998.

Statutes Involved:

L. 1992, C. 55, sect. 427, subd. (r), amended

Effective Date: April 12, 1996

Chapter 220 - HIV Testing
[Assembly 4413-C by Assemblywoman Mayersohn, et al.]

Directs the Commissioner of the Department of Health to establish a comprehensive program of newborn HIV and HIV-antibody testing for infants born in this State.

Statutes Involved:

Public Health Law
Section 2500-f, added
Section 2781, subd. 6, para. (d), added

Effective Date: June 26, 1996

Chapter 350 - Physician Case Management
Demonstration Program
[Senate 7650-A by the Committee on Rules]

Extends until July 1, 1997, the provisions of section 364-f of the Social Services Law. That section authorizes the Department of Social Services to establish physician case management demonstration programs under the Medical Assistance (MA) program. Such programs provide individuals eligible for MA

the opportunity to select voluntarily a case management provider who must provide MA services to such eligible individuals, either directly or through referral by a physician case manager.

Statutes Involved:

L. 1984, C. 904, sect. 18, amended

Effective Date: July 17, 1996

Chapter 474 - Responsibility for the Medical Assistance Program
[Assembly 11335 by the Committee on Rules]

Designates the Department of Health as the Single State Agency for purposes of the Medical Assistance program; requires a report to be made concerning the transportation for purposes of compulsory education of homeless children who are in temporary housing; requires the Freeport Union Free School District to be reimbursed for the cost of instructions of pupils placed in family homes at board in the district by a social services agency of a city having a population of more than 1 million; requires the Department of Social Services (Department), in consultation with other entities, to formulate a strategic plan to better serve preschool children who have disabilities; requires the Department to conduct a study to determine whether cost efficiencies result from authorizing certain clinics and diagnostic and treatment centers to claim medical assistance payments for care, services and supplies provided to preschool children with handicapping conditions; authorizes the Department to make payments under the Medical Assistance program to public general hospitals and public residential health care facilities; requires the Department to establish a home care services State share Medical Assistance savings target for each social services district; requires the Department to implement a cost savings program related to surgical supplies and durable medical equipment purchased through the Medical Assistance program.

Statutes Involved:

Social Services Law

- Section 368-e, subd. 1, amended
- Section 365-f, subd. 2, opening para., amended
- Section 363-a, amended
- Section 364, amended
- Section 364-a, amended
- Section 2, subd. 1, amended
- Section 2, subd. 6, amended

Public Health Law

- Section 201, subd. 1, para. (v), added
- Section 206, subd. 1, para. (f), amended

Effective Date: August 8, 1996

Chapter 488 - Reporting of Insurance Information
[Senate 2766-B by Senator Velella, et al.]

Requires insurers to report to a central reporting organization all claims filed for death benefits, or for compensation for personal injuries or wrongful deaths, except claims for medical malpractice, workers' compensation, and comprehensive motor vehicle insurance benefits. The central reporting organization would then report this information to the Department of Social Services.

Statutes Involved:

Insurance Law
Section 340, added

Effective Date: February 4, 1997

Chapter 526 - Extension of Medical Assistance Programs
[Senate 6615-A by Senator Hannon, et al., at
the request of the Department of Social Services]

Extends from December 31, 1996 to December 31, 1997, the programs concerning guaranteed eligibility for Aid to Dependent Children enrollees in comprehensive health services plans and care at home for disabled children.

Statutes Involved:

L. 1983, C. 535, sect. 2, amended
L. 1984, C. 906, sect. 3, amended

Effective Date: August 8, 1996

Chapter 545 - Foster Family Care Demonstration Programs
[Senate 7025 by Senator Holland, et al.]

Extends until December 31, 1997, the authority under the Medical Assistance program for foster family care demonstration programs.

Statutes Involved:

L. 1983, C. 942, sect. 1, amended
L. 1984, C. 541, sect. 3, amended
L. 1985, C. 256, sect. 6, amended

Effective Date: August 8, 1996

Chapter 610 - Chronic Care Case Management
Demonstration Programs
[Senate 5996-A by Senator Nozzolio]

Makes various technical amendments to Chapter 530 of the Laws of 1988, which authorizes the Department of Social Services to contract with chronic care

case management demonstration programs sponsored by Rochester Health Care, Inc. and other providers licensed in accordance with Article 28, 36 or 44 of the Public Health Law.

Statutes Involved:

- L. 1988, C. 530, sect. 1, amended
- L. 1988, C. 530, sects. 4 and 5, amended

Effective Date: September 4, 1996

Chapter 624 - Eldercare
[Senate 7621 by Senator DiCarlo]

Extends until December 31, 1997, the project "Eldercare: A Social Health Maintenance Organization".

Statutes Involved:

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

Effective Date: September 4, 1996

Chapter 649 - Managed Care Plans
[Assembly 11329 by the Committee on Rules,
at the request of the Governor]

Establishes standards for the operation of managed care programs, including comprehensive HIV special needs plans and mental health special needs plans, and for participation in such programs. Establishes a special advisory review panel on Medicaid managed care whose function it is to determine whether Medicaid recipients are being appropriately served by managed care programs.

Statutes Involved:

- Public Health Law
 - Section 4401, subds. 6, 7, 8, 9 and 10, added
 - Section 4403-c, added
 - Section 4403-d, added

- Social Services Law
 - Section 364-j, amended
 - Section 364-jj, added

- L. 1988, C. 710, sect. 11, amended
- L. 1991, C. 165, sect. 62, subd. c, amended

Effective Date: September 16, 1996

Chapter 660 - Funeral Trust Accounts
[Senate 6313-A by Senator Holland]

Allows a person to make a compensated transfer of resources to a funeral director, in return for the funeral director holding the resources in trust and providing specified funeral and burial services at the time of the person's death. As a result, persons would have greater flexibility in entering pre-need funeral agreements without adverse Medical Assistance consequences.

Statutes Involved:

Social Services Law
Section 209, subd. 6, amended
Section 141, subd. 6, added

General Business Law
Section 453, subs. 1, 2, and 3, amended

Effective Date: January 1, 1997

Chapter 693 - Medical Assistance Presumptive Eligibility Program
[Senate 6838 by Senator Tully, et al.]

Extends the current presumptive eligibility for Medical Assistance for home care to hospitalized patients awaiting discharge to hospices and residential health care facilities.

Statutes involved:

Social Services Law
Section 364-i, amended

Effective date: October 2, 1996

Chapter 705 - Managed Care Plans
[Senate 7553 by the Committee on Rules,
at the request of the Governor]

Establishes standards for the operation of managed care programs including standards for disclosing information, conducting grievance proceedings and disclosing application procedures.

Statutes involved:

Public Health Law
Article 49, added
Section 18-a, added
Section 4403, subd. 2, amended
Section 4403, subs. 5 and 6, added
Section 4405-b, added
Section 4406-c, added
Section 4406-d, added

Section 4408, repealed, new sect. 4408, added
Section 4408-a, added
Section 4410, subd. 4, added

Insurance Law

Articles 48 and 49, added
Section 3216, subsect. (1), para. 9, repealed, new para. 9, added
Section 3217-a, added
Section 3217-b, added
Section 3221, subsect. (k), para. 4, repealed, new para. 4, added
Section 4303, subsect. (a), para. 2, repealed, new para. 2, added
Section 4324, added
Section 4325, added

Effective date: October 9, 1996

SERVICES & COMMUNITY DEVELOPMENT

Chapter 12 - Child Protective Services

[Senate 5959-A by Senator Goodman, et al,
at the request of the Governor]

Authorizes the public disclosure of fatality reports prepared by the Department of Social Services (Department) in relation to deaths of foster children and children reported to the Statewide Central Register of Child Abuse and Maltreatment. Amends various provisions of the Social Services Law to authorize disclosure of client identifiable child welfare records to State and local audit staff for the purpose of conducting performance audits. Clarifies when child protective services information may be shared with service providers and by persons and entities involved in the investigation of suspected abuse or maltreatment.

Authorizes the retention and sealing of unfounded reports of abuse or maltreatment. Legally sealed reports would only be made available to a local child protective services or State agency conducting an investigation of a subsequent report of abuse or maltreatment involving the same child named in the prior unfounded report. A legally unfounded report is also available to the subject of the unfounded report as long as the subject requested the report within 90 days of receipt of notification of the unfounding. Legally sealed unfounded reports must be expunged 10 years after the eighteenth birthday of the youngest child named in the report.

Authorizes the Commissioner of the Department or a commissioner of a social services district to disclose client child protective services information under limited circumstances. The ability to disclose would depend upon the existence of certain conditions, such as the death of a child, the charging of a person with a crime relating to a report of child abuse or maltreatment, or public disclosure relating to a report of child abuse or maltreatment by certain designated persons or officials. Disclosure also would be conditioned on a determination that disclosure would not be contrary to the best interests of the child, the child's siblings or other children in the household. Finally, disclosure also would be conditioned on the stage of the investigation of the report (pending, completed and unfounded or completed and indicated).

Statutes Involved:

Social Services Law

- Section 20, subd. 5, amended
- Section 372, subd. 4, opening para. amended
- Section 409-a, subd. 9, added
- Section 409-f, subd. 3, added
- Section 419, amended
- Section 422, subd. 4, para. (A), amended
- Section 422, subd. 5, amended
- Section 422, subd. 6, amended
- Section 422, subd. 8, amended
- Section 422-a, added

Section 424, subd. 6, amended
 Section 424-a, subd. 1, para. (e), subparas. (i), (ii) and (iii),
 amended
 Section 424-a, subd. 2, para. (d), amended
 Section 424-c, subd. 5, amended

Domestic Relations Law
 Section 240, subd. 1-a, amended

Family Court Act
 Section 651-a, amended

Mental Hygiene Law
 Section 45.07, subd. (c), para. 2, subpara. e, amended

Effective Date: February 12, 1996

Chapter 85 - Domestic Violence and Child Custody
 [Assembly 2446-C by Assemblywoman Weinstein, et al.]

Adds domestic violence as a factor for the court to consider in child custody and visitation proceedings, regardless of whether the child has witnessed or has been a direct victim of domestic violence.

Requires allegations of domestic violence to be made in a sworn statement, and proven by a fair preponderance of the evidence in order to be considered as a factor in awarding custody or visitation.

Statutes Involved:

Domestic Relations Law
 Section 240, subd. 1, amended

Family Court Act
 Section 447, subd. (a), amended
 Section 467, subd. (c), amended
 Section 549, subd. (a), amended
 Section 651, amended
 Section 652, subd. (c), amended

Effective Date: May 21, 1996

Chapter 236 - Rural Services Networking Program
 [Senate 6289 by Senator Cook, et al., at the
 request of the Commission on Rural Resources]

Makes permanent the Rural Services Networking Program. 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: June 26, 1996

Chapter 282 - Capacity of Foster Family Boarding Homes
 [Senate 4039 by Senator Saland, at the request of
 the Department of Social Services]

Increases the capacity of foster family boarding homes to encourage siblings and half-siblings to be placed together and to enable minor parents and their children to be placed together in foster care. The Chapter also encourages the replacement of foster children who require less restrictive levels of care into the foster family boarding homes that had cared for them previously.

Statutes Involved:

Social Services Law

- Section 378, subds. 3 and 4, amended
- Section 398, subd. 6, para. (n), amended

Effective Date: July 10, 1996

Chapter 309 - Placement of Children
 [Assembly 11319 by the Committee on Rules]

Repeals the authority of the family court to place persons in need of supervision with the Division for Youth; allocates funds for the federal low-income, home energy assistance program to the Division of Housing and Community Renewal, rather than the Department of State; permits an order of adoption to be issued if a child has resided with the adoptive parents for at least three months; authorizes an Indian tribe that has entered into an agreement with the Department of Social Services (Department) to provide child protective services; enacts reductions in a social services district's block grant allocation; amends the definition of "severely abused" and "repeatedly abused"; requires the Department to submit an allocation plan for the federal low-income home energy assistance program; requires the Department to prepare an annual update of its performance report on all residential and non-residential programs providing services to the State's homeless population; establishes a federal revenue maximization control fund; changes the time period within which a support obligor has to object to a decision to refer the obligor's name to the Department of Motor Vehicles in order to have the obligor's driving privileges suspended.

Statutes Involved:

Family Court Act

- Section 454, subd. 5, amended
- Section 756, subd. (a), para. (i), amended
- Section 756, subd. (a), paras. (iii) and (iv), repealed
- Section 756-a, subds. (a) and (b), amended
- Section 756-b, repealed
- Section 757, subd. (d), amended
- Section 758-a, subd. 2, amended
- Section 759, subd. (f), amended
- Section 779-a, amended
- Section 782-a, amended
- Section 1012, subd. (i), amended

Domestic Relations Law

Section 112, subd. 6, amended

Social Services Law

Section 39, subd. 2, amended

Section 111-b, subd. 12, para. (d), amended

Section 153-i, subd. 6, amended

Section 97, subd. 5, paras. a and b, amended

Section 366, subd. 1, para. (a), subpara. 3, amended

Section 384-b, subd. 8, amended

Section 398, subd. 6, para. (g), amended

Section 417, subd. 1, para. (a), amended

Section 423, subd. 1, para. (e), amended

Section 423, subd. (f), added

State Finance Law

Section 97-zz, added

Effective Date: July 13, 1996

Chapter 539 - Domestic Violence
[Senate 6894 by Senator Saland]

Deletes obsolete references to "special care homes" and replaces them with the correct term, "residential program for victims of domestic violence". Clarifies that the address of a residential program for domestic violence must be maintained in a confidential manner.

Statutes Involved:

Domestic Relations Law

Section 75-j, subd. 4, para. (b), amended

Section 75-j, subd. 5, amended

Family Court Act

Section 818, amended

Effective Date: August 8, 1996

Chapters 607 - Termination of Parental Rights
[Senate 3474-A by Senator Saland, at the request
of the Chief Administrative Judge]

Clarifies that certain termination of parental rights proceedings may be commenced in Surrogate's Court. Provides that adoption proceedings must be instituted in the county where the adoptive parents reside, or if the adoptive parents do not reside in this State, in the county where the authorized agency which placed the child with the adoptive parents has its principal office, unless the adoption petition is filed pursuant to section 112(8) of the Domestic Relations Law or section 384-b(11) of the Social Services Law.

Statutes Involved:

Domestic Relations Law
Section 113, amended

Social Services Law
Section 384-b, subd. 3, para. (c), amended

Effective Date: September 4, 1996

Chapter 612 - Adoption Information Registry
[Senate 6053-B, by Senator De Francisco, et al.]

Establishes a sub-registry within the Adoption Information Registry (AIR) administered by the State Department of Health (DOH).

The sub-registry authorizes a birth parent to provide certified medical information to the AIR. The AIR, upon verification that the adoptee was born and adopted in New York, would register the medical information in the AIR and would search the AIR to determine whether the adoptee or the adoptee's adoptive parent, if the adoptee is under the age of 18, has registered with the AIR. The medical information must be certified to ensure accuracy. The AIR would provide such non-identifying medical information to the registered adoptee or adoptive parent. Otherwise, the AIR would disclose the medical information upon a subsequent registration by the adoptee or the adoptive parent of an adoptee under the age of 18. The Chapter would not authorize DOH to impose a fee on the birth parent for providing the medical information but would maintain the current fee structure for adoptees and adoptive parents.

Statutes Involved:

Public Health Law
Section 4138-c, subd. 2, amended
Section 4138-c, subd. 9, repealed
Section 4138-c, subd. 6-a, added

Effective Date: January 2, 1997

Chapter 684 - Disclosure of HIV Information
[Senate 2105 by Senator Saland, et al.]

Authorizes the disclosure of confidential HIV-related information concerning a child to a relative or other person legally responsible for that child when the child is placed with such persons pursuant to section 1017 or 1055 of the Family Court Act when such information is disclosed for the purpose of providing care, treatment or supervision of such child.

Statutes involved:

Social Services Law
Section 372, subd. 8, amended

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Public Health Law

Section 2782, subd. 3, amended

Section 2782, subd. 1, para. (h), amended

Effective date: December 1, 1996

Chapter 689 - Intergenerational Day Care Program
[Senate 7291 by Senator DiCarlo]

Extends the statutory authorization for the intergenerational day care program for an additional two years. The intergenerational day care program is a program through which the State Office for the Aging provides grants for the operation of day care centers for children within residential health care facilities and senior citizen service centers.

Statutes involved:

L. 1987, C. 841, sect. 10, amended

L. 1987, C. 841, sect. 12, amended

Effective date: October 2, 1996

HOUSING AND ADULT SERVICES

Chapter 218 - Non-Resident Services Program
[Assembly 10561 by the Committee on Rules, at the
request of the Department of Social Services]

Extends until July 1, 1999, the program which authorizes the provision of services to non-residents of adult homes, residences for adults and enriched housing programs.

Statutes Involved:

L. 1986, C. 779, sect. 4, amended

Effective Date: June 25, 1996

Chapter 345 - Long Term Care Ombudsman Program
[Senate 7362 by Senator DiCarlo, et al., at the
request of the Office for the Aging]

Makes technical amendments to the Long Term Care Ombudsman Program (LTCOP) to clarify certain terms and to conform it to the Older Americans Act (OAA) so as to meet federal requirements. Satisfies the federal confidentiality requirement of the OAA, sets specific expanded service requirements for the State and local ombudsman and ensures the receipt of federal funding for the LTCOP.

Statutes Involved:

Executive Law

- Section 544-a, subd. 3, para. (c), subparas. (i) and (ii), amended
- Section 544-a, subd. 3, para. (e), amended
- Section 544-a, subd. 3, para. (f), added
- Section 544-a, subd. 7, para. (a), repealed, new para. (a), added
- Section 544-a, subd. 7, para. (c), repealed, paras. (c), (d), and (e), added
- Section 544-a, subd. 11, opening para., amended

Effective Date: August 16, 1996

Chapter 462 - Quality Incentive Program for Adult Homes
[Assembly 9798-c by Assemblyman Harenberg, et al.]

Establishes a quality incentive payment program for adult homes. Requires that a representative payee of a resident of an adult care facility or any other entity which assumes management responsibility over the funds of a resident must maintain the funds in a fiduciary capacity to the resident. Any interest on money received and held for the resident would be the property of the resident.

Requires operators of adult homes or residences for adults to report to an appropriate law enforcement authority as soon as possible if it is believed that a felony may have been committed against a resident. If the resident has at any time received services from a mental hygiene provider, the

operator also must send the report to the Commission on Quality of Care for the Mentally Disabled (CQC).

Requires the Department of Social Services (Department) to establish procedures governing the receipt and investigation of complaints regarding the care afforded to residents of adult care facilities.

Establishes an adult care facility training program, subject to an appropriation by the Legislature, and authorizes the Department to contract with organizations representing adult care facilities to provide such training.

Transfers \$75,000 of the money appropriated for the quality incentive payment program to CQC to be used by CQC to provide grants to community based organizations which advocate on behalf of adult home residents.

Authorizes business corporations other than corporations whose shares are traded on a national securities exchange or are regularly quoted on a national over-the-counter market to operate adult care facilities except family type homes for adults.

Statutes Involved:

Social Services Law

- Section 461-d, subd. 6, added
- Section 461-m, amended
- Section 461-o, added
- Section 461-p, added
- Section 461-b, subd. 1, para. (a), amended
- Section 461-b, subd. 3, para. (b), opening para., amended
- Section 461-l, subd.1, para. (c), subpara. (i), amended

Effective Date: September 7, 1996

Chapter 527 - Adult Homes
 [Senate 6616-A by Senator Holland]

Exempts the Rudolph Steiner Fellowship Foundation from requirements of the Social Services Law governing adult homes.

Statutes Involved:

- L. 1986, C. 155, sect. 2, subd. 1, amended

Effective Date: August 8, 1996

Chapter 543 - Adult Care Facilities
 [Senate 6990-B by Senator Libous, et al.]

Eliminates the requirement that certificates of incorporation that require the Department of Social Services' approval must have the approval of a justice of the State supreme court attached before they are filed with the Department of State.

Authorizes the operation of adult care facilities by business corporations, other than corporations whose shares are traded on a national securities exchange or are regularly quoted on a national over-the-counter market.

Provides that enriched housing operating subsidies for enriched housing programs only would be available to enriched housing programs that are operated by public agencies, public corporations or not-for-profit corporations.

Identifies all of the types of entities that would be authorized to operate adult care facilities in the list of entities that must furnish certain information to the Department along with their applications for operating certificates.

Provides that any controlling person of a corporation that operates an adult care facility is liable for any civil fine, penalty, assessment or damages arising under Article 7 of the Social Services Law.

Statutes Involved:

Social Services Law

- Section 460-a, subd. 1, amended
- Section 461-b, subd. 1, para. (a), amended
- Section 461-b, subd. 3, para. (b), opening para. amended
- Section 461-b, subd. 3-a, added
- Section 461-l, subd. 1, para. (c), subpara. (i), amended

Effective Date: August 8, 1996

Chapter 685 - Social Adult Day Care Programs
 [Senate 2481-B by Senator DiCarlo, et al.]

Authorizes the State Office for the Aging (SOFA) to promulgate rules and regulations and establish uniform standards for those social adult day care programs which receive funding under Article 19-J of the Executive Law. The Director of SOFA, within the amounts appropriated, would make funds available to designated agencies for the provision of social day services programs. Such agencies would be eligible for State reimbursement for 75 percent of allowable expenditures for approved services up to a level authorized by the Director. The SOFA and the designated agency may each use up to three percent of its total funds provided for administration purposes.

Statutes involved:

Executive Law

- Section 541-a, added

Effective date: July 1, 1996

CHILD SUPPORT

Chapter 586 - Collection of Child Support
[Senate 7739 by the Committee on Rules]

Extends from September 3, 1996, to September 3, 1998, the Department of Social Services' authority to contract with not-for-profit entities for the provision of legal representation to custodial parents in receipt of child support services but not in receipt of Aid to Dependent Children.

Statutes Involved:

L. 1986, C. 892, sect. 34, amended

Effective Date: August 8, 1996

Chapter 699 - Child Support
[Senate 3775-C by Senator Lack]

Authorizes the court, upon a finding that a support obligor has willfully failed to obey a lawful order of support, to require such obligor to participate in a rehabilitative program if the court determines that such participation would assist the obligor in complying with the order of support and access to such a program is available. Such rehabilitative programs include, but are not limited to, work preparation and skill programs, non-residential alcohol and substance abuse programs and educational programs.

Statutes Involved:

Family Court Act
Section 454, subd. 3, para. (b), relettered para. (c), new para. (b), added

Effective Date: October 9, 1996

Chapter 706 - Enforcement of Child Support Orders
[Senate 7668-A by Senator Saland, et al.]

Requires the Departments of Social Services and Taxation and Finance to enter into an agreement to authorize the Department of Taxation and Finance to enforce certain delinquent child and spousal support obligations.

Statutes Involved:

Social Services Law
Section 111-b, subs. 15 and 16, added
Section 111-h, subd. 19, added

Tax Law
Section 171-i, added

Effective Date: December 1, 1996

ADMINISTRATION

Chapter 394 - Filing of Acquisition Maps
[Senate 6874 by Senator Maziary, at the request
of the Department of Transportation]

Eliminates the requirement that the Department of Transportation (DOT) file a copy of an acquisition map prepared at the request of the Department of Social Services with the Department of State. Requires such maps to be filed in the main office of the Department of Social Services rather than with DOT.

Statutes Involved:

Social Services Law
Section 40, subds. 3, 4, and 5, amended

Effective Date: July 30, 1996

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