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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 93 INF-49

DIVISION: Legal Affairs

TO: Commissioners of
 Social Services

DATE: November 23, 1993

SUBJECT: Digest of Laws of 1993 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

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

DIGEST OF LAWS OF 1993
RELATING TO SOCIAL SERVICES

N O T I C E

The purpose of this Digest is to highlight provisions of the Laws of 1993 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

T A B L E O F C O N T E N T S

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ECONOMIC SECURITY

Chapter 47 - State Responsibility
for Additional State Payments
[Senate 2738 by Senator Holland]

Extends until June, 1995, 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, subd. 3, amended

Effective Date: May 21, 1993

Chapter 59 - Public Assistance and
Medical Assistance
[Assembly 7588 by the Committee on Rules]

Strengthens various mechanisms used in the social services districts' establishment and enforcement of child support obligations, the establishment and enforcement of medical support, the establishment of paternity, and the review and adjustment of child support orders; creates the Statewide Settlement House Program; and requires social services districts to increase their participation rates for the JOBS program, and permits the social services districts to reimburse not-for-profit organizations for 50 percent of their administrative costs for participating in public work projects. The Chapter also concerns the administration of home care services and home care assessment, and continues the personal emergency response system program.

Statutes Involved:

Numerous.

Effective Date: April 15, 1993

Chapter 270 - Vietnam Conflict
[Senate 947 by Senator Skelos, et al.]

Changes the beginning date of the Vietnam conflict from January 1, 1963, to December 22, 1961, for purposes of determining eligibility for certain benefits.

Statutes Involved:

Civil Service Law
Section 85, subd. 1, para. (c), subpara. 4, amended

Executive Law
Section 364, subd. 1, para. a, subpara. 7, amended

Public Health Law
Section 2632, subd. 1, para. (f), amended

Public Housing Law
Section 156, subd. 1, para. b, subpara. 1, amended

Public Officers Law
Section 63, amended

Private Housing Finance Law
Section 31, subd. 7, para. (a), amended

Real Property Tax Law
Section 458-a, subd. 1, para. (a), amended

Social Services Law
Section 168, subd. 2, para. 7, amended

Effective Date: July 21, 1993

Chapter 401 - Federal Supplemental Security
Income Eligibility/State Payments to Aged,
Blind and Disabled Persons/Allowances to
Residents of Congregate Care Facilities
[Assembly 7146 by Ms. 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, 1994, and June 30, 1994, and allocates a portion of the increase to the personal 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), (b), (c), (d), (e), (f), and
(g), amended
Section 210, subd. 1, amended

Effective Date: December 31, 1993

Chapter 439 - Child Assistance Program
[Assembly 4858-A by Ms. Jacobs, et al.,
at the request of the Governor]

Removes the limitation on the number of social services districts which may participate in the Child Assistance Program demonstration program, extends the statutory authority for the Child Assistance Program until April 1, 1988 and requires the Department of Social Services to certify to the Governor and the Legislature that certain prerequisites have been satisfied prior to the continuation of the program's implementation.

Statutes Involved:

Social Services Law

Section 111-1, subd. 1, amended
Section 111-1, subd. 3, para. (d), amended
Section 111-1, subd. 11, para. (c), opening para., amended
Section 111-1, subd. 11, para. (d), added

L. 1987, C. 842, sect. 2, amended

Effective Date: July 26, 1993

Chapter 491 - Employment and Training Programs
[Assembly 5432-A by Ms. Jacobs]

Permits the Department of Social Services to have greater access to wage information submitted by employers to the Department of Taxation and Finance with respect to former recipients of public assistance.

Statutes Involved:

Tax Law

Section 171-a, subd. 3, para. (a), subpara. (i), added
Section 697, subsect. (e), para. 3, amended

Effective Date: July 26, 1993

HEALTH & LONG TERM CARE

Chapter 104 - Health of Children
[Senate 3362 by Senator Volker, et al.]

Improves the health of children through the use of services of registered professional nurses or other health professionals employed by school districts or boards of cooperative educational services. Extends from 15 to 16 years the maximum duration of school health demonstration projects.

Statutes Involved:

L. 1978, C. 198, sect. 4, amended

Effective Date: June 14, 1993

Chapter 231 - Early Intervention Services
[Senate 5264-A by Senator Cook, et al.,
at the request of the Governor]

Establishes an early intervention services program for infants, toddlers and their families and makes technical amendments.

Statutes Involved:

Public Health Law

Section 2541, subd. 13-a, added
Section 2542, subd. 3, amended
Section 2547, subd. 2, amended
Section 2547, subd. 3, added
Section 2547-a, added
Section 2549, subd. 2, amended
Section 2552, subs. 2 and 3, amended
Section 2553, subd. 1, paras. (b) and (c), amended
Section 2553, subd. 2, para. (a), subparas. (iii) and (iv), added
Section 2554, subd. 3, opening para., amended
Section 2555, repealed, new Section 2555, added
Section 2558, subd. 1, paras. (c) and (d), amended
Section 2558, subd. 1, para. (e), added
Section 2559, subd. 3, para. (a), amended

Insurance Law

Section 3231, renumbered Section 3235 and amended

Social Services Law

Section 368-f, added

Family Court Act

Section 236, subd. 1, paras. (f) and (g), amended

L. 1992, C. 428, sect. 3, amended

L. 1992, C. 428, sect. 4, amended

Effective Date: July 6, 1993

Chapter 329 - Developmentally Disabled Children

[Senate 4337 by Senator Holland, et al., at the
request of the Office of Mental Retardation
and Developmental Disabilities]

Requires the Commissioner of Social Services to apply for four model waivers, authorized by Section 1915(c) of the federal Social Security Act, under which Medical Assistance and other services could be provided at home to developmentally disabled children who, although not yet institutionalized, have complex health care needs that might otherwise require them to enter intermediate care facilities for the developmentally disabled.

Statutes Involved:

Social Services Law

Section 366, subd. 7, paras. (a), (c) and (n), amended

Section 366, subd. 7, opening para. of para. (b), amended

Effective Date: July 21, 1993

Chapter 363 - Chronic Care Case Management
Demonstration Program

[Senate 5759 by Senator Nozzolio]

Amends sections 4 and 5 of Chapter 530 of the Laws of 1988, which authorizes the Department of Social Services to contract with Rochester Health Care, Inc. for the establishment of a chronic care management demonstration program. The Chapter extends until April 1, 1996, the date by which the Department must submit a final report to the Governor and the Legislature regarding the results of this demonstration program. The Chapter also postpones the expiration of the demonstration project from October 1, 1993, to October 1, 1996.

Statutes Involved:

L. 1988, C. 530, sections 4 and 5, amended

Effective Date: July 21, 1993

Chapter 421 - Medical Assistance
Eligibility Demonstration Program
[Assembly 8204 by the Committee on Rules]

Extends until January 1, 1996, the authority of the Department of Social Services to conduct demonstration programs permitting persons with incomes exceeding Medical Assistance (MA) income eligibility standards to become eligible for MA by paying the amounts of their excess incomes to their social services districts.

Statutes Involved:

L. 1989, C. 333, section 2, amended

Social Services Law

Section 366, subd. 2, para. (b), subpara. (3), clause (d), added

Effective Date: July 21, 1993

Chapter 433 - Supplemental Needs Trusts
[Assembly reprint 30001 by Ms. Connelly,
et al., at the request of the Governor]

Establishes criteria and protections for supplemental needs trusts. Such trusts are defined as discretionary trusts established for the benefit of persons with severe and chronic or persistent disabilities which conform to certain criteria. The Chapter protects a supplemental needs trust from claims by the State for services provided to a trust's beneficiary by the Department of Mental Hygiene, and prevents the Department of Social Services (Department) or a social services district from recovering the costs of Medical Assistance provided to a trust beneficiary from a supplemental needs trust and prohibits the Department or a social services district from considering the trust principal or income, except actual distributions, as resources or income available to the beneficiary.

Statutes Involved:

Mental Hygiene Law

Section 43.03, subd. (d), added

Social Social Law

Section 104, subd. 3, added

Estates, Powers and Trusts Law

Section 7-1.6, para. (e), added
Section 7-1.12, added

Effective Date: July 26, 1993

Chapter 443 - Referrals of Patients
[Assembly 8428-A by the Committee on
Rules, at the request of the Governor]

Precludes physicians from ordering pharmacy services from health care providers in which the physicians have a financial interest.

Statutes Involved:

Public Health Law

Section 238, subd. 14, added
Section 238-a, subd. 1, amended
Section 238-a, subd. 2, paras. (e) and (f), amended
Section 238-a, subd. 4, paras. (a)-(d), amended
Section 238-a, subd. 6, paras. (a) and (b), amended
Section 238-a, subds. 7-9, amended
Section 238-b, amended
Section 238-c, amended
Section 238-d, subds. 1 and 3, amended
Section 238-a and Title 2-D, as added by Chapter 786, Laws of 1992, renumb. Section 239 and Title 2-E
Sections 238-238-c and Title 2-D, as added by Chapter 757, Laws of 1992, renumb. Sections 240-243 and Title 2-F

Insurance Law

Section 3231, amended

L. 1992, C. 803, sect. 9, subd. (a), amended

Effective Date: July 26, 1993

Chapter 505 - Managed Care
[Assembly 7754-A by the Committee on Rules,
at the request of the Department of Social Services]

Authorizes the Department of Social Services (Department) to seek a waiver of paragraph 30 of subdivision (a) of Section 1902 of Title XIX of the federal Social Security Act (SSA), only to the extent necessary to share savings with managed care providers. Paragraph 30 provides for methods and procedures to safeguard against unnecessary medical care and services; assures that payments for medical care and services are consistent with efficiency, economy and quality of care; and ensure that a sufficient number of providers are enrolled in the Medical Assistance (MA) program. These methods and procedures include screening admissions to hospitals, intermediate care facilities for the mentally retarded and mental hospitals; reviewing admissions to these facilities; and independent and external reviewing of the quality of services furnished by health maintenance organizations. Requires the approval of the Director of the Division of the Budget before the Department could apply for such a waiver.

Statutes Involved:

Social Services Law
Section 364-j, subd. 4, para. (a), amended

Effective Date: July 26, 1993

Chapter 537 - Long Term Home Health Care Program
[Senate 723-B by Senator Tully]

Extends until December 31, 1995, a demonstration program that permits "persons with special needs" to receive Long Term Home Health Care Program services at home if the average costs of these services, although estimated to exceed 75 percent of the residential health care facility rate, would not exceed 100 percent of the RHCF rate. As defined by Section 367-c(3-a) of the Social Services Law, "persons with special needs" include persons who either need certain care, such as respiratory therapy, insulin therapy or tube feeding, or have certain conditions, such as a mental disability, Acquired Immune Deficiency Syndrome or Alzheimer's disease.

Statutes Involved:

L. 1986, C. 629, sect. 3, amended

Effective Date: July 28, 1993

Chapter 638 - Viatical Settlement Agreements
[Senate 5303-A by Senator Velella]

Regulates those companies which offer to purchase life insurance benefits from terminally ill people and provide the policyholders with monies to assist in the payment of rent, medical care and other essential items or services not covered by other insurance. The Chapter also exempts an option to enter into a viatical settlement from consideration as an available resource in determining a person's eligibility for Medical Assistance.

Statutes Involved:

Insurance Law
Section 3220, subsect. (a), para. 6, amended
Article 78, added

Tax Law
Section 612, subsect. (c), para. 30, amended

Administrative Code of the City of New York
Section 11-1712, subd. (c), para. 30, amended

Public Health Law
Section 20, subd. 2, amended

Social Services Law
Section 366, subd. 2, para. (b), opening para., amended

Civil Practice Law and Rules
Section 5205, subd. (i), added

Effective Date: August 4, 1993

Chapter 649 - Prescription Forms
[Senate 6102 by Senator Tully]

Prohibits persons who are authorized to issue prescriptions from using prescription forms which have the abbreviation "DAW" (dispense as written) pre-printed in the box in which prescribers are supposed to write in their own handwriting "DAW".

Statutes Involved:

Education Law
Section 6810, subd. 6, para. (a), amended

Effective Date: December 2, 1993

Chapter 690 - New York State Medical Care
Facilities Finance Agency Bonding Authority
[Assembly 8507-A by the Committee on Rules]

Increases the bond issuance authority of the New York State Medical Care Facilities Finance Agency from \$1,610,250,000 to \$1,799,250,000 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 modernization projects.

Statutes Involved:

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

Effective Date: August 4, 1993

SERVICES & COMMUNITY DEVELOPMENT

Chapter 17 - Preventive Services
[Senate 3334 by Senator Saland, et al.,
at the request of the Governor]

Extends until March 31, 1998, the authority of social services districts to provide cash grants of up to \$300 per month for housing services, including rent subsidies, on behalf of children in foster care when the primary obstacle to discharge of the children and reunification with their families is a lack of adequate housing.

Statutes Involved:

L. 1988, C. 542, sect. 3, amended

Effective Date: March 31, 1993

Chapter 69 - Disqualification of a Parent to
Take an Intestate Share
[Assembly 5866 by Ms. Weinstein]

Provides that for purposes of a parent's right to inherit from the estate of a child, a parent is not deemed to have abandoned a child where the child was placed for adoption with a person or agency and the adoption was never completed because of fraud or deceit.

Statutes Involved:

EStates, Powers and Trusts Law
Section 4-1.4, para. (a), amended

Effective Date: May 21, 1993

Chapter 87 - Family Service Plans
[Assembly 6557 by Ms. Singer]

Makes technical amendments to various provisions of the Social Services Law that refer to child service plans.

Statutes Involved:

Social Services Law
Section 131-a, subd. 2, para. (b), amended
Section 358-a, subd. 2, para. (b), amended

Section 371, subd. 20, amended
Section 392, subd. 3, para. (d), amended
Section 398, subd. 15, para. (c), amended
Section 409-a, subd. 1, para. (a), amended

Effective Date: June 1, 1993

Chapter 100 - Person in Need of Supervision
[Senate 361-A by Senator Padavan]

Permits the family court, in the interest of justice, to dismiss a petition to adjudicate a child as a person in need of supervision (PINS) on the basis that the petitioner has not provided reasonable assistance to the probation service in its efforts to adjust the case successfully through the provision of services designed to eliminate the need for the PINS petition to be pursued in court.

Statutes Involved:

Family Court Act
Section 751, amended

Effective Date: September 12, 1993

Chapter 108 - Adoption of Children
[Assembly 5789-A by Mr. Cahill, et al.]

Permits an authorized agency to consent to the adoption of a child whose care and custody have been transferred to the agency by a court order in a child protective proceeding or by a voluntary placement agreement when both parents of the child are deceased or one parent is deceased and the other parent is not entitled to notice of the adoption proceeding.

Statutes Involved:

Family Court Act
Section 113, amended

Effective Date: October 12, 1993

Chapter 133 - Placement of Siblings
[Assembly 4856-A by Mr. Towns, et al.]

Permits the consolidation of proceedings to terminate parental rights concerning siblings and half-siblings in foster care.

Statutes Involved:

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

Effective Date: September 19, 1993

Chapter 148 - Use of School Buildings
for Child Services
[Senate 2243-A by Senator Saland]

Permits the use of school buildings for child care services during school hours for children of students attending the school and, if space is available, for children of school employees. Each school district's board of education would determine whether or not such services would be provided.

Statutes Involved:

Education Law
Section 414, subd. 1, para. (i), amended

Effective Date: June 28, 1993

Chapter 201 - Societies for the Prevention
of Cruelty to Children
[Senate 1938 by Senator Mega, at the
request of the Department of Law]

Eliminates the authority of members of Societies for the Prevention of Cruelty to Children (SPCC) to act as attorneys without being admitted to the practice of law and requires SPCCs to be represented by attorneys when prosecuting complaints before courts; limits the prosecutorial and peace officer activities of SPCCs to activities related to the prevention of child abuse, maltreatment and neglect as defined in the Social Services Law and the Family Court Act and the prevention of the exploitation or harm of children through the violation of specific provisions of the Penal Law; and amends current requirements relating to the approval of proposed certificates of incorporation of SPCCs and the residency of members of SPCCs located in New York City.

Statutes Involved:

Judiciary Law

Section 478, amended
Section 484, amended

Not-for-Profit Corporation Law

Section 404, para. (g), amended
Section 1403, para. (b), subparas. 1 and 4, amended

Public Officers Law

Section 3, subd. 33, added

Effective Date: July 6, 1993

Chapter 203 - Safe Houses for Children
[Senate 2057 by Senator Valella]

Requires the establishment of an official symbol for homes and businesses where a child may seek temporary help when threatened.

Statutes Involved:

Executive Law

Section 837-k, added

Social Services Law

Section 424-a, subd. 1, para. (d-1), added

Effective Date: July 6, 1993

Chapter 252 - Emergency Removal of a Child
[Assembly 8231 by the Committee on Rules]

Requires a child protective service of a social services district to notify the local police station when a child is taken into protective custody in the absence of a parent or guardian.

Statutes Involved:

Social Services Law

Section 417, subd. 3, added

Effective Date: September 4, 1993

Chapter 292 - Homerebuilders Demonstration Project
[Senate 5860 by Senator Saland]

Authorizes the Department of Social Services (Department) to conduct a three year demonstration project to test the effectiveness of establishing capitated rates of payment for foster care. The demonstration project would be entitled the Homerebuilders demonstration project. The demonstration project would have the goal of demonstrating how innovative methods to fund foster care programs may result in the discharge of children to safe, suitable permanent homes in a more timely manner at no additional expense to State or local governments through service continuity, intensified discharge planning, pre-adoption services, after-care services and/or post-adoption services. The Department's authority to conduct the demonstration project would be contingent upon the availability of federal financial participation and the approval of the Division of the Budget.

Statutes Involved:

Social Services Law
Section 398-a, subd. 4, added

Effective Date: July 21, 1993

Chapter 294 - Adoption of Foster Children
[Assembly 7190-A by Ms. Hill, et al.,
at the request of the Governor]

Requires the attorney for an authorized agency seeking the approval of a surrender of a child for adoption, upon the court's order approving such surrender, to serve notice of entry of the court's order promptly upon persons who have been approved by the authorized agency as the child's adoptive parents. In addition, the attorney for the authorized agency must advise such persons that they may commence an adoption proceeding. The authorized agency which approved the persons as the child's adoptive parents must advise such persons of the procedures necessary for the adoption of the child and must cooperate in the provision of necessary documentation to such persons. The Chapter places these same obligations upon the attorney for or petitioning authorized agency and upon the authorized agency when the court transfers custody and guardianship of a child to an authorized agency.

The Chapter also requires the Chief Administrator of the Courts to establish by rule time frames for the calendaring and disposition of adoption proceedings. In addition, the Chapter requires a court, upon the filing of required documents, to schedule the proceeding, in accordance with the rules established by Chief Administrator of the Courts, to determine whether there is an adequate basis to approve the adoption. If

there is an adequate basis for approval, the appearance of the adoptive parents and the child would be calendared for the approval of the adoption petition. This Chapter also authorizes a court to direct further hearings, submissions or appearances and proceedings if the court finds that there is not adequate basis for approval of the adoption petition. The Chief Administrator of the Courts would be required to report by the thirty-first day of December of each year to the Governor and the Legislature concerning the implementation and the impact of the rules established for the calendaring and disposition of adoption proceedings.

Statutes Involved:

Social Services Laws

Section 383-c, subd. 8, amended

Section 384-b, subd. 10, renumb. subd. 11, new subd. 10, added

Domestic Relations Law

Section 112-a, added

Effective Date: September 19, 1993

Chapter 339 - Preventive Services
[Senate 4686 by Senator Saland, et al.]

Provides that when a social services official determines that a lack of adequate housing is the primary factor preventing the discharge of a foster child from foster care, including a foster child with the permanency goal of discharge to independent living, housing services must be provided to the foster child.

Statutes Involved:

Social Services Law

Section 409-a, subd. 5, para. (c), amended

Effective Date: July 21, 1993

Chapter 340 - Preventive Services
[Senate 4687 by Senator Saland, et al.]

Permits social services districts to use in-kind or indirect services or non-tax levy funds for all of the districts' shares (50 percent of the total costs) for optional and community preventive services.

Statutes Involved:

Social Services Law
Section 409-b, subd. 1, amended

Effective Date: October 19, 1993

Chapter 353 - Adoption Proceedings
[Senate 5501 by Senator Saland]

Excludes from the individuals entitled to receive notice of an adoption proceeding a person who has been convicted of rape in the first degree involving forcible compulsion in violation of Section 130.35(1) of the Penal Law when the child who is the subject of the adoption proceeding was born outside of a marital relationship as a result of that rape.

Statutes Involved:

Domestic Relations Law
Section 111-a, subd. 1, amended

Effective Date: July 21, 1993

Chapter 370 - Revenue Anticipation Notes
[Senate 5859 by Senator Saland]

Permits special act public school districts to issue revenue anticipation notes in anticipation of tuition payments to be received from public school districts and social services districts.

Statutes Involved:

Local Finance Law
Section 25.00, para. a, subpara. 3, amended
Section 25.00, para. k, subpara. 1, amended

Effective Date: July 21, 1993

Chapter 394 - Foster Care Records
[Assembly 6345-B by Mr. Lopez, et al.]

Clarifies that foster care records may be disclosed to a party involved in litigation; requires notice to a father of a child born in a non-marital relationship before a judicial surrender of a foster child is approved; and extends the eligibility for adoption subsidy to children who are adopted without proceedings to terminate parental rights.

Statutes Involved:

Social Services Law

- Section 372, subd. 3, amended
- Section 383-c, subd. 3, para. (b), amended
- Section 383-c, subd. 4, para. (d), amended
- Section 451, subd. 1, amended

Effective Date: November 18, 1993

Chapter 441 - Child Care Resource and Referral Programs
[Assembly 8060-A by the Committee on Rules]

Revises the required services which Child Care Resource and Referral Programs (CCR&Rs) must provide and identifies the enhanced services which CCR&Rs may provide in order to receive State funding; changes the formula and conditions under which such funding is distributed to CCR&Rs; permits the Department of Social Services (Department) to contract for the provision of support services to CCR&Rs in unserved areas; requires the Department to submit biennial reports to the Governor and the Legislature regarding the implementation of CCR&Rs programs; permits CCR&Rs to screen through the Statewide Central Register of Child Abuse and Maltreatment (SCR) individuals who wish to be included on lists of substitute child day care caregivers who could be employed by licensed day care centers; and deletes the requirement that the required \$5.00 fee for screening an applicant for employment through the SCR be paid to the Department by the applicant and accompany the request for screening.

Statutes Involved:

Social Services Law

- Section 410-p, amended
- Section 410-q through 410-t, repealed
- Section 410-q through 410-t, added
- Section 422, subd. 4, para. (A), subpara. (t), amended
- Section 422, subd. 4, para. (A), subpara. (u), added
- Section 424-a, subd. 1, para. (e), subpara (i), amended
- Section 424-a, subd. 1, para. (f), amended
- Section 424-a, subd. 2, para. (a), amended
- Section 424-a, subd. 6, added

Economic Development Law

- Section 100, subd. 41, renumb. subd. 44
- Section 100, subds. 41, 42 and 43, added
- Section 231, amended

Effective Date: July 26, 1993

Chapter 559 - Berkshire Farm
[Senate 5766 by Senator Saland]

Enables the New York State Dormitory Authority to finance, construct and equip a new dining facility to be operated and maintained by Berkshire Farm Center and Services for Youth for its residential child care programs.

Statutes Involved:

Public Authorities Law

Section 1676, subd. 2, para. (b), undesig. subpara., added

Section 1680, subd. 1, two undesig. paras., added

Effective Date: July 28, 1993

ADULT SERVICES

Chapter 32 - Appointment of a Guardian
[Assembly 6130 by Mr. Koppell]

Makes technical amendments to Chapter 698 of the Laws of 1992, which created a new process for the appointment of an adult guardian for a person determined by a court to be incapacitated, where such appointment is necessary to provide for the personal needs of the person, including food, shelter, health care or safety, and/or to manage the property and financial affairs of the person.

Statutes Involved:

Mental Hygiene Law

Section 81.07, subd. (d), para. 1, subpara. (viii), amended
Section 81.07, subd. (d), para. 2, subpara. (i), amended
Section 81.09, subd. (c), para. 5, subpara. (xiv), amended
Section 81.09, subd. (d), amended
Section 81.10, subd. (f), amended
Section 81.13, amended
Section 81.16, subd. (f), amended
Section 81.19, subd. (a), para. 3, amended
Section 81.19, subd. (f), added
Section 81.21, subd. (a), paras. 9 and 10, amended
Section 81.21, subd. (a), paras. 11 and 12, added
Section 81.21, subd. (b), para. 6, opening para., amended
Section 81.22, subd. (b), para. 1, amended
Section 81.32, subd. (c), amended
Section 81.32, subd. (d), amended
Section 81.32, subd. (e), amended
Section 81.44, added

L. 1992, C. 698, sect. 4, amended

Effective Date: April 1, 1993.

Chapter 120 - Life Care Communities
[Senate 2689-A by Senator Tully, et al.]

Promotes the development of life care communities by permitting for-profit corporations to operate all components of a life care community, including adult care facilities, and permits life care operators to collect a non-refundable reservation fee.

Statutes Involved:

Public Health Law

Section 4601, subd. 8, amended
Section 4604, subds. 3 and 6, amended
Section 4605, subd. 2, amended
Section 4606, opening para., amended
Section 4608, subd. 2, amended
Section 4621, subds. 1 and 6, amended
Section 4621, subd. 4, para. j, added
Section 4621, subd. 7, para. d, subparas. (i) and (ii), added
Section 4622, subds. 1 and 5, amended
Section 4622, subd. 3, para. j, added
Section 4622, subd. 6, para. d, amended
Section 4623, added

Effective Date: June 21, 1993

Chapter 190 - Non-Resident Services Program
[Senate 463-A by Senator Holland]

Expands until July 1, 1996, 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: July 1, 1993

Chapter 230 - Housing Alternatives
[Senate 5018-A by Senator Spano]

Requires the Office of Mental Retardation and Developmentally Disabled and the Office of Mental Health, in consultation with other appropriate State agencies, to prepare a study by January 1, 1994, on housing alternatives for adults with mental disabilities currently living with their families and project future needs for housing.

Statutes Involved:

None

Effective Date: July 6, 1993

CHILD AND SPOUSAL SUPPORT

Chapter 354 - Retroactive Child Support
[Senate 5582-A by Senator Salano]

Provides for the establishment of an order of temporary child support where a putative father has wilfully failed to appear at a family court hearing after the analysis of a blood genetic marker test has not excluded the man as being the father of the child in question, or when the putative father willfully fails to appear before the family court when otherwise required and provides for the courts to refrain from directing a schedule for the repayment of retroactive child support in cases where the child in question is in receipt of child support enforcement services. In such cases, the schedule for repayment of retroactive child support is to be established by the support collection unit.

Statutes Involved:

Domestic Relations Law

Section 236, Part B, subd. 9, para. b, subd. 7, para. a, amended
Section 240, subd. 1, amended

Family Court Act

Section 440, subd. 1, para. (a), amended
Section 542, amended

Effective Date: July 1, 1993

MISCELLANEOUS

Chapter 79 - Alzheimer's Disease Task Force
[Senate 2609 by Senator Skelos]

Adds the Commissioner of the Office of Mental Retardation and Developmental Disabilities to the task force which was established to identify priorities, policy alternatives and emergency issues with respect to caregivers and victims of Alzheimer's disease.

Statutes Involved:

L. 1992, C. 208, sects. 2 and 3, amended

Effective Date: June 1, 1993

Chapter 124 - Conditions for Orders of Dispositions
[Senate 3197 by Senator Saland, at the
request of the Office of Court Administration]

Makes technical amendments to various provisions of the Family Court Act which enumerate the permissible conditions for orders of probation, conditional discharge and suspended judgment in juvenile delinquency and persons in need of supervision proceedings.

Statutes Involved:

Family Court Act
Section 353.2, subd. 2, amended
Section 353.7, repealed
Section 755, subd. (a), amended
Section 757, subd. (d), added
Section 758-b, repealed

Effective Date: June 21, 1993

Chapter 158 - Linking Veterans with Available
Federal Pensions
[Senate 3471-A by Senator Sears, et al.]

Requires nursing homes and residential health care facilities (RHCFs) to keep records identifying those residents who are veterans and veterans' spouses by soliciting information from current residents and collecting information from new patients on admission forms; requires nursing homes and RHCFs to inform veterans and veterans' spouses that the Division of

Veterans' Affairs (DVA) and local veterans' agencies provide assistance in obtaining federal and State benefits, and transmit veteran status information to the DVA upon request of veterans or the spouses of veterans; and requires the DVA to transmit all veteran status information received from nursing homes and RHCFs to State counselors who would be required to work with county counselors to secure federal benefits for the residents.

Statutes Involved:

Public Health Law
Section 2805-o, added

Executive Law
Section 353, subds. 16 and 17, added

Effective Date: September 26, 1993

Chapter 296 - Medical Examinations
[Senate 2699-A by Senator Saland, at
the request of the Judiciary]

Requires that a medical examination of a juvenile or an adult ordered pursuant to Section 251 of the Family Court Act (FCA) be conducted on an out-patient basis with certain defined exceptions. Those exceptions would include an examination conducted pursuant to Section 322.1 of the FCA, an examination ordered after a fact-finding hearing has been completed under Article 3 or 7 of the FCA where the order includes findings on the record supporting the need for an examination, and an examination consented to by the adult to be examined or by the law guardian representing the juvenile.

Statutes Involved:

Family Court Act
Section 251, amended

Effective Date: July 21, 1993

Chapter 432 - Rape Crisis Programs
[Senate 949-A by Senator Skelos, et al.]

Makes privileged any communications between a rape crisis counselor and a client and requires the Commissioner of Health to promulgate regulations concerning procedures for the approval of rape crisis programs that provide training to rape crisis counselors.

Statutes Involved:

Civil Practice Law and Rules
Section 4510, added

Criminal Procedure Law
Section 60.76, added

Family Court Act
Section 1046, subd. (a), para. (vii), amended

Public Health Law
Section 206, subd. 15, added

Effective Date: January 22, 1994

Chapter 486 - Community Service Block Grant
[Assembly 2598-A by Mr. Diaz, et al.]

Extends the Department of State's authority to administer the Community Services Block Grant Program until September 30, 1994.

Statutes Involved:

Executive Laws
Section 159-i, amended

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

Effective Date: July 26, 1993

Chapter 498 - Orders of Protection
[Assembly 6395-B by Mr. Feldman, et al.]

Authorizes the family court to revoke immediately any gun permit held by a respondent whose willful violation of an order of protection involved certain enumerated categories of violent behavior and authorizes a criminal court to revoke immediately any gun permit held by an individual whose willful violation of an order of protection involved certain enumerated categories of violent behavior. Where the family court or criminal court finds that the willful violation of the order of protection involved the infliction of serious physical injury or the use or threatened use of a deadly weapon or dangerous instrument, such revocation would be mandatory.

Statutes Involved:

Family Court Act
Section 846-a, amended

Penal Law

Section 400.00, subd. 1, amended

Section 400.00, subd. 11, amended

Section 530.12, subd. 11, amended

Effective Date: November 1, 1993

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L. 1992, C. 698, sect. 4, amended	32	20
L. 1992, C. 803, sect. 9, subd. (a), amended	443	8