



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

Robert Doar
Commissioner

Informational Letter

Section 1

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Issuing Division/Office:	Legal Affairs
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Subject:	Digest of Laws of 2005 Relating to Programs of the Office of Temporary and Disability Assistance
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Contact Person(s):	Anne Grace, Assistant Counsel, Legal Affairs, (800) 342-3715, extension 4-9498
Attachments:	Digest of Laws
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Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
04 INF-24 03 INF-36 03 INF-5					

John P. Bailly, Jr.
General Counsel

Section 2

I. Purpose

To inform social services commissioners and others of the chapter laws of 2005 that affect public assistance programs.

II. Background

Each year, the Office of Legal Affairs issues an INF similar to this one.

III. Program Implications

None.

Issued By

Name: John P. Bailly, Jr.

Title: General Counsel

Division/Office: Legal Affairs

**DIGEST OF LAWS OF 2005
RELATING TO PROGRAMS OF THE OFFICE
OF TEMPORARY AND DISABILITY ASSISTANCE**

NOTICE

The purpose of this Digest is to highlight provisions of the Laws of 2005 and to direct interested persons to the appropriate provisions of the law. This Digest is neither designed nor intended to be used as a substitute for the law itself nor is it intended to be considered as the Office's interpretation of these laws for the purposes of implementation.

**DEPARTMENT OF FAMILY ASSISTANCE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243**

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TEMPORARY ASSISTANCE

Chapter 25 – Technical Correction to Enhanced Residential Care Standard of Need

[Senate 4583 by Senator Meier]

Makes a technical correction to the effective date contained in Chapter 58 of the Laws of 2005, concerning the increase in the amount of additional State payments paid to residents of adult homes or enriched housing programs. Chapter 58 shifted adult homes and enriched housing programs from the level 2 payment amount to the level 3 payment amount. This shift became effective April 1, 2005. Chapter 25 made the effective date of the shift effective January 1, 2006.

Statutes involved:

Chapter 58, Part C, sect. 79, subd. 10, added

Effective date: April 1, 2005

Chapter 47 – Exemption of Resources

[Senate 2486 by Senator Meier, et al.]

Extends from August 22, 2005 until August 22, 2007 the provisions of section 131-n of the Social Services Law. That section sets forth the resources that are to be disregarded when calculating the amount of public assistance benefits to be provided to a household.

Statutes involved:

Laws 1997, Chapter 436, Part B, section 153, subd. (c), amended

Effective date: May 24, 2005

Chapter 57 – Transfer of Public Assistance Employment Programs

[Senate 3667 by the Rules Committee]

Transfers the functions, powers, duties and obligations of the Department of Labor concerning employment programs for applicants and recipients of public assistance from the Department of Labor to the Office of Temporary and Disability Assistance.

Statutes involved:

Social Services Law

Section 21, subd. 14, repealed

Section 330, subd. 1, paras. (a) and (b), amended

Section 335-b, subd. 1, para. (a), amended

Effective date: April 1, 2005.

Chapter 58 – Enhanced Residential Care
[Senate 3668 by the Rules Committee]

Provides an increase in the amount of additional State payments paid to residents of adult homes or enriched housing programs by shifting adult homes and enriched housing programs from the level 2 payment amount to the level 3 payment amount.

Statutes involved:

Social Services Law
131-o, subd. 1, amended
209 subd. 2, paras. (e) and (f), amended
209, subd. 3, para. (d), amended
209, subd. 3, para. (e), amended

Effective date: April 1, 2005

Chapter 281 – Notice of Lien
[Assembly 8492-A by Assemblyperson Glick]

Permits social services districts to use certified mail with return receipt when serving a notice of lien on those public assistance recipients from whom they seek to recover from any personal injury awards the assistance provided after the injuries were incurred.

Statutes involved:

Social Services Law
Section 104-b, subd. 2, amended

Effective date: July 19, 2005

Section 210, subd. 1, amended

Chapter 410 – Release of Certain Sex Offenders
[Assembly 6790 by Assembly Member Sweeney, et al.]

Provides that prior to the release, discharge, parole or release to post-release supervision of an inmate designated as a level two or three sex offender, the Department of Correctional Services must notify the social services district in the county in which the inmate expects to reside when information is available to that Department that indicates that the inmate is likely to seek to access local social services for homeless persons.

Statutes involved:

Correction Law
Section 72-c, added

Effective date: October 1, 2005

Chapter 713 – Standard of Need, State Supplementation

[Senate 5757 by Senator Golden, et al.]

Increases the standards of monthly need for aged, blind and disabled persons and increases the mandatory minimum State supplementation of federal supplemental security income benefits.

Statutes involved:

Social Services Law

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

Section 159, subd. 10, amended

Section 209, subd. 2, paras. (a), (b), (c), (d), (e), (f) and (g), amended

Section 210, subd. 1, amended

Effective Date: December 31, 2005, except that sections 2, 3, and 5 take effect on January 1, 2006

CHILD SUPPORT

Chapter 60 – Drivers' Licenses Suspension

[Senate 3670 by the Committee on Rules]

Extends from June 30, 2005 until June 30, 2007 the expiration date of the authority for the administrative suspension of drivers' licenses for non-payment of child support.

Statutes involved:

Laws 1995, Chapter 81, sect. 246, subd. 19, amended

Effective date: April 1, 2005

Chapter 116 – Enforcement of Child Support Orders

[Senate 2490 by Senator Meier, et al.]

Extends from June 30, 2005 until June 30, 2007 the expiration date of the authority for the referral to the Department of Taxation and Finance of cases for enforcement of non-payment of child support.

Statutes involved:

Laws 1996, Chapter 706, sect. 5, amended

Effective date: June 30, 2005

Chapter 576 – Paternity Proceedings in Family Court

[5223-A by Senator DeFrancisco]

Clarifies the authority of family court support magistrates to enter orders of child support after a determination of paternity has been made by a family court judge.

Statutes involved:

Family Court Act
Section 439, subs. (a), (b) and (c), amended

Effective date: August 23, 2005

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