

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

**DIGEST OF LAWS OF 2010
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 2010 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.

TABLE OF CONTENTS

<u>Laws of 2010 Chapter No.</u>	<u>Page in this Digest</u>
<u>TEMPORARY ASSISTANCE</u>	
145	3
455	3
<u>CHILD SUPPORT</u>	
182	4
<u>SPECIALIZED SERVICES</u>	
85	5
196	5
324	6
<u>ADMINISTRATION</u>	
130	6-7
132	7-8
207	8
STATUTES AFFECTED	9-10
SUBJECT INDEX	11-12

TEMPORARY ASSISTANCE

Chapter 145 – Making Permanent the Expansion of the Definition of Work Activities

[A. 10961]

Makes permanent the expansion of the definition of countable work activities to include work-study and internships and the requirement that local social services districts make reasonable efforts to assign work activities that do not conflict with a student's academic schedule.

Statutes involved:

Chapter 534 of the Laws of 2000, section 5, amended
Social Services Law
Section 335-b (2), made permanent
Section 336-c (4), made permanent
Section 336 (8), made permanent

Effective date: June 29, 2010.

Chapter 455 – Emergency Needs Assistance or Care

[S. 1083-A]

Requires local social services districts to determine whether public assistance applicants are in immediate need, to provide written notice to such applicants of the availability of an emergency needs monetary grant, and if emergency needs assistance is denied, to provide written notice of the reasons for the denial and the right to an expedited hearing.

Statutes involved:

Social Services Law
Section 133, amended

Effective date: August 30, 2010.

CHILD SUPPORT

Chapter 182 – Modification of Child Support Orders, Employer Reporting, Work Programs, and the Noncustodial Earned Income Tax Credit

[A. 8952]

Provides two new bases for modification of an order of child support. Requires employers to report the availability of family health insurance coverage when submitting new hires or quarterly wage reports. Permits information sharing between the Department of Taxation and Finance and the Office of Temporary and Disability Assistance for the evaluation of an enhanced earned income tax credit for noncustodial parents.

Statutes involved:

Domestic Relations Law

Section 236, Part B (7) (d), added

Section 236, Part B (9) (b), amended

Family Court Act

Section 437-a, added

Section 440 (4), amended

Section 451, amended

Section 461 (b), amended

Social Services Law

Section 111-h (20), added

Tax Law

Section 171-a (1), amended

Section 171-h (3) (a) and (b), amended

Section 606 (d-1) (8), added

Section 697 (e) (3), amended

Effective date: October 13, 2010; provided that §§ 6 and 7 shall apply to any action or proceeding to modify any order of child support entered on or after the effective date of this act except that if the child support order incorporated without merging a valid agreement or stipulation of the parties, the amendments regarding the modification of a child support order set forth in §§ 6 and 7 shall only apply if the incorporated agreement or stipulation was executed on or after this act's effective date; provided that §§ 3 and 4 take effect on July 15, 2011.

SPECIALIZED SERVICES

Chapter 85 – Pesticide Alternatives in Schools and Day Care Centers

[S. 4983-C]

Limits the use of pesticides in schools and day care centers and provides for the development of guidance for the use of pesticide alternatives.

Statutes involved:

Education Law

Section 409-k, added

Environmental Conservation Law

Section 33-0303 (7), added

Social Services Law

Section 390-g, added

Section 389 (1), amended

Effective date: November 14, 2010; provided that § 2 shall take effect on May 18, 2011. Effective immediately the department of education and the department of environmental conservation may promulgate any rule or regulation necessary for the timely implementation of this act on its effective date.

Chapter 196 – Protection of Individuals with Disabilities under the Human Rights Law

[A. 10771]

Adds protections for persons with disabilities and clarifies that reasonable accommodations for persons with disabilities includes reasonable modification to the common use portions of a dwelling.

Statutes involved:

Executive Law

Section 291 (1) and (2), amended

Section 296 (2-a) (d) (2), amended

Section 296 (18) (2), amended

Effective date: July 15, 2010

Chapter 324 – Notification to Occupants of Multiple Family Dwellings of Pending Commercial Application of Pesticide

[A. 5823]

Requires written and posted notice to the occupants of multiple family dwellings at least 48 hours prior to any commercial lawn application of pesticide.

Statutes involved:

Environmental Conservation Law
Section 33-1004 (1) (b) (i), amended
Section 33-1005 (3) (v) and (4), amended

Effective date: February 9, 2011; provided that the provisions of this act shall not be construed to require that any local law enacted prior to the effective date of this act be reenacted or amended in order to conform to the requirements set forth in this act. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.

ADMINISTRATION

Chapter 130 – Extension of the Exemptions from Social Work and Mental Health Practitioners Licensing Requirements

[S. 5921-A]

Provides for an extension of the social work and mental health practitioners license exemptions from June 1, 2010 to July 1, 2013 for any person in the employ of a program or service operated, regulated, funded or approved by a local social services district. Provides for a licensing waiver process for certain entities providing social work and mental health services.

This law was amended by Chapter 132 of the Laws of 2010, as described below.

Statutes involved:

Education Law
Section 6503-a, added
Section 6527 (8), added
Section 6908 (1) (h), added
Section 7603 (3), amended
Section 7605 (9), added
Section 7704 (2) (c), amended
Section 7706 (6), added
Section 8402 (3) (c), amended

Section 8403 (3) (c), amended
Section 8404 (3) (c), amended
Section 8405 (3) (c), amended
Section 8410 (7), added

Chapter 420 of the Laws of 2002, section 9, amended
Chapter 676 of the Laws of 2002, section 17-a, amended

Effective date: June 18, 2010; provided that §§ 13 and 14 take effect immediately and shall be deemed to have been in full force and effect on and after June 1, 2010; provided that the amendments to § 9 of Chapter 420 of the Laws of 2002 amending the education law relating to the profession of social work made by § 13 shall repeal on the same date as such section repeals; provided that the amendments to § 17-a of Chapter 676 of the Laws of 2002 amending the education law relating to the practice of psychology made by § 14 shall repeal on the same date as such section repeals.

**Chapter 132 – Registration of Entities Providing Social Work and Mental Health Services
and Social Work and Mental Health Licensing Requirements**

[A. 11440]

Amends the licensing waiver provisions for certain entities providing social work and mental health services, relating to the attestation of the directors or officers of such entities, State agencies contracting with such entities, and operating certificates or licenses for such entities issued by relevant State agencies.

Requires workforce reports to be submitted to the Commissioner of Education by certain State agencies by October 1, 2010. Requires the Commissioner of Education to convene a workgroup of such State agencies to review the data and make recommendations to amend statutes or regulations to clarify which tasks and activities must be performed only by licensed or otherwise authorized personnel. By January 1, 2011, the Commissioner of Education is required to develop criteria and guidance for the report that relevant State agencies are required to submit to the Commissioner of Education by July 1, 2011. By July 1, 2011, relevant State agencies are required to consult with local governmental units and social services districts and submit to the Commissioner of Education a report on the utilization of personnel subject to licensure and an action plan detailing measures through which each entity shall, no later than July 1, 2013, comply with professional licensure laws. By July 1, 2012, the Commissioner of Education is required to consult with State agencies, not-for-profit providers, professional associations, consumers and other stakeholders, and submit a report of recommended amendments to statutes or regulations in order to fully implement the requirements for licensure by July 1, 2013 to the Governor and the Legislature. Other State agency commissioners will be provided an opportunity to include statements or alternative recommendations in such report.

Provides that not-for-profit entities providing programs and services for which an exemption is provided are not required to receive a waiver and are considered approved settings for supervised experience.

Amends the effective date of Chapter 130 of the Laws of 2010 to provide that §§ 13, 14 and 15 of Chapter 130, as amended by Chapter 132 of the Laws of 2010, take effect immediately and shall be deemed to have been in full force and effect on and after June 1, 2010 and such sections shall be deemed repealed July 1, 2013.

Statutes involved:

Education Law

Section 6503-a (1) (f), amended

Section 6503-a (3), amended

Chapter 420 of the Laws of 2002, section 9, amended

Chapter 676 of the Laws of 2002, section 17-a, amended

Chapter 130 of the Laws of 2010, section 15, renumbered and a new section 15 added

Chapter 130 of the Laws of 2010, section 16, as renumbered, amended

Effective date: June 18, 2010, on the same date and in the same manner as Chapter 130 of the Laws of 2010 takes effect.

Chapter 207 – Signs and Markings for Access Aisles of Designated Parking Spaces for Disabled Persons

[A. 7848]

Requires certain signs and markings for access aisles of designated parking spaces for disabled persons.

Statutes involved:

Vehicle and Traffic Law

Section 1203-c (2) (b), amended

Effective date: November 12, 2010

STATUTES AFFECTED

	<u>Laws of 2010 Chapter No.</u>	<u>Page in this Digest</u>
Domestic Relations Law		
Section 236, Part B (7) (d), added	182	4
Section 236, Part B (9) (b), amended	182	4
Education Law		
Section 409-k, added	85	5
Section 6503-a, added	130	6-7
Section 6503-a (1) (f), amended	132	7-8
Section 6503-a (3), amended	132	7-8
Section 6527 (8), added	130	6-7
Section 6908 (1) (h), added	130	6-7
Section 7603 (3), amended	130	6-7
Section 7605 (9), added	130	6-7
Section 7704 (2) (c), amended	130	6-7
Section 7706 (6), added	130	6-7
Section 8402 (3) (c), amended	130	6-7
Section 8403 (3) (c), amended	130	6-7
Section 8404 (3) (c), amended	130	6-7
Section 8405 (3) (c), amended	130	6-7
Section 8410 (7), added	130	6-7
Environmental Conservation Law		
Section 33-0303 (7), added	85	5
Section 33-1004 (1) (b) (i), amended	324	6
Section 33-1005 (3) (v) and (4), amended	324	6
Executive Law		
Section 291 (1) and (2), amended	196	5
Section 296 (2-a) (d) (2), amended	196	5
Section 296 (18) (2), amended	196	5
Family Court Act		
Section 437-a, added	182	4
Section 440 (4), amended	182	4

	<u>Laws of 2010</u> <u>Chapter No.</u>	<u>Page in this</u> <u>Digest</u>
Section 451, amended	182	4
Section 461 (b), amended	182	4
 Social Services Law		
Section 111-h (20), added	182	4
Section 133, amended	455	3
Section 390-g, added	85	5
Section 389 (1), amended	85	5
Section 335-b (2), made permanent	145	3
Section 336-c (4), made permanent	145	3
Section 336 (8), made permanent	145	3
 Tax Law		
Section 171-a (1), amended	182	4
Section 171-h (3) (a) and (b), amended	182	4
Section 606 (d-1) (8), added	182	4
Section 697 (e) (3), amended	182	4
 Vehicle and Traffic Law		
Section 1203-c (2) (b), amended	207	8
 Unconsolidated Laws		
Chapter 130 of the Laws of 2010, section 15, renumbered and a new section 15 added	132	7-8
Chapter 130 of the Laws of 2010, section 16, as renumbered, amended	132	7-8
Chapter 420 of the Laws of 2002, section 9, amended	130, 132	6-7, 7-8
Chapter 534 of the Laws of 2000, section 5, amended	145	3
Chapter 676 of the Laws of 2002, section 17-a, amended	130, 132	6-7, 7-8

SUBJECT INDEX

	<u>Laws of 2010 Chapter No.</u>	<u>Page in this Digest</u>
<u>C</u>		
Child support, bases for modification of an order of child support	182	4
Child support, health insurance reporting requirements for employers	182	4
Child support, data sharing between OTDA and the Department of Taxation and Finance, enhanced earned income tax credit for noncustodial parents	182	4
Countable work activities, makes permanent the inclusion of work-study and internships	145	3
<u>D</u>		
Day care centers, pesticide use and alternatives	85	5
<u>E</u>		
Emergency needs assistance or care, public assistance	455	3
Enhanced earned income tax credit for noncustodial parents, child support, data sharing between OTDA and the Department of Taxation and Finance	182	4
Extension of exemptions from social work and mental health practitioners licensing requirements	130, 132	6-7, 7-8
<u>H</u>		
Health insurance, reporting requirements for employers, child support	182	4
<u>L</u>		
Licensing requirements, extension of exemption for social work and mental health practitioners	130, 132	6-7, 7-8
<u>M</u>		
Mental health practitioners, extension of exemption from licensing requirements	130	6

	<u>Laws of 2010</u> <u>Chapter No.</u>	<u>Page in this</u> <u>Digest</u>
<u>N</u>		
Notice to occupants of multiple family dwellings, commercial pesticide applications	324	6
<u>P</u>		
Parking, signs and markings for access aisles of designated parking spaces for disabled persons	207	8
Pesticides, development of alternatives for day care centers and schools	85	5
Pesticides, limits use in day care centers and schools	85	5
Pesticides, notification to occupants of multiple family dwellings	324	6
Public assistance, emergency needs assistance or care	455	3
<u>R</u>		
Reasonable accommodation, reasonable modification to common use areas of a dwelling	196	5
<u>S</u>		
Social work, extension of exemption from licensing requirements	130, 132	6-7, 7-8
<u>W</u>		
Waiver for certain entities providing social work and mental health services	130, 132	6-7, 7-8
Work activities, makes permanent the inclusion of work-study and internships	145	3