



Thursday, September 11, 2008

Bill Summary - A00304

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A00304 Summary:

BILL NO A00304D

SAME AS No same as

SPONSOR Clark

COSPNSR Scarborough, Titus, Paulin, Jacobs, Heastie, Benjamin, Benedetto, Greene, Peoples, Rivera N, Colton, John, Canestrari, Galef, Pheffer, Fields, Perry, Mayersohn, Boyland, Walker, Alfano, Butler, Lafayette, Robinson, Arroyo, Jaffee, Spano, Young, Cook

MLTSPNSR Barra, Cahill, Camara, Christensen, Crouch, Eddington, Errigo, Farrell, Finch, Gantt, Gottfried, Hikind, Hyer-Spencer, Latimer, Lifton, McEneny, McKevitt, Miller, Millman, Molinaro, Nolan, Reilly, Sayward, Sweeney, Towns, Townsend, Weisenberg, Wright

Add Art 19-I SS533 - 539, amd S501, Exec L

Establishes the office of child advocate to ensure the protection and promotion of legal rights for youth in programs and facilities under OCFS.

A00304 Actions:

BILL NO A00304D

01/03/2007 referred to children and families

01/17/2007 reported referred to codes

01/23/2007 reported referred to ways and means

06/06/2007 amend (t) and recommit to ways and means

06/06/2007 print number 304a

06/18/2007 amend (t) and recommit to ways and means

06/18/2007 print number 304b

06/20/2007 reported referred to rules

01/09/2008 referred to children and families

05/08/2008 amend (t) and recommit to children and families

05/08/2008 print number 304c

05/13/2008 reported referred to codes

05/28/2008 reported referred to ways and means

06/10/2008 amend (t) and recommit to ways and means

06/10/2008 print number 304d

06/16/2008 reported referred to rules
06/16/2008 reported
06/16/2008 rules report cal.288
06/16/2008 ordered to third reading rules cal.288
06/17/2008 passed assembly
06/17/2008 delivered to senate
06/17/2008 REFERRED TO RULES

A00304 Votes:

BILL: A00304D DATE: 06/17/2008 MOTION:

YEA/NAY: 139/000

Abbate	Y	Calhoun	Y	Espai	Y	Hyer-Sp	Y	Markey	Y	Pretlow	Y	Sweeney	Y
Alessi	Y	Camara	Y	Farrell	Y	Jacobs	Y	Mayerso	Y	Quinn	Y	Tedisco	Y
Alfano	Y	Canestr	Y	Fields	Y	Jaffee	Y	McDonal	Y	Rabbitt	Y	Thiele	Y
Amedore	Y	Carrozz	ER	Finch	Y	Jeffrie	Y	McDonou	Y	Raia	Y	Titone	Y
Arroyo	ER	Christe	Y	Fitzpat	Y	John	Y	McEneny	Y	Ramos	Y	Titus	Y
Aubry	Y	Clark	Y	Gabrysz	Y	Kavanag	Y	McKevit	Y	Reilich	Y	Tobacco	Y
Bacalle	Y	Cole	Y	Galef	Y	Kellner	Y	Miller	Y	Reilly	Y	Towns	Y
Ball	Y	Colton	Y	Gantt	Y	Kirwan	Y	Millman	Y	Rive J	ER	Townsen	Y
Barclay	Y	Conte	Y	Gianari	Y	Kolb	Y	Molinar	Y	Rive N	ER	Walker	Y
Barra	Y	Cook	Y	Giglio	Y	Koon	Y	Morelle	Y	Rive PM	Y	Weinste	Y
Benedet	Y	Crouch	Y	Glick	Y	Lafayet	Y	Nolan	ER	Robinso	ER	Weisenb	Y
Benjami	Y	Cusick	Y	Gordon	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weprin	Y
Bing	Y	Cymbrow	Y	Gottfri	Y	Latimer	Y	O`Donne	Y	Saladin	ER	Wright	Y
Boyland	ER	DelMont	Y	Greene	Y	Lavine	Y	O`Mara	Y	Sayward	Y	Young	Y
Boyle	Y	Destito	Y	Gunther	Y	Lentol	Y	Ortiz	Y	Scarbor	Y	Zebrows	Y
Bradley	Y	Diaz LM	Y	Hawley	Y	Lifton	Y	Parment	Y	Schimel	Y	Mr Spkr	Y
Brennan	Y	Diaz R	Y	Hayes	Y	Lope PD	Y	Paulin	Y	Schimmi	Y		
Brodsky	Y	Dinowit	Y	Heastie	Y	Lope VJ	Y	Peoples	Y	Schroed	Y		
Brook-K	Y	Duprey	Y	Hevesi	Y	Lupardo	Y	Peralta	Y	Scozzaf	Y		
Burling	Y	Eddingt	Y	Hikind	Y	Magee	Y	Perry	Y	Seminer	Y		
Butler	Y	Englebr	Y	Hooper	Y	Magnare	Y	Pheffer	Y	Spano	Y		
Cahill	Y	Errigo	Y	Hoyt	Y	Maisel	Y	Powell	Y	Stirpe	ER		

A00304 Memo:

BILL NUMBER:A304D

REVISED II

TITLE OF BILL: An act to amend the executive law, in relation to the establishment of the office of the child advocate

PURPOSE OR GENERAL IDEA OF BILL: This bill would establish an independent Office of the Child Advocate, vested with the authority to examine systemic issues in state funded programs in order to advocate for the rights, safety, and well-being of children in the State`s care.

SUMMARY OF SPECIFIC PROVISIONS: Section one would establish the Office of the Child Advocate within state government, headed by the Child Advocate appointed by the Governor for a five year term. The Child Advocate would be authorized to hire or appoint staff as deemed necessary. The Child Advocate would examine, evaluate and report to

the Governor and the legislature on:

1) Systemic issues in publicly funded programs and multi-systemic issues that children in the State's care and their families experience, 2) advocate for statutory, regulatory or policy changes aimed at improving outcomes and services for children and families in New York, 3) monitor the implementation of policies and regulation that may be applicable to the legal rights of children in the State's care, 4) recommend changes in State policies that may have an impact on certain publicly funded programs, 5) recommend changes in State policies that service children and families, 6) take appropriate actions aimed at promoting the rights, safety, well-being and best interests of children in New York.

The Child Advocate would be authorized to access, inspect, and copy records necessary to carry out its duties and apply for and accept grants.

The Child Advocate would report to the Governor and legislature information concerning: 1) the number and types of reviews or evaluations conducted by the Office of the Child Advocate, and 2) recommendations for legislative, regulatory, or public policy changes.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER: Current law does not provide for any office that performs the functions that would be performed by the Office of the Child Advocate,

JUSTIFICATION: This bill would establish an Office of the Child Advocate, similar to offices that currently exist in numerous states including New Jersey, Massachusetts, Connecticut, Delaware, and Rhode Island. This office is necessary to address systemic issues within state and local programs that serve children. These issues are not unlike those that exist nationwide.

The mission of the Office of the Child Advocate is to create and improve policies and procedures that will ensure the well-being of New York State's children.

PRIOR LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS: To be determined.

EFFECTIVE DATE: April 1, 2009

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Sheldon Silver - Speaker

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I N A S S E M B L Y

(PREFILED)

January 3, 2007

3 ARTICLE 19-I
4 OFFICE OF THE CHILD ADVOCATE
5 SECTION 533. OFFICE OF THE CHILD ADVOCATE; CREATION.
6 534. DEFINITIONS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets { } is old law to be omitted.

LBD01166-08-8

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1 536. DUTIES OF THE CHILD ADVOCATE.

2 537. POWERS OF THE OFFICE OF THE CHILD ADVOCATE.

3 538. DUTY TO MAINTAIN CONFIDENTIALITY.

4 539. ADDITIONAL PROVISIONS.

5 S 533. OFFICE OF THE CHILD ADVOCATE; CREATION. THERE IS HEREBY CREATED
6 IN THE EXECUTIVE DEPARTMENT, AN OFFICE OF THE CHILD ADVOCATE, WHICH
7 SHALL:

8 1. EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
9 ON:

10 (A) SYSTEMIC ISSUES IN PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE OFFICE
11 OF CHILDREN AND FAMILY SERVICES; AND

12 (B) MULTI-SYSTEMIC ISSUES THAT CHILDREN IN THE CARE, CUSTODY OR GUAR-
13 DIANSHIP OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL
14 SERVICES DISTRICTS, AND THE FAMILY OF SUCH CHILDREN, EXPERIENCE IN
15 ACCESSING NEEDED SERVICES ACROSS SYSTEMS; AND

16 2. ADVOCATE FOR, AND REPORT TO THE GOVERNOR AND THE LEGISLATURE ON
17 SUGGESTED STATUTORY, REGULATORY OR POLICY CHANGES AIMED AT IMPROVING
18 OUTCOMES AND SERVICES FOR CHILDREN AND FAMILIES IN NEW YORK STATE.

19 S 534. DEFINITIONS. AS USED IN THIS ARTICLE:

20 1. "CHILD" OR "CHILDREN" MEANS:

21 (A) A PERSON, OR PERSONS UNDER THE AGE OF EIGHTEEN;

22 (B) A PERSON OR PERSONS UNDER THE AGE OF TWENTY-ONE WHO HAS BEEN
23 PLACED INTO THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
24 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, PURSUANT TO
25 ARTICLE THREE, SEVEN, OR TEN OF THE FAMILY COURT ACT, OR SECTIONS THREE
26 HUNDRED FIFTY-EIGHT-A, THREE HUNDRED EIGHTY-THREE-C, THREE HUNDRED
27 EIGHTY-FOUR-A OR THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES LAW;
28 OR

29 (C) A PERSON OR PERSONS UNDER THE AGE OF TWENTY-ONE WHO IS PLACED IN
30 RESIDENTIAL CARE AS DEFINED IN SUBDIVISION SEVEN OF SECTION FOUR HUNDRED
31 TWELVE OF THE SOCIAL SERVICES LAW.

32 2. "CHILD ADVOCATE" MEANS THE OFFICE OF CHILD ADVOCATE, CREATED UNDER
33 THIS ARTICLE.

34 S 535. THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL BE AN INDIVID-
35 UAL WITH AT LEAST FIVE YEARS EXPERIENCE IN THE GENERAL SUBJECT AREA OF
36 EITHER CHILD WELFARE, JUVENILE JUSTICE OR CHILDHOOD BEHAVIORAL HEALTH,
37 WHO SHALL BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF
38 THE SENATE FOR A TERM OF FIVE YEARS. THE CHILD ADVOCATE SHALL CONTINUE
39 TO HOLD SUCH POSITION UNTIL HIS OR HER SUCCESSOR IS APPOINTED, BUT MAY
40 BE REMOVED FROM HIS OR HER POSITION IF THE GOVERNOR SHALL DETERMINE THAT
41 SUCH CHILD ADVOCATE HAS ABUSED HIS OR HER RIGHTS, POWERS, OR DUTIES
42 ESTABLISHED PURSUANT TO THIS ARTICLE OR THAT HE OR SHE HAS WILLFULLY
43 FAILED TO CARRY OUT THE DUTIES REQUIRED BY THIS ARTICLE. THE CHILD ADVO-
44 CATE SHALL REPORT TO THE GOVERNOR, WHO SHALL FIX THE COMPENSATION OF THE
45 CHILD ADVOCATE WITHIN AMOUNTS APPROPRIATED THEREFOR.

46 2. THE CHILD ADVOCATE MAY HIRE OR APPOINT PERSONS AS MAY BE DEEMED
47 NECESSARY TO CARRY OUT THE DUTIES OF THE OFFICE OF THE CHILD ADVOCATE.
48 THE DUTIES OF PERSONS EMPLOYED OR APPOINTED BY THE CHILD ADVOCATE SHALL
49 BE PERFORMED UNDER THE ADVICE AND SUPERVISION OF THE CHILD ADVOCATE.
50 PERSONS EMPLOYED OR APPOINTED BY THE OFFICE OF THE CHILD ADVOCATE SHALL
51 BE INDIVIDUALS WITH EXPERTISE IN THE AREAS OF CHILD WELFARE, JUVENILE

52 JUSTICE, CHILDHOOD BEHAVIORAL HEALTH, FOSTER CARE, PREVENTIVE SERVICES,
53 OR CHILD CARE, AS EVIDENCED BY EXPERTISE IN THE FIELD, PRACTICE, ADVOCA-
54 CY OR BY ACADEMIC BACKGROUND, THE LEVEL AND SUFFICIENCY OF WHICH SHALL
55 BE DETERMINED BY THE CHILD ADVOCATE. THE CHILD ADVOCATE SHALL FIX THE

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1 COMPENSATION OF PERSONS EMPLOYED OR APPOINTED BY THE OFFICE OF THE CHILD
2 ADVOCATE WITHIN AMOUNTS APPROPRIATED THEREFOR.

3 S 536. DUTIES OF THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL:

4 (A) EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
5 ON SYSTEMIC ISSUES IN PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE OFFICE OF
6 CHILDREN AND FAMILY SERVICES AND LOCAL SOCIAL SERVICES DISTRICTS,
7 INCLUDING BUT NOT LIMITED TO, CHILD WELFARE, JUVENILE JUSTICE, FOSTER
8 CARE, CHILD PROTECTIVE, CHILD CARE AND PREVENTIVE SERVICES;

9 (B) EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
10 ON MULTI-SYSTEMIC ISSUES THAT CHILDREN IN THE CARE, CUSTODY OR GUARDIAN-
11 SHIP OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL
12 SERVICES DISTRICTS, FAMILIES OF CHILDREN, EXPERIENCE IN ACCESSING NEEDED
13 SERVICES ACROSS SYSTEMS;

14 (C) MONITOR THE IMPLEMENTATION OF THE POLICIES, REGULATIONS AND STAT-
15 UTES OF STATE AGENCIES WHICH MAY BE APPLICABLE TO THE LEGAL RIGHTS OF
16 CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
17 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, OR THE FAMILY
18 OF SUCH CHILDREN;

19 (D) MONITOR THE IMPLEMENTATION OF POLICIES, REGULATIONS AND STATUTES
20 WHICH MAY HAVE AN IMPACT ON PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE
21 OFFICE OF CHILDREN AND FAMILY SERVICES, INCLUDING BUT NOT LIMITED TO,
22 CHILD WELFARE, JUVENILE JUSTICE, FOSTER CARE, CHILD PROTECTIVE, CHILD
23 CARE AND PREVENTIVE SERVICES; AND

24 (E) RECOMMEND CHANGES IN STATE POLICIES, STATUTES AND REGULATIONS
25 CONCERNING CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE
26 OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL SERVICES DISTRICTS AND
27 THE FAMILIES OF SUCH CHILDREN; AND

28 (F) RECOMMEND CHANGES IN STATE POLICIES, STATUTES, AND REGULATIONS
29 CONCERNING PUBLICLY FUNDED PROGRAMS THAT SERVICE CHILDREN AND FAMILIES
30 INCLUDING, JUVENILE JUSTICE, FOSTER CARE, CHILD CARE, CHILD WELFARE
31 PROGRAMS, AND PREVENTIVE SERVICES, ADMINISTERED BY THE OFFICE OF CHIL-
32 DREN AND FAMILY SERVICES OR LOCAL SOCIAL SERVICES DISTRICTS;

33 (G) TAKE APPROPRIATE ACTIONS AIMED AT PROMOTION OF THE RIGHTS, SAFETY,
34 WELL-BEING, AND BEST INTEREST OF CHILDREN IN NEW YORK STATE, INCLUDING,
35 BUT NOT LIMITED TO, UNDERTAKING LEGISLATIVE ADVOCACY, CONDUCTING PUBLIC
36 HEARINGS AND MAKING PROPOSALS FOR ADMINISTRATIVE OR SYSTEMIC REFORM;

37 (H) PROVIDE ADMINISTRATIVE SUPERVISION AND OVERSIGHT TO THE OFFICE OF
38 THE CHILD ADVOCATE AND DEVOTE FULL-TIME TO THE DUTIES OF HIS OR HER
39 OFFICE; AND

40 (I) REPORT TO THE GOVERNOR AND THE LEGISLATURE AS NEEDED, BUT NOT LESS
41 THAN TWICE PER YEAR. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

42 (A) INFORMATION CONCERNING THE NUMBER AND TYPES OF REVIEWS OR EVALU-
43 ATION CONDUCTED BY THE OFFICE OF THE CHILD ADVOCATE; AND

44 (B) ANY RECOMMENDATIONS BY THE CHILD ADVOCATE FOR LEGISLATIVE, REGULA-
45 TORY, OR PUBLIC POLICY CHANGES.

46 2. IF AFTER EXAMINATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
47 THE CHILD ADVOCATE IDENTIFIES A SYSTEMIC PROBLEM IN HOW SERVICES ARE
48 PROVIDED TO CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE
49 OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, BY
50 THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR A LOCAL SOCIAL SERVICES
51 DISTRICT, OR ANY PUBLIC OR PRIVATE ENTITY WHICH CONTRACTS WITH THE
52 OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES

53 DISTRICT TO PROVIDE SERVICES TO SUCH CHILDREN, THE CHILD ADVOCATE SHALL
54 PROVIDE SUCH OFFICE, DISTRICT, AGENCY OR ENTITY A WRITTEN REPORT OUTLIN-
55 ING THE FINDINGS AND RECOMMENDATIONS OF THE CHILD ADVOCATE.

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1 (A) AN OFFICE, DISTRICT, AGENCY OR ENTITY NAMED IN A REPORT BY THE
2 CHILD ADVOCATE AS DESCRIBED IN THIS SUBDIVISION SHALL HAVE THE OPTION TO
3 RESPOND IN WRITING TO THE CHILD ADVOCATE'S FINDINGS, PROVIDED HOWEVER
4 THAT SUCH WRITTEN RESPONSE MUST BE ISSUED WITHIN NINETY DAYS OF SUCH
5 OFFICE, DISTRICT, AGENCY OR ENTITY'S RECEIPT OF THE APPLICABLE REPORT BY
6 THE CHILD ADVOCATE.

7 (B) WITHIN THIRTY DAYS AFTER THE RECEIPT OF A RESPONSE FROM AN OFFICE,
8 DISTRICT, AGENCY OR ENTITY AS DESCRIBED IN THIS SUBDIVISION, THE CHILD
9 ADVOCATE SHALL ISSUE SUCH RESPONSE, AND THE REPORT ISSUED BY THE CHILD
10 ADVOCATE PURSUANT TO THIS SUBDIVISION, TO THE GOVERNOR AND THE LEGISLA-
11 TURE.

12 (C) IF A RESPONSE OR A WRITTEN REQUEST FOR AN ADDITIONAL THIRTY DAYS
13 WITH AN EXPLANATION IS NOT RECEIVED BY THE CHILD ADVOCATE WITHIN NINETY
14 DAYS FROM THE DATE THAT THE CHILD ADVOCATE SENT SUCH REPORT TO SUCH
15 OFFICE, DISTRICT, AGENCY OR ENTITY, THE CHILD ADVOCATE SHALL PROVIDE
16 SUCH REPORT TO THE GOVERNOR AND THE LEGISLATURE WITH A NOTICE STATING
17 THAT SUCH OFFICE, DISTRICT, AGENCY OR ENTITY FAILED TO ISSUE A TIMELY
18 WRITTEN RESPONSE TO THE REPORT BY THE CHILD ADVOCATE.

19 S 537. POWERS OF THE OFFICE OF THE CHILD ADVOCATE. NOTWITHSTANDING ANY
20 PROVISION OF LAW OR REGULATION TO THE CONTRARY, THE OFFICE OF THE CHILD
21 ADVOCATE SHALL HAVE ACCESS TO, INCLUDING THE RIGHT TO INSPECT AND COPY,
22 ANY RECORDS NECESSARY TO CARRY OUT ITS RIGHTS, POWERS AND DUTIES PURSU-
23 ANT TO THIS ARTICLE.

24 S 538. DUTY TO MAINTAIN CONFIDENTIALITY. ALL RECORDS OF THE OFFICE OF
25 THE CHILD ADVOCATE PERTAINING TO THE FULFILLMENT OF THE CHILD ADVOCATE'S
26 RIGHTS, POWERS AND DUTIES PURSUANT TO THIS ARTICLE, AND ALL RECORDS
27 OBTAINED BY THE CHILD ADVOCATE SHALL BE KEPT CONFIDENTIAL, PROVIDED
28 HOWEVER, THAT LIMITED INFORMATION CONTAINED IN SUCH RECORDS MAY BE
29 RELEASED BY THE CHILD ADVOCATE, IF APPROPRIATE, AND UPON APPROVAL OF THE
30 CHILD ADVOCATE, SO LONG AS THE INFORMATION TO BE RELEASED WOULD NOT
31 IDENTIFY THE CHILD OR CHILDREN THE CHILD ADVOCATE WAS SERVING, OR THE
32 NAMES OF THE PARENTS OR SIBLINGS OF SUCH CHILD OR CHILDREN.

33 S 539. ADDITIONAL PROVISIONS. 1. THE STATE SHALL PROTECT AND HOLD
34 HARMLESS ANY PERSON EMPLOYED OR APPOINTED BY THE CHILD ADVOCATE, FROM
35 FINANCIAL LOSS AND EXPENSE, INCLUDING LEGAL FEES AND COSTS, IF ANY,
36 ARISING OUT OF ANY CLAIM, DEMAND OR SUIT FOR DAMAGES RESULTING FROM ACTS
37 OR OMISSIONS COMMITTED IN THE DISCHARGE OF HIS OR HER RIGHTS, POWERS AND
38 DUTIES WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT OR APPOINTMENT WHICH
39 MAY CONSTITUTE NEGLIGENCE BUT WHICH ACTS ARE NOT WANTON, MALICIOUS OR
40 GROSSLY NEGLIGENT AS DETERMINED BY A COURT OF COMPETENT JURISDICTION.

41 2. NO STATE OR LOCAL AGENCY, DEPARTMENT, OFFICE, OR ENTITY SHALL
42 DISCHARGE, OR IN ANY MANNER DISCRIMINATE OR RETALIATE AGAINST, ANY
43 PERSON WHO IN GOOD FAITH MAKES A COMPLAINT TO, OR COOPERATES WITH, THE
44 CHILD ADVOCATE IN A REVIEW OR EVALUATION CONDUCTED BY THE CHILD ADVOCATE.
45 NO EMPLOYEE OF ANY STATE OR LOCAL DEPARTMENT OR OFFICE OR OF ANY
46 PRIVATE ENTITY SHALL RETALIATE AGAINST ANY PERSON WHO MAKES A COMPLAINT
47 TO, OR WHO COOPERATES WITH THE OFFICE OF THE CHILD ADVOCATE IN A REVIEW
48 OR EVALUATION CONDUCTED BY THE OFFICE OF THE CHILD ADVOCATE.

49 3. THE OFFICE OF THE CHILD ADVOCATE MAY APPLY FOR AND ACCEPT GRANTS,
50 GIFTS AND BEQUESTS OF FUNDS FROM PRIVATE INDIVIDUALS AND FOUNDATIONS FOR
51 THE PURPOSE OF CARRYING OUT SYSTEMATIC STUDIES UNDER THIS ARTICLE. THE
52 FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF SUCH GRANT,
53 GIFT OR BEQUEST.

54 4. THE CHILD ADVOCATE SHALL TAKE ALL POSSIBLE ACTIONS INCLUDING, BUT
55 NOT LIMITED TO, CONDUCTING PROGRAMS OF PUBLIC EDUCATION, UNDERTAKING
56 LEGISLATIVE ADVOCACY AND MAKING PROPOSALS FOR ADMINISTRATIVE CORRECTION

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1 OR SYSTEMIC REFORM AND FORMAL LEGAL ACTION, IN ORDER TO SECURE AND
2 ENSURE THE LEGAL, CIVIL AND SPECIAL RIGHTS OF CHILDREN.

3 5. THE CHILD ADVOCATE SHALL TAKE THE APPROPRIATE STEPS TO MAKE THE
4 EXISTENCE AND AVAILABILITY OF THE CHILD ADVOCATE WIDELY KNOWN, BY APPRO-
5 PRIATE AND ACTIVE MEANS, TO CHILDREN AND ADULTS.

6 6. THE CHILD ADVOCATE SHALL CREATE INFORMATIONAL MATERIALS FOR CHIL-
7 DREN REGARDING THE RIGHTS OF CHILDREN WHEN THEY ARE IN FOSTER CARE,
8 DETENTION CENTERS, FACILITIES OPERATED BY THE OFFICE OF CHILDREN AND
9 FAMILY SERVICES, JAILS, OR PRISONS AND THE METHODS AND ASSISTANCE AVAIL-
10 ABLE TO ENFORCE THOSE RIGHTS.

11 S 2. Subdivision 16 of section 501 of the executive law, as renumbered
12 by chapter 170 of the laws of 1994, is renumbered subdivision 17 and a
13 new subdivision 16 is added to read as follows:

14 16. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
15 SHALL PROMULGATE REGULATIONS REQUIRING THAT NO SERVICES OR PROGRAMS
16 UNDER THE JURISDICTION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
17 SHALL RESTRICT OR PROHIBIT ACCESS TO RECORDS OR INDIVIDUALS TO THE
18 OFFICE OF THE CHILD ADVOCATE UPON REQUEST, UNLESS THE DISCLOSURE OF SUCH
19 RECORDS ARE OTHERWISE PROHIBITED BY FEDERAL LAW OR REGULATION.

20 S 3. This act shall take effect on April 1, 2009; provided, however,
21 that effective immediately, the addition, amendment and/or repeal of any
22 rule or regulation necessary for the implementation of this act on its
23 effective date are authorized and directed to be made and completed on
24 or before the effective date.

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