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S4790A

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S4790A: Establishes the office of the child advocate

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Sponsor: [MONTGOMERY](#)

Same as: [A3233A](#)

Committee: [CHILDREN AND FAMILIES](#)

Law Section: Executive Law

S4790A Summary

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

S4790A Actions

Apr 27, 2009 REFERRED TO CHILDREN AND FAMILIES

May 13, 2009 AMEND AND RECOMMIT TO CHILDREN AND FAMILIES

May 13, 2009 PRINT NUMBER 4790A

Jun 18, 2009 REFERRED TO RULES

Jun 2, 2009 REPORTED AND COMMITTED TO FINANCE

"Same as" Actions for Bill [A3233A](#)

Jan 23, 2009 referred to children and families

Apr 6, 2009 reported referred to codes

Apr 21, 2009 reported referred to ways and means

May 14, 2009 amend and recommit to ways and means

May 14, 2009 print number 3233a

Jun 8, 2009 reported referred to rules

Jun 22, 2009 reported

Jun 22, 2009 rules report cal.636

Jun 22, 2009 ordered to third reading rules cal.636

Jun 22, 2009 passed assembly

Jun 22, 2009 delivered to senate

Jun 22, 2009 REFERRED TO RULES

S4790A Memo

BILL NUMBER: S4790A

TITLE OF BILL :

An act to amend the executive law, in relation to the establishment of the office of the child advocate

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 1 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 regulations 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 review or evaluations conducted by the Office of the Child Advocate, and 2) recommendations for legislative, regulatory, or public policy changes.

JUSTIFICATION :

This bill would establish an Office of the Child Advocate, similar to offices that currently exist in numerous other states including New Jersey, Massachusetts, Connecticut, Delaware, and Rhode Island, among others. 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 :
6/17/04 - reported from Assembly Children and Families Committee to Codes Committee 6/20/05 - A.6334/S.6877, passed Assembly, delivered to Senate 1/4/06 - Died in Senate, returned to Assembly 3/2/06 - referred to Senate Social Services, Children and Families Committee 6/21/06 - Passed Assembly, delivered to Senate, referred to Senate Rules Committee 1/17/07 - A.304, reported from Assembly Children and Families Committee to Codes Committee 1/23/07 - A.304, reported to Assembly Ways and Means Committee 6/7/08 - A.304, Passed Assembly, delivered to Senate, referred to Senate Rules Committee

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

EFFECTIVE DATE :
April 1, 2011

S4790A Text

S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the establishment of the office of the child advocate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The executive law is amended by adding a new article 19-I
2 to read as follows:

3 ARTICLE 19-I
4 OFFICE OF THE CHILD ADVOCATE
5 SECTION 533. OFFICE OF THE CHILD ADVOCATE; CREATION.
6 534. DEFINITIONS.
7 535. THE CHILD ADVOCATE.
8 536. DUTIES OF THE CHILD ADVOCATE.
9 537. POWERS OF THE OFFICE OF THE CHILD ADVOCATE.
10 538. DUTY TO MAINTAIN CONFIDENTIALITY.
11 539. ADDITIONAL PROVISIONS.

12 S 533. OFFICE OF THE CHILD ADVOCATE; CREATION. THERE IS HEREBY CREATED
13 IN THE EXECUTIVE DEPARTMENT, AN OFFICE OF THE CHILD ADVOCATE, WHICH
14 SHALL:

15 1. EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
16 ON:

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

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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD06023-03-9

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

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

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

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

7 (B) A PERSON OR PERSONS UNDER THE AGE OF TWENTY-ONE WHO HAS BEEN
8 PLACED INTO THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
9 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, PURSUANT TO
10 ARTICLE THREE, SEVEN, OR TEN OF THE FAMILY COURT ACT, OR SECTIONS THREE
11 HUNDRED FIFTY-EIGHT-A, THREE HUNDRED EIGHTY-THREE-C, THREE HUNDRED
12 EIGHTY-FOUR-A OR THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES LAW;
13 OR

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

17 2. "CHILD ADVOCATE" MEANS THE PERSON APPOINTED PURSUANT TO SUBDIVISION

18 ONE OF SECTION FIVE HUNDRED THIRTY-FIVE OF THIS ARTICLE TO DIRECT AND
 19 OVERSEE THE ACTIVITIES OF THE OFFICE OF THE CHILD ADVOCATE.
 20 S 535. THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL BE AN INDIVID-
 21 UAL WITH AT LEAST FIVE YEARS EXPERIENCE IN THE GENERAL SUBJECT AREA OF
 22 EITHER CHILD WELFARE, JUVENILE JUSTICE OR CHILDHOOD BEHAVIORAL HEALTH,
 23 WHO SHALL BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF
 24 THE SENATE FOR A TERM OF FIVE YEARS. THE CHILD ADVOCATE SHALL CONTINUE
 25 TO HOLD SUCH POSITION UNTIL HIS OR HER SUCCESSOR IS APPOINTED, BUT MAY
 26 BE REMOVED FROM HIS OR HER POSITION IF THE GOVERNOR SHALL DETERMINE THAT
 27 SUCH CHILD ADVOCATE HAS ABUSED HIS OR HER RIGHTS, POWERS, OR DUTIES
 28 ESTABLISHED PURSUANT TO THIS ARTICLE OR THAT HE OR SHE HAS WILLFULLY
 29 FAILED TO CARRY OUT THE DUTIES REQUIRED BY THIS ARTICLE. THE CHILD ADVOCATE
 30 SHALL REPORT TO THE GOVERNOR, WHO SHALL FIX THE COMPENSATION OF THE
 31 CHILD ADVOCATE WITHIN AMOUNTS APPROPRIATED THEREFOR.
 32 2. THE CHILD ADVOCATE MAY HIRE OR APPOINT PERSONS AS MAY BE DEEMED
 33 NECESSARY TO CARRY OUT THE DUTIES OF THE OFFICE OF THE CHILD ADVOCATE.
 34 THE DUTIES OF PERSONS EMPLOYED OR APPOINTED BY THE CHILD ADVOCATE SHALL
 35 BE PERFORMED UNDER THE ADVICE AND SUPERVISION OF THE CHILD ADVOCATE.
 36 PERSONS EMPLOYED OR APPOINTED BY THE OFFICE OF THE CHILD ADVOCATE SHALL
 37 BE INDIVIDUALS WITH EXPERTISE IN THE AREAS OF CHILD WELFARE, JUVENILE
 38 JUSTICE, CHILDHOOD BEHAVIORAL HEALTH, FOSTER CARE, PREVENTIVE SERVICES,
 39 OR CHILD CARE, AS EVIDENCED BY EXPERTISE IN THE FIELD, PRACTICE, ADVOCACY
 40 OR BY ACADEMIC BACKGROUND, THE LEVEL AND SUFFICIENCY OF WHICH SHALL
 41 BE DETERMINED BY THE CHILD ADVOCATE. THE CHILD ADVOCATE SHALL FIX THE
 42 COMPENSATION OF PERSONS EMPLOYED OR APPOINTED BY THE OFFICE OF THE CHILD
 43 ADVOCATE WITHIN AMOUNTS APPROPRIATED THEREFOR.
 44 S 536. DUTIES OF THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL:
 45 (A) EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
 46 ON SYSTEMIC ISSUES IN PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE OFFICE OF
 47 CHILDREN AND FAMILY SERVICES AND LOCAL SOCIAL SERVICES DISTRICTS,
 48 INCLUDING BUT NOT LIMITED TO, CHILD WELFARE, JUVENILE JUSTICE, FOSTER
 49 CARE, CHILD PROTECTIVE, CHILD CARE AND PREVENTIVE SERVICES;
 50 (B) EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
 51 ON MULTI-SYSTEMIC ISSUES THAT CHILDREN IN THE CARE, CUSTODY OR GUARDIANSHIP
 52 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL
 53 SERVICES DISTRICTS, FAMILIES OF CHILDREN, EXPERIENCE IN ACCESSING NEEDED
 54 SERVICES ACROSS SYSTEMS;
 55 (C) MONITOR THE IMPLEMENTATION OF THE POLICIES, REGULATIONS AND STATUTES
 56 OF STATE AGENCIES WHICH MAY BE APPLICABLE TO THE LEGAL RIGHTS OF

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1 CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
 2 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, OR THE FAMILY
 3 OF SUCH CHILDREN;
 4 (D) MONITOR THE IMPLEMENTATION OF POLICIES, REGULATIONS AND STATUTES
 5 WHICH MAY HAVE AN IMPACT ON PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE
 6 OFFICE OF CHILDREN AND FAMILY SERVICES, INCLUDING BUT NOT LIMITED TO,
 7 CHILD WELFARE, JUVENILE JUSTICE, FOSTER CARE, CHILD PROTECTIVE, CHILD
 8 CARE AND PREVENTIVE SERVICES; AND
 9 (E) RECOMMEND CHANGES IN STATE POLICIES, STATUTES AND REGULATIONS
 10 CONCERNING CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE
 11 OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL SERVICES DISTRICTS AND
 12 THE FAMILIES OF SUCH CHILDREN; AND
 13 (F) RECOMMEND CHANGES IN STATE POLICIES, STATUTES, AND REGULATIONS
 14 CONCERNING PUBLICLY FUNDED PROGRAMS THAT SERVICE CHILDREN AND FAMILIES
 15 INCLUDING, JUVENILE JUSTICE, FOSTER CARE, CHILD CARE, CHILD WELFARE
 16 PROGRAMS, AND PREVENTIVE SERVICES, ADMINISTERED BY THE OFFICE OF CHILDREN
 17 AND FAMILY SERVICES OR LOCAL SOCIAL SERVICES DISTRICTS;
 18 (G) TAKE APPROPRIATE ACTIONS AIMED AT PROMOTION OF THE RIGHTS, SAFETY,
 19 WELL-BEING, AND BEST INTEREST OF CHILDREN IN NEW YORK STATE, INCLUDING,
 20 BUT NOT LIMITED TO, UNDERTAKING LEGISLATIVE ADVOCACY, CONDUCTING PUBLIC
 21 HEARINGS AND MAKING PROPOSALS FOR ADMINISTRATIVE OR SYSTEMIC REFORM;
 22 (H) PROVIDE ADMINISTRATIVE SUPERVISION AND OVERSIGHT TO THE OFFICE OF
 23 THE CHILD ADVOCATE AND DEVOTE FULL-TIME TO THE DUTIES OF HIS OR HER
 24 OFFICE; AND
 25 (I) REPORT TO THE GOVERNOR AND THE LEGISLATURE AS NEEDED, BUT NOT LESS
 26 THAN TWICE PER YEAR. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:
 27 (A) INFORMATION CONCERNING THE NUMBER AND TYPES OF REVIEWS OR EVALUATION
 28 CONDUCTED BY THE OFFICE OF THE CHILD ADVOCATE; AND
 29 (B) ANY RECOMMENDATIONS BY THE CHILD ADVOCATE FOR LEGISLATIVE, REGULATORY,
 30 OR PUBLIC POLICY CHANGES.
 31 2. IF AFTER EXAMINATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
 32 THE CHILD ADVOCATE IDENTIFIES A SYSTEMIC PROBLEM IN HOW SERVICES ARE
 33 PROVIDED TO CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE
 34 OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, BY
 35 THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR A LOCAL SOCIAL SERVICES
 36 DISTRICT, OR ANY PUBLIC OR PRIVATE ENTITY WHICH CONTRACTS WITH THE
 37 OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES
 38 DISTRICT TO PROVIDE SERVICES TO SUCH CHILDREN, THE CHILD ADVOCATE SHALL
 39 PROVIDE SUCH OFFICE, DISTRICT, AGENCY OR ENTITY A WRITTEN REPORT OUTLINING
 40 THE FINDINGS AND RECOMMENDATIONS OF THE CHILD ADVOCATE.
 41 (A) AN OFFICE, DISTRICT, AGENCY OR ENTITY NAMED IN A REPORT BY THE
 42 CHILD ADVOCATE AS DESCRIBED IN THIS SUBDIVISION SHALL HAVE THE OPTION TO
 43 RESPOND IN WRITING TO THE CHILD ADVOCATE'S FINDINGS, PROVIDED HOWEVER
 44 THAT SUCH WRITTEN RESPONSE MUST BE ISSUED WITHIN NINETY DAYS OF SUCH
 45 OFFICE, DISTRICT, AGENCY OR ENTITY'S RECEIPT OF THE APPLICABLE REPORT BY
 46 THE CHILD ADVOCATE.
 47 (B) WITHIN THIRTY DAYS AFTER THE RECEIPT OF A RESPONSE FROM AN OFFICE,
 48 DISTRICT, AGENCY OR ENTITY AS DESCRIBED IN THIS SUBDIVISION, THE CHILD
 49 ADVOCATE SHALL ISSUE SUCH RESPONSE, AND THE REPORT ISSUED BY THE CHILD
 50 ADVOCATE PURSUANT TO THIS SUBDIVISION, TO THE GOVERNOR AND THE LEGISLATURE.
 51 (C) IF A RESPONSE OR A WRITTEN REQUEST FOR AN ADDITIONAL THIRTY DAYS
 52 WITH AN EXPLANATION IS NOT RECEIVED BY THE CHILD ADVOCATE WITHIN NINETY
 53 DAYS FROM THE DATE THAT THE CHILD ADVOCATE SENT SUCH REPORT TO SUCH
 54 OFFICE, DISTRICT, AGENCY OR ENTITY, THE CHILD ADVOCATE SHALL PROVIDE
 55 SUCH REPORT TO THE GOVERNOR AND THE LEGISLATURE WITH A NOTICE STATING

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1 THAT SUCH OFFICE, DISTRICT, AGENCY OR ENTITY FAILED TO ISSUE A TIMELY
2 WRITTEN RESPONSE TO THE REPORT BY THE CHILD ADVOCATE.
3 S 537. POWERS OF THE OFFICE OF THE CHILD ADVOCATE. NOTWITHSTANDING ANY
4 PROVISION OF LAW OR REGULATION TO THE CONTRARY, THE OFFICE OF THE CHILD
5 ADVOCATE SHALL HAVE ACCESS TO, INCLUDING THE RIGHT TO INSPECT AND COPY,
6 ANY RECORDS NECESSARY TO CARRY OUT ITS RIGHTS, POWERS AND DUTIES PURSU-
7 ANT TO THIS ARTICLE.
8 S 538. DUTY TO MAINTAIN CONFIDENTIALITY. ALL RECORDS OF THE OFFICE OF
9 THE CHILD ADVOCATE PERTAINING TO THE FULFILLMENT OF THE CHILD ADVOCATE'S
10 RIGHTS, POWERS AND DUTIES PURSUANT TO THIS ARTICLE, AND ALL RECORDS
11 OBTAINED BY THE CHILD ADVOCATE SHALL BE KEPT CONFIDENTIAL, PROVIDED
12 HOWEVER, THAT LIMITED INFORMATION CONTAINED IN SUCH RECORDS MAY BE
13 RELEASED BY THE CHILD ADVOCATE, IF APPROPRIATE, AND UPON APPROVAL OF THE
14 CHILD ADVOCATE, SO LONG AS THE INFORMATION TO BE RELEASED WOULD NOT
15 IDENTIFY THE CHILD OR CHILDREN THE CHILD ADVOCATE WAS SERVING, OR THE
16 NAMES OF THE PARENTS OR SIBLINGS OF SUCH CHILD OR CHILDREN.
17 S 539. ADDITIONAL PROVISIONS. 1. THE STATE SHALL PROTECT AND HOLD
18 HARMLESS ANY PERSON EMPLOYED OR APPOINTED BY THE CHILD ADVOCATE, FROM
19 FINANCIAL LOSS AND EXPENSE, INCLUDING LEGAL FEES AND COSTS, IF ANY,
20 ARISING OUT OF ANY CLAIM, DEMAND OR SUIT FOR DAMAGES RESULTING FROM ACTS
21 OR OMISSIONS COMMITTED IN THE DISCHARGE OF HIS OR HER RIGHTS, POWERS AND
22 DUTIES WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT OR APPOINTMENT WHICH
23 MAY CONSTITUTE NEGLIGENCE BUT WHICH ACTS ARE NOT WANTON, MALICIOUS OR
24 GROSSLY NEGLIGENT AS DETERMINED BY A COURT OF COMPETENT JURISDICTION.
25 2. NO STATE OR LOCAL AGENCY, DEPARTMENT, OFFICE, OR ENTITY SHALL
26 DISCHARGE, OR IN ANY MANNER DISCRIMINATE OR RETALIATE AGAINST, ANY
27 PERSON WHO IN GOOD FAITH MAKES A COMPLAINT TO, OR COOPERATES WITH, THE
28 CHILD ADVOCATE IN A REVIEW OR EVALUATION CONDUCTED BY THE CHILD ADVOCATE.
29 NO EMPLOYEE OF ANY STATE OR LOCAL DEPARTMENT OR OFFICE OR OF ANY
30 PRIVATE ENTITY SHALL RETALIATE AGAINST ANY PERSON WHO MAKES A COMPLAINT
31 TO, OR WHO COOPERATES WITH THE OFFICE OF THE CHILD ADVOCATE IN A REVIEW
32 OR EVALUATION CONDUCTED BY THE OFFICE OF THE CHILD ADVOCATE.
33 3. THE OFFICE OF THE CHILD ADVOCATE MAY APPLY FOR AND ACCEPT GRANTS,
34 GIFTS AND REQUESTS OF FUNDS FROM PRIVATE INDIVIDUALS AND FOUNDATIONS FOR
35 THE PURPOSE OF CARRYING OUT SYSTEMATIC STUDIES UNDER THIS ARTICLE. THE
36 FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF SUCH GRANT,
37 GIFT OR REQUEST.
38 4. THE CHILD ADVOCATE SHALL TAKE ALL POSSIBLE ACTIONS INCLUDING, BUT
39 NOT LIMITED TO, CONDUCTING PROGRAMS OF PUBLIC EDUCATION, UNDERTAKING
40 LEGISLATIVE ADVOCACY AND MAKING PROPOSALS FOR ADMINISTRATIVE CORRECTION
41 OR SYSTEMIC REFORM AND FORMAL LEGAL ACTION, IN ORDER TO SECURE AND
42 ENSURE THE LEGAL, CIVIL AND SPECIAL RIGHTS OF CHILDREN.
43 5. THE CHILD ADVOCATE SHALL TAKE THE APPROPRIATE STEPS TO MAKE THE
44 EXISTENCE AND AVAILABILITY OF THE CHILD ADVOCATE WIDELY KNOWN, BY APPROPRIATE
45 PRIVATE AND ACTIVE MEANS, TO CHILDREN AND ADULTS.
46 6. THE CHILD ADVOCATE SHALL CREATE INFORMATIONAL MATERIALS FOR CHILDREN
47 REGARDING THE RIGHTS OF CHILDREN WHEN THEY ARE IN FOSTER CARE, DETENTION
48 CENTERS, FACILITIES OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES,
49 JAILS, OR PRISONS AND THE METHODS AND ASSISTANCE AVAILABLE TO ENFORCE THOSE RIGHTS.
50 S 2. Subdivision 16 of section 501 of the executive law, as renumbered
51 by chapter 170 of the laws of 1994, is renumbered subdivision 17 and a
52 new subdivision 16 is added to read as follows:
53 16. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
54 SHALL PROMULGATE REGULATIONS REQUIRING THAT NO SERVICES OR PROGRAMS
55 UNDER THE JURISDICTION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES

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1 SHALL RESTRICT OR PROHIBIT ACCESS TO RECORDS OR INDIVIDUALS TO THE
2 OFFICE OF THE CHILD ADVOCATE UPON REQUEST, UNLESS THE DISCLOSURE OF SUCH
3 RECORDS ARE OTHERWISE PROHIBITED BY FEDERAL LAW OR REGULATION.
4 S 3. This act shall take effect on April 1, 2011; provided, however,
5 that effective immediately, the addition, amendment and/or repeal of any
6 rule or regulation necessary for the implementation of this act on its
7 effective date are authorized and directed to be made and completed on
8 or before the effective date.

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