

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 46

Introduced by The Public Advocate (Ms. James) and Council Members Arroyo, Dickens, Johnson, Koo, Levine, Mendez, Rosenthal, Reynoso, Menchaca, Levin, Gibson, Richards, Dromm, King, Rodriguez, Rose, Lander, Van Bramer, Barron, Kallos, Constantinides, Eugene and Williams.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth and foster care.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. According to the Administration for Children's Services (ACS), in Fiscal Year 2013, 1,078 youth aged 18 and older transitioned out of New York City's foster care system. Numerous studies demonstrate that youth who age out of foster care tend to experience worse outcomes than their peers in a variety of critical areas such as education, employment, income security, housing, and criminal justice involvement. There has not been a comprehensive analysis of outcomes for foster youth in New York City to date. While ACS has begun collecting data about this population, these efforts are still in their nascent stages and there is no current mechanism for regular, public dissemination of this information. Such data would assist the Council and the public in evaluating how successful ACS is in fulfilling its mandate to adequately prepare youth who age out of foster care for stable and independent living, and in evaluating the need for policy changes.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-902.1 to read as follows:

§21-902.1 Youth and foster care. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Absent Without Leave (AWOL)” means a child who has been placed by an authorized agency in foster care in a certified foster boarding home, an approved relative foster home, or a licensed foster care facility, and who is absent without the consent of the person(s) or facility in whose care the child has been placed or the consent of the case planner/caseworker at the facility in whose care the child has been placed.

2. “ACS” means the Administration for Children’s Services or its successor agency.

3. “ACS Housing Subsidy” means two “one-shot” payments of up to \$1,800 each and a monthly rental assistance of up to \$300. The subsidy (including the two one-shots), may last for up to three years or \$10,800 whichever comes first. One Special Grant (One Shot) of up to \$1,800 is allocated to pay rent arrears or mortgage arrears only. One Special Grant (One Shot) of up to \$1,800 is allocated for costs associated with securing an apartment, exterminator fees and for foster care cases only to purchase needed essential furniture.

4. “Adult permanency resource” means an adult who has been determined by a social services district to be an appropriate and acceptable resource for a youth and is committed to providing support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood.

5. “Adult residential care” means an adult-care facility contracted by the Office for Persons with Developmental Disabilities (OPWDD) or the Office of Mental Health (OMH) established and operated for the purposes of providing long-term residential care, room, board, housekeeping, case management, activities and supervision of five or more adults, unrelated to the operator, who are unable or substantially unable to live independently.

6. *“Age out” means the discharge of a 21-year-old person from foster care other than to family reunification, adoption, guardianship, custody or permanent placement with a fit and willing relative.*

7. *“Another Planned Permanent Living Arrangement (APPLA)” means a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services.*

8. *“Concurrent plan” means a plan to help a child in foster care find a permanent, stable home that is being pursued as an alternative to, and simultaneously with, his or her primary plan to find a permanent, stable home.*

9. *“Discharge Checklist” is a form completed by the ACS contracted foster care agency in consultation with a young person leaving foster care that is intended to guide discussions about the youth’s plans after leaving care. The document is intended to develop and document a discharge plan that is youth-driven, is as detailed as the youth elects and enables the young person to address any outstanding topics prior to discharge.*

10. *“Education and Training Voucher (ETV)” means a current or successor federal program that provides resources specifically to meet the needs of youth aging out of foster care, through which eligible youth may receive funds to attend a post-secondary education or vocational training program.*

11. *“Foster Care Youth” means a young person who was placed in an out-of-home placement with the New York City Administration for Children’s Services after the filing of a petition in family court pursuant to Articles 3, 7, 10, 10a, 10b or 10c of the Family Court Act or Social Services Law section 358a or 384b.*

12. *“Housing assistance” means any form of help designed to assist youth with finding and maintaining a place of residence including but not limited to ACS Housing Subsidy, rental assistance received from any other city agency, supportive housing, or any other assistance sufficient to obtain adequate housing.*

13. *“Independent living stipend” means the payment a youth receives to attend independent living skills formalized instruction including but not limited to supervised performance in job search, career counseling, finding an apartment or other place of residence, budgeting, shopping, cooking, and house cleaning skills.*

14. *“Kinship Guardianship Assistance Program (KinGAP)” means the permanency outcome for children in foster care who have been cared for by a relative for six consecutive months and for whom it has been determined that returning home or adoption are not viable options.*

15. *“Permanent Connection to a Caring Adult” means finding an adult who is committed to providing support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood.*

16. *“Permanency Planning Goal (Goal)” means the goal for child permanency as designated in the child’s family assessment and service plan and approved by the family court.*

17. *“Special immigrant juvenile status (SIJS)” means legal immigration status that can be awarded by USCIS to undocumented immigrant children, for whom family reunification with one or both parents is not a viable option and who have been found dependent upon the juvenile court, and that allows a child to apply for lawful permanent residency.*

18. *“Supportive housing” means housing that is for people with mental health needs or other special needs.*

19. *“Test Assessing Secondary Completion (TASC)” means the New York state high school equivalency test which replaced the General Education Development (GED) as the primary pathway to a New York state high school equivalency diploma.*

20. *“Trial discharge” means that a child in foster care is no longer in the physical care of the social services district but remains in the legal custody of the social services district.*

21. *“Vocational training” means instructional programs, including but not limited to marketable skills or trade or formal on-the-job training.*

b. Annual Reports Regarding Youth and Foster Care. Beginning no later than February 28, 2015 for the calendar year 2014 and every year thereafter, ACS shall furnish to the speaker of the council, the public advocate, and post on ACS’ website a report regarding youth in foster care. Such report shall include the following information disaggregated where available and indicated with an explanation where not available by gender, race and ethnicity:

1. Discharge Outcomes of Foster Care Youth: The following information regarding the discharge outcomes of youth in foster care shall be included in the annual report:

i. number of youth who have been adopted, disaggregated by age from 0 to 21;

ii. number of youth who have been reunified with family, disaggregated by age from 0 to 21;

iii. number of youth who are placed with family through KinGAP, disaggregated by age from 0 to 21;

iv. number of youth who did not consent to remain in foster care past age 18 and for whom the court approved a discharge from foster care, disaggregated by age from 18 to 20; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the

second calendar year following such approval;

v. number of youth who aged out at 21;

vi. number of youth for whom an ACS Exception to Policy to remain in foster care after age 21 was requested;

vii. number of youth who remained in foster care after age 21 under an ACS Exception to Policy;

viii. number of youth who requested to return to foster care after not consenting to remain in care after age 18;

ix. number of youth who returned to foster care after not consenting to remain in care after age 18.

2. Youth Currently in Foster Care. The following information regarding youth currently in foster care shall be included in the annual report:

i. number of youth who have a permanency planning goal of APPLA, including those who have concurrent plans, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

ii. number of youth for whom ACS paid an independent living stipend;

iii. number of youth who receive vocational training, disaggregated by age as follows: 17-19; 20-21; over 21;

iv. number of youth who may be eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: 14-18; 19-21;

v. number of youth who have SIJS applications or other immigration applications pending, disaggregated by age as follows: 0-3; 4-6; 7-9; 10-12; 13-15; 16-18; 19-21;

vi. number of youth who have a permanent connection to a caring adult;

vii. number of youth who applied for housing assistance, disaggregated by the type of

assistance as follows:

(a) NYCHA public housing;

(b) section 8 voucher;

(c) supportive housing;

(d) adult residential care;

(e) ACS housing subsidy;

(f) to the extent it is available, any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

viii. number of youth who have been found eligible for housing assistance, disaggregated by the type of assistance as follows:

(a) NYCHA public housing;

(b) section 8 voucher;

(c) supportive housing;

(d) adult residential care;

(e) ACS housing subsidy;

(f) to the extent it is available, any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

ix. number of youth who have been found ineligible for housing assistance, disaggregated by the type of assistance as follows:

(a) NYCHA public housing;

(b) section 8 voucher;

(c) supportive housing;

(d) adult residential care;

(e) ACS housing subsidy;

(f) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

x. number of youth who are currently enrolled in high school, disaggregated by special education status and by age as follows: under 16; 16-18; over 18;

xi. number of youth who are currently enrolled in a New York city department of education approved High School Equivalency program, disaggregated by age as follows: 16-18; over 18;

xii. number of youth who are currently enrolled in colleges, disaggregated by age as follows: 18 and younger; 19-20; 21 and over.

3. Youth Who Left Foster Care Who Were Discharged to APPLA. The following information regarding youth who left foster care who had a goal of APPLA, including those who had other concurrent goals, shall be included in the annual report:

i. number of youth who were on trial discharge status;

ii. number of youth who received housing assistance, broken down by the type of assistance as follows:

(a) NYCHA public housing;

(b) section 8 voucher;

(c) supported or supportive housing;

(d) adult residential care;

(e) ACS housing subsidy;

(f) to the extent it is available, any other type of housing assistance, whether private,

federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized; provided, however, that the information required by this subparagraph shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

iii. number of young people who left foster care to alternative safe and stable housing, including but not limited to an apartment or other place of residence shared with friends or family members, or remained in the home of their foster families; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

iv. number of youth who completed high school, disaggregated by the type of diploma or credential certification received;

v. number of youth who passed the TASC high school equivalency test;

vi. number of youth who obtained an ETV;

vii. number of youth who are enrolled in college;

viii. number of youth who were enrolled in a vocational/trade program at the time of discharge;

ix. number of youth who obtained a college diploma, disaggregated by the type of diploma received; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

x. number of youth who have a verifiable source of income;

xi. number of youth who obtained SIJS;

xii. number of youth who obtained lawful permanent resident status;

xiii. number of young people who were parents at the time of their discharge from foster care;

xiv. number of youth who had a permanent connection to a caring adult at the time of their discharge from foster care;

xv. number of youth who were discharged as AWOL at the time of their discharge from foster care.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting youth in foster care or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 0 and 9 youth in foster care, or allows another category to be narrowed to between 0 and 9 youth in foster care, the number shall be replaced with a symbol.

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 10, 2014 and approved by the Mayor on September 30, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 46 of 2014, Council Int. No. 104-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.