

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 145

Introduced by the Public Advocate (Ms. James) and Council Members Ferreras-Copeland, Levin, Dromm, Salamanca, Eugene, Richards, Chin, Grodenchik, Miller, Johnson, Cohen, Menchaca, Lander, Van Bramer, Rosenthal and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to information collected and reported about youth and foster care

Be it enacted by the Council as follows:

Section 1. Section 21-902.1 of the administrative code of the city of New York, as added by local law number 46 for the year 2014, is amended 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. The term “[Absent Without Leave (AWOL)] absent without leave”* 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 *for a minimum of three days.*

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

[3.] *ACS Housing subsidy.* The term “ACS [Housing Subsidy] *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] *the rent subsidies or assistance provided pursuant to section 409-a of the social services law.*

[4.] *Adult permanency resource.* The term “[Adult] *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.* The term “[Adult] *adult residential care*” means an adult-care facility contracted by the [Office for Persons with Developmental Disabilities (OPWDD)] *office for persons with developmental disabilities* or the [Office of Mental Health (OMH)] *office of mental health* 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.* The term “[Age] *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] *person aged 18 years or older who has been discharged from care to self or adulthood attained.*

[7.] *Another planned permanent living arrangement (APPLA)*. The term “[Another Planned Permanent Living Arrangement] *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*. The term *concurrent plan* “[Concurrent] *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*. The term “[Discharge Checklist] *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*. The term “[Education and Training Voucher [(ETV)] *education and training voucher*” 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.

Exception to policy. The term “*exception to policy*” means an approval from ACS for a

foster care youth to remain living in their foster care placement.

[11.] *Foster care youth.* The term “[Foster Care Youth] *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] ACS after the filing of a petition in family court pursuant to [Articles] *articles* 3, 7, 10, 10a, 10b or 10c of the [Family Court Act] *family court act* or [Social Services Law] social services law [section] *sections* 358a or 384b.

[12.] *Housing assistance.* The term “[Housing] *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] *housing subsidy*, rental assistance received from any other city agency, supportive housing, or any other assistance sufficient to obtain adequate housing, *including exception to policy.*

[13.] *Independent living stipend.* The term “[Independent] *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 guardians assistance program (KinGAP).* The term “[Kinship Guardianship Assistance Program] *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.* The term “[Permanent Connection to a

Caring Adult] *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*. The term “[Permanency Planning Goal (Goal)] *permanency planning 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)*. The term “[Special] *special immigrant juvenile status (SIJS)*” means legal immigration status that can be awarded by [USCIS] *United States citizenship and immigration services* 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*. The term “[Supportive] *supportive housing*” means housing that is for people with mental health needs or other special needs.

[19.] *Test assessing secondary completion (TASC)*. The term “[Test Assessing Secondary Completion] *test assessing secondary completion (TASC)*” means the New York state high school equivalency test which replaced the [General Education Development (GED)] *general education development examination* as the primary pathway to a New York state high school equivalency diploma.

[20.] *Trial discharge*. The term “[Trial] *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.* The term “[Vocational] 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] *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] *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 *and percentage* of youth who have been adopted, disaggregated by age from 0 to 21 *and over 21*;

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

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

iv. number *and percentage* of youth who have aged out of care, disaggregated by age from 18 to 21, *and over 21*;

v. number *and percentage* of youth who left foster care with any other discharge outcome, including discharges to psychiatric institutions, correctional facilities, or unspecified destinations, disaggregated by age from 0 to 21 *and over 21*;

vi. number *and percentage* 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] *discharge checklist*, beginning with the report for the second calendar year following such approval;

[v. number of youth who aged out at 21;]

[vi.] vii. number *and percentage* of youth for whom an [ACS] [Exception to Policy] *exception to policy* to remain in foster care after age 21 was requested;

[vii.] viii. number *and percentage* of youth who remained in foster care after age 21 under an [ACS] [Exception to Policy] *exception to policy*;

[viii.] ix. number *and percentage* of youth who requested to return to foster care after not consenting to remain in care after age 18;

[ix.] x. number *and percentage* of youth who returned to foster care after not consenting to remain in care after age 18.

xi. the number *and percentage* of youth who were absent without leave from foster care *at discharge, disaggregated by age from 0 to 21, and over 21*.

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

i. *the total number of youth in care disaggregated by age from 0 to 21 and over 21, and the number and percentage* 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 *and percentage* of youth for whom ACS paid an independent living stipend;

iii number *and percentage* of youth who receive vocational training, disaggregated by age as follows: [17-19; 20-21; over 21] *14-15; 16-17; 18-19; 20-21; over 21;*

iv. number *and percentage* of youth who may be eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: [14-18; 19-21] *14-15; 16-17; 18-19; 20-21; over 21;*

v. number *and percentage* 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 *and percentage* of youth who have a permanent connection to a caring adult;

vii. number *and percentage* 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 *and percentage* 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 *and percentage* of youth who have been found ineligible for housing assistance, disaggregated by the type of assistances 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;

x. number *and percentage* of youth who are currently enrolled in high school, disaggregated by social education status and by age as follows: [under 16; 16-18; over 18] *14-15; 16-17; 18-19; 20-21; over 21;*

xi. number *and percentage* of youth who are currently enrolled in a New York city department of education approved [High School Equivalency] *high school equivalency* program, disaggregated by age as follows: [16-18; over 18] *14-15; 16-17; 18-19; 20-21; over 21;*

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

xiii. number and percentage of youth who are not enrolled in high school, a New York city department of education approved high school equivalency program, college or a vocational training program, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

xiv. number and percentage of youth who were absent without leave from foster care, disaggregated by age from 0 to 21, and over 21.

3. Youth [Who Left Foster Care Who Were Discharged] *who left foster care who were discharged* to APPLA. The following information regarding youth who aged out of foster care, shall be included in the annual report:

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

ii. number *and percentage* 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] *discharge checklist*, beginning with the report for the second calendar year following such approval;

iii. number *and percentage* 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] *discharge checklist*, beginning with the report for the second calendar year following such approval;

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

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

vi. number *and percentage* of youth who obtained an [ETV] *education and training voucher*;

vii. number *and percentage* of youth who are enrolled in college;

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

ix. number *and percentage* 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] *discharge checklist*, beginning with the report for the second calendar year following such approval;

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

xi. number *and percentage* of youth who obtained SIJS;

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

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

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

xv. number *and percentage* of youth who were discharged as [AWOL] *absent without leave* at the time of their discharge from foster care.

§ 2. Subdivision c of section 21-902.1 of the administrative code of the city of New York is amended to read as follows:

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] *1 and 5* youth in foster care, or allows another category to be narrowed to between [0 and 9] *1 and 5* youth in foster care, the number shall be replaced with a symbol. *The reports required pursuant to this section shall remain permanently accessible on ACS' website.*

d. *The commissioner, in consultation with the commissioner of social services and the commissioner of homeless services, shall establish a procedure to determine how many youth who were discharged from foster care entered a shelter operated by or under contract or similar agreement with the department of homeless services or the department of social services. The following information regarding youth who were discharged from foster care during the calendar year prior to the year covered by the report required pursuant to this section who entered such shelters shall be included such report, disaggregated as follows: number and percentage who*

entered within 30 days of their discharge from foster care; number and percentage who entered within 90 days of their discharge from foster care; number and percentage who entered within 180 days of their discharge from foster care; number and percentage who entered within 1 year of their discharge from foster care. Such data shall be disaggregated by youth who entered shelters for single adults and shelters for families with children. For the purposes of this subdivision, “entering the homeless shelter system” shall include seeking and being found eligible for shelter at any intake facility operated by or under contract or similar agreement with the department of homeless services or the department of social services.

e. The commissioner, in consultation with the commissioner of social services, shall establish a procedure to determine how many youth who were discharged from foster care received cash assistance, supplemental nutrition assistance benefits, and/or medicaid. The following information regarding youth who were discharged from foster care during the calendar year prior to the year covered by the report required pursuant to this section who received such benefits shall be included in such report, disaggregated as follows: number and percentage who received cash assistance within 30 days of their discharge from foster care; number and percentage who received supplemental nutrition assistance benefits within 30 days of their discharge from foster care; number and percentage who received cash assistance within 60 days of their discharge from foster care; number and percentage who received supplemental nutrition assistance benefits within 60 days of their discharge from foster care; number and percentage who received cash assistance within 180 days of their discharge from foster care; number and percentage who received supplemental nutrition assistance benefits within 180 days of their discharge from foster care; and the number and percentage of youth who were discharged from foster care with a goal of APPLA were successfully transitioned to medicaid without any gap in

coverage.

§ 3. This local law takes 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 October 27, 2016 and approved by the Mayor on November 16, 2016.

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. 145 of 2016, Council Int. No. 1197-A of 2016) 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.

STEPHEN LOUIS, Acting Corporation Counsel