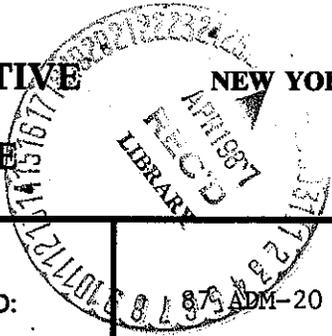


ADMINISTRATIVE DIRECTIVE

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES

40 North Pearl Street
Albany, New York 12243
Cesar A. Perales, Commissioner



TRANSMITTAL NO:

ADM-20

DATE:

April 22, 1987

DIVISION:

Family and Children's Services

TO:

Commissioners of Social Services
Directors of Authorized Agencies

SUBJECT:

Extensions of Placement Pursuant to Family Court
Act 756-a (PINS)

SUGGESTED
DISTRIBUTION:

Commissioner/Deputy Commissioner(s)
Director of Services
All Child Welfare Staff
County and Authorized Agency Attorneys
Staff Development Coordinators

CONTACT PERSON:

Inquiries regarding program or policy issues concerning
this release should be addressed to the appropriate
Regional Office:

Buffalo Regional Office

Ms. Karen Schimke, Director, 716-847-3145

Western Regional Office

Mr. Frank Petrus, Director, 716-238-8201

Eastern Regional Office

Mr. John O'Connor, Director, 518-473-1095

Metropolitan Regional Office

Mr. Fred Cantlo, Director, 212-488-3485

Inquiries regarding systems implications should
be addressed to Mr. Gerry Seeley, Bureau of Services
Information Systems, 1-800-342-3715, extension 4-9461.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
			FCA 756 FCA 756-a		

I. Purpose

The purpose of this directive is to advise local districts and authorized agencies of the provisions of Chapter 604 of the Laws of 1986 with amends Article 7 of the Family Court Act. This directive also directs these districts and agencies as to necessary actions to be taken to comply with these requirements.

II. Background

Section 756 of the Family Court Act provides for the placement of children and youth who have been adjudicated as Persons In Need of Supervision (PINS). These placements may be made in the child's own home, in the custody of a suitable relative or other suitable private person, with a local Commissioner of Social Services or with the Division for Youth.

Where the child is placed with a local Commissioner of Social Services, the court may leave placement to the discretion of the local Commissioner or the court may direct the Commissioner to place the child with an authorized agency or a class of authorized agencies. It is these placements with a local Commissioner and/or with authorized agencies that are the subject of this directive.

Prior to the enactment of Chapter 604 of the Laws of 1986, the provisions relating to the term of placement and for extensions of placement were contained in subdivisions (b) and (c) of Section 756 of the Family Court Act. Chapter 604 deletes the specific provisions on extensions of placement in subdivisions (b) and (c) of Section 756 and incorporates them along with additional provisions in a new Section 756-a of the Family Court Act. A reference to the extension of placement provisions in Section 756-a was also added to Section 756 in subdivision (b).

A copy of Chapter 604 is attached to this directive for reference.

III. Program Implications

Section 756 of the Family Court Act provides that initial placements made pursuant to a PINS petition and a disposition pursuant to Section 754 of the Family Court Act may be for a period of up to 18 months. Section 756 also provides that the court may extend a placement pursuant to Section 756-a of the Act.

Section 756-a provides, with regard to placements made with a local Commissioner of Social Services pursuant to Section 756, that the child, any person with whom the child has been placed or the Commissioner may petition the court to extend the placement. The petition for extension must be filed at least 60 days prior to the expiration of the period of the current placement. Where good cause may be shown, filing of the petition may be made later than 60 days prior to the expiration of the placement, but in no event may any such petition be filed after the expiration date of the court-ordered placement. Failure to file prior to the expiration date will require a new petition seeking adjudication of the child or youth as a Person In Need of Supervision (PINS) and will require a new ground as the basis for the adjudication.

Upon receiving a petition for extension of placement, the court will conduct a hearing concerning the need for continuing the placement. The child, any person with whom the child has been placed and the local Commissioner of Social Services shall be notified of the hearing and given an opportunity to be heard. If the petition for extension of placement was not filed earlier than 60 days prior to the expiration date of the current placement, the court will first determine whether there is good cause shown for the petition not being timely filed. If good cause is not shown, the court will dismiss the petition and the extension of placement will not be granted.

If, however, the petition was timely filed or good cause is shown why it was not, the court will conduct a full dispositional hearing on the petition. At the conclusion of this hearing, the court may in its discretion order an extension of placement for not more than one year.

When a final determination of a petition to extend a placement will not or cannot be made before the expiration of the period of the current placement, the court may enter a temporary order extending the current placement for a period not to exceed 30 days. To obtain a temporary extension, the court must be given satisfactory written proof showing probable cause for continuation of the placement and that the temporary order is necessary. These temporary orders are not renewable.

Successive extensions of placement may be made, subject to the same requirements for petition and hearing each time. In no case, however, may a placement be made or continued beyond a child's eighteenth birthday without his or her consent and in no event may a PINS placement extend past a child's twenty-first birthday.

IV. Required Action

Local Commissioners of Social Services with whom PINS children and youth have been placed pursuant to Section 756 of the Family Court and who wish to request an extension of placement must comply with these provisions of Section 756-a of the Family Court Act. Petitions seeking extension of placement are to be filed no later than 60 days prior to the expiration of the current placement.

Local districts will also need to communicate these new requirements to authorized agencies with whom children subject to the Section 756 and 756-a requirements have been placed. Authorized agencies must make appropriate recommendations to the local district regarding the need for any extensions of placement in sufficient time for the local district to meet the timely filing requirements of the statute.

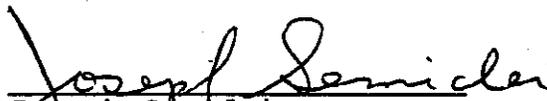
Local districts and authorized agencies are reminded that the Department's Utilization Review standards regarding the necessity and appropriateness of placement in 18 NYCRR 430.10 and 430.11 must also be met in determining whether to request an extension of placement.

V. Systems Implications

CCRS legal activities for petitions and hearings for extensions of placement should continue to be reported under 756 Court Reviews according to current procedures. When an extension of placement has been approved by the Family Court, districts should enter the "from" and "to" dates in modifiers C and D respectively of the L200 (Hearing). This will ensure that the appropriate 60 day notice will appear on CCRS reports.

VI. Effective Date

This directive is effective April 15, 1987 retroactive to September 22, 1986.


Joseph Semidei
Deputy Commissioner
Division of Family and
Children's Services

PLACEMENT OF PERSONS IN NEED OF SUPERVISION

CHAPTER 604

Approved July 24, 1986, effective as provided in section 4

AN ACT to amend the family court act, in relation to extension of placement of persons in need of supervision and to repeal subdivision (c) of section seven hundred fifty-six of such act relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (b) of section seven hundred fifty-six of the family court act, as amended by chapter nine hundred twenty of the laws of nineteen hundred eighty-two, is amended to read as follows:

(b) Placements under this section may be for an initial period of eighteen months [and the court in its discretion may, at the expiration of such period, make successive extensions for additional periods of one year each. The place in which or the person with which the child has been placed under this section shall submit a report at the end of the year of placement, making recommendations and giving such supporting data as is appropriate. The court on its own motion may at the conclusion of any period of placement hold a hearing concerning the need for continuing the placement]. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement.

§ 2. Subdivision (c) of section seven hundred fifty-six of such act is REPEALED.

§ 3. Such act is amended by adding a new section seven hundred fifty-six-a to read as follows:

§ 756-a. Extension of placement. (a) In any case in which the child has been placed pursuant to section seven hundred fifty-six, the child, the person with whom the child has been placed, the commissioner of social services or the division for youth may petition the court to extend such placement. Such petition shall be filed at least sixty days prior to the expiration of the period of placement, except for good cause shown, but in no event shall such petition be filed after the original expiration date.

(b) The court shall conduct a hearing concerning the need for continuing the placement. The child, the person with whom the child has been placed and the commissioner of social services or the division for youth shall be notified of such hearing and shall have the opportunity to be heard thereat.

(c) The provisions of section seven hundred forty-five shall apply at such hearing. If the petition is filed within sixty days prior to the expiration of the period of placement, the court shall first determine at such hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) At the conclusion of the hearing the court may, in its discretion, order an extension of the placement for not more than one year.

(e) Pending final determination of a petition to extend such placement: filed in accordance with the provisions of this section, the court may enter a temporary order extending a period of placement not to exceed thirty days upon satisfactory written proof showing probable cause for continuing such placement and that a temporary order is necessary. Such temporary order shall not be renewable.

(f) Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.

11
12
13

