STATE OF NEW YORK

784

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to the termination of certain subsidies provided to adoptive parents for disabled or hard to place children; and to amend a chapter of the laws of 2024 amending the social services law relating to the adoption subsidies provided for disabled or hard to place children, as proposed in legislative bills numbers S. 8745 and A. 3580-A, in relation to the effectiveness thereof

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

Section 1. Subparagraphs (ii), (iii) and (iv) of paragraph (c-2) and paragraphs (c-3) and (c-4) of subdivision 1 of section 453 of the social services law, as added by a chapter of the laws of 2024 amending the social services law relating to the adoption subsidies provided for disabled or hard to place children, as proposed in legislative bills numbers S. 8745 and A. 3580-A, are amended to read as follows:

(ii) The adoptive parents shall be given an opportunity to respond to the notice. Upon receiving confirmation that the parents continue to meet their legal obligations to provide support to the child, the department will take no further action to [~~reduce, suspend, or~~] terminate the subsidy. If the parents fail to confirm that they continue to meet their legal obligations to provide support to the child, the social services official shall review all available information in order to confirm the parents' continued eligibility to receive the subsidy.

(iii) If the child is not in foster care and, based on a review of the available information, the social services official determines that the adoptive parents are no longer legally responsible for the support of the child or that the child is no longer receiving any support from the adoptive parents, the social services official shall terminate the

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

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[~~assistance~~] subsidy provided to the adoptive parents pursuant to this section. The adoptive parents may appeal the termination of [~~assistance~~] subsidy to the department in accordance with section twenty-two of this chapter.

(iv) If the child is in foster care and the social services official determines that the child is no longer receiving any support from the adoptive parents, the social services official [~~may reduce, suspend, or~~] shall terminate the [~~assistance~~] subsidy provided to the adoptive parents pursuant to this section. The adoptive parents may appeal the termination of [~~assistance~~] subsidy to the department in accordance with section twenty-two of this chapter.

(v) If [~~assistance~~] a subsidy is [~~reduced, suspended or~~] terminated pursuant to this paragraph and the child is returned from foster care to the care of the adoptive parents, the social services official shall resume [~~assistance~~] such subsidy effective from the date when the child was returned to the adoptive parent's care.

(c-3) If the social services official terminates the adoption [~~assistance~~] subsidy provided to adoptive parents pursuant to paragraph (c-2) of this subdivision and the child resides with another person who has been granted physical custody or appointed as guardian of the child, the social services official shall [~~enter into~~], pursuant to a written agreement [~~to~~], make adoption [~~assistance~~] subsidy payments to the custodian or guardian; provided, however, that no person shall receive an adoption subsidy payment for any child for whom they previously had parental rights which were terminated pursuant to a proceeding under section three hundred eighty-four-b of this article or for whom they previously had parental rights which were surrendered pursuant to a written instrument executed in accordance with [~~section~~] sections three hundred eighty-three-c of or three hundred eighty-four this article. Such payments shall be made retroactive from the termination of [~~assistance~~] subsidy to the adoptive parents pursuant to paragraph (c-2) of this subdivision and shall be made until the child's twenty-first birthday. A custodian or guardian who receives adoption [~~assistance~~] subsidy payments pursuant to this paragraph shall be subject to the same requirements that apply to adoptive parents under this section.

(c-4) If the social services official terminates the adoption [~~assistance~~] subsidy provided to adoptive parents pursuant to paragraph (c-2) of this subdivision after the eighteenth birthday and before the twenty-first birthday of the adopted child, and no person other than the adoptive parents has legal custody or guardianship of the child, the social services official shall make payments to the child:

(i) through direct payments to the child, if the social services official determines the child demonstrates the ability to manage such direct payments; or

(ii) to a representative payee certified by the social services official in accordance with paragraph (g) of this subdivision.

§ 2. Clause (B) of subparagraph (iii) of paragraph (g) of subdivision 1 of section 453 of the social services law, as amended by a chapter of the laws of 2024 amending the social services law relating to the adoption subsidies provided for disabled or hard to place children, as proposed in legislative bills numbers S. 8745 and A. 3580-A, is amended to read as follows:

(B) If the twenty-first birthday of the child occurs while awaiting the certification of a representative payee, the child shall be entitled to retroactive direct payment of subsidy payments since the death of the adoptive parent or parents or the termination of [~~assistance~~] the subsi-

dy to the adoptive parent or parents pursuant to paragraph (c-2) of this subdivision after the eighteenth birthday of the child.

§ 3. Section 4 of a chapter of the laws of 2024 amending the social services law relating to the adoption subsidies provided for disabled or hard to place children, as proposed in legislative bills numbers S. 8745 and A. 3580-A, is amended to read as follows:

§ 4. This act shall take effect [~~immediately~~] on the ninetieth day after it shall have become a law; provided however that:

(a) the office of children and family services shall submit to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the state title IV-E state plan regarding the provisions of this act;

(b) notwithstanding any other provision of law, subparagraph (v) of paragraph (c-2) and paragraphs (c-3) and (c-4) of subdivision 1 of section 453 of the social services law, as added by section one of this act, and section two of this act shall not take effect unless and until ninety days following the date that the United States Department of Health and Human Services, Administration for Children, Youth and Families approves a title IV-E state plan amendment regarding [~~the~~] such provisions of this act; and

(c) the office of children and family services shall notify the legislative bill drafting commission upon the occurrence of the submission set forth in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

(d) Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the social services law relating to the adoption subsidies provided for disabled or hard to place children, as proposed in legislative bills numbers S. 8745 and A. 3580-A, takes effect.