

# PROGRAM BILL # 52

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*FAMICOAC\***  
(Relates to assessment services for  
youth alleged to be suffering from  
substance use disorder)

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Fam Ct. asmt svc youth sub use ds

## AN ACT

to amend the family court act, in  
relation to assessment services for  
youth alleged to be suffering from  
substance use disorder

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

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Lafimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s32 Diaz	s36 Hassell- Thompson	s43 Marchione	s56 Robach	s57 Young
s18 Dilan	s27 Hoylman	s07 Martins	s19 Sampson	s03 Zeldin
s31 Espallat	s63 Kennedy	s62 Maziarz	s10 Sanders	s08
s49 Farley	s34 Klein	s25 Montgomery	s23 Savino	s20
s17 Felder		s54 Nozzolio	s29 Serrano	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stec
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples- Stokes	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	a058 Perry	a127 Stirpe
a106 Barrett	a126 Finch	a050 Lentol	a086 Pichardo	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a089 Pretlow	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a073 Quart	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a019 Ra	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a012 Raia	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a006 Ramos	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a078 Rivera	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a128 Roberts	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a056 Robinson	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a068 Rodriguez	a024 Weprin
a118 Butler	a150 Goodell	a108 McDonald	a072 Rosa	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKeivitt	a025 Rozic	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a116 Russell	a055
a033 Clark	a139 Hawley	a038 Miller	a149 Ryan	a059
a047 Colton	a083 Heastie	a052 Millman	a009 Saladino	a060
a032 Cook	a003 Hennessey	a015 Montesano	a111 Santabarbara	a077
a144 Corwin	a028 Hevesi	a136 Morelle	a029 Scarborough	a079
a085 Crespo	a048 Hikind	a057 Mosley	a016 Schimmel	a098
a122 Crouch	a018 Hooper	a039 Moya	a140 Schimminger	a113
a021 Curran	a042 Jacobs	a133 Nojay	a087 Sepulveda	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a065 Silver	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a027 Simanowitz	
a053 Davila	a094 Katz	a069 O'Donnell	a036 Simotas	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a104 Skartados	
a081 Dinowitz	a142 Kearns	a091 Otis		

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. Subdivision (i) of section 712 of the family court act, as  
2 added by section 1 of part E of chapter 57 of the laws of 2005, is  
3 amended, and four new subdivisions (j), (k), (l) and (m) are added to  
4 read as follows:

5 (i) "Diversion services". Services provided to children and families  
6 pursuant to section seven hundred thirty-five of this article for the  
7 purpose of avoiding the need to file a petition or direct the detention  
8 of the child. Diversion services shall include: efforts to adjust cases  
9 pursuant to this article before a petition is filed, or by order of the  
10 court, after the petition is filed but before fact-finding is commenced;  
11 and preventive services provided in accordance with section four hundred  
12 nine-a of the social services law to avert the placement of the child  
13 into foster care, including crisis intervention and respite services.  
14 Diversion services may also include, in cases where any person is seek-  
15 ing to file a petition that alleges that the child has a substance use  
16 disorder or is in need of immediate detoxification or substance use  
17 disorder services, an assessment for substance use disorder; provided,  
18 however, that notwithstanding any other provision of law to the contra-  
19 ry, the designated lead agency shall not be required to pay for all or  
20 any portion of the costs of such assessment or substance use disorder or  
21 detoxification services, except in cases where medical assistance for  
22 needy persons may be used to pay for all or any portion of the costs of  
23 such assessment or services.

24 (j) "Substance use disorder". The misuse of, dependence on, or  
25 addiction to alcohol and/or legal or illegal drugs leading to effects  
26 that are detrimental to the person's physical and mental health or the  
27 welfare of others.

1     (k) "Assessment for substance use disorder". Assessment by a provider  
2     that has been certified by the office of alcoholism and substance abuse  
3     services of a person less than eighteen years of age where it is alleged  
4     that the youth is suffering from a substance use disorder which could  
5     make a youth a danger to himself or herself or others.

6     (l) "A substance use disorder which could make a youth a danger to  
7     himself or herself or others". A substance use disorder that is accompa-  
8     nied by the dependence on, or the repeated use or abuse of, drugs or  
9     alcohol to the point of intoxication such that the person is in need of  
10    immediate detoxification or other substance use disorder services.

11    (m) "Substance use disorder services". Substance use disorder services  
12    shall have the same meaning as provided for in section 1.03 of the  
13    mental hygiene law.

14    § 2. Subdivision (b) of section 735 of the family court act, as added  
15    by section 7 of part E of chapter 57 of the laws of 2005, is amended to  
16    read as follows:

17    (b) The designated lead agency shall:

18    (i) confer with any person seeking to file a petition, the youth who  
19    may be a potential respondent, his or her family, and other interested  
20    persons, concerning the provision of diversion services before any peti-  
21    tion may be filed; and

22    (ii) diligently attempt to prevent the filing of a petition under this  
23    article or, after the petition is filed, to prevent the placement of the  
24    youth into foster care; and

25    (iii) assess whether the youth would benefit from residential respite  
26    services; and

27    (iv) determine whether alternatives to detention are appropriate to  
28    avoid remand of the youth to detention; and

1     (v) determine whether an assessment of the youth for substance use  
2     disorder by an office of alcoholism and substance abuse services certi-  
3     fied provider is necessary when a person seeking to file a petition  
4     alleges in such petition that the youth is suffering from a substance  
5     use disorder which could make the youth a danger to himself or herself  
6     or others. Provided, however, that notwithstanding any other provision  
7     of law to the contrary, the designated lead agency shall not be required  
8     to pay for all or any portion of the costs of such assessment or for any  
9     substance use disorder or detoxification services, except in cases where  
10    medical assistance for needy persons may be used to pay for all or any  
11    portion of the costs of such assessment or services. The office of  
12    alcoholism and substance abuse services shall make a list of its certi-  
13    fied providers available to the designated lead agency.

14    § 3. This act shall take effect on the one hundred eightieth day after  
15    it shall have become a law; and effective immediately, all rules and  
16    regulations necessary for the implementation of this act on its effec-  
17    tive date may be promulgated prior to such effective date.