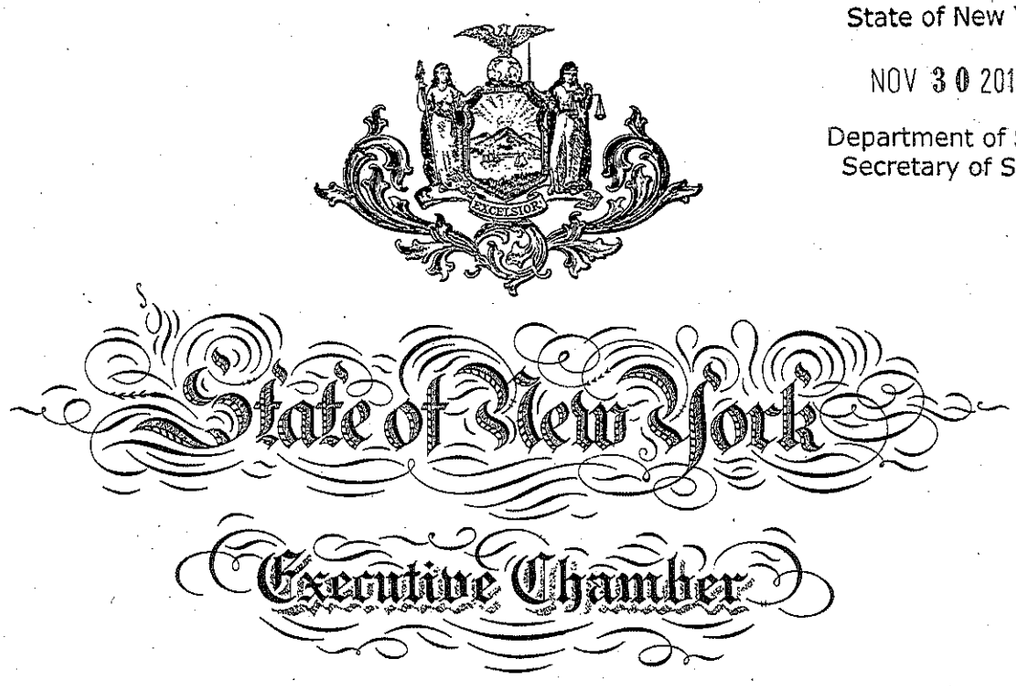
State of New York

NOV 30 2012

Department of State
Secretary of State



No. 83

EXECUTIVE ORDER

TEMPORARY MODIFICATION OF PROVISIONS RELATED TO THE NEW YORK CITY JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE

WHEREAS, on October 26, 2012, I issued Executive Order Number 47 declaring a disaster emergency in all 62 counties of the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, New York, Queens and Richmond; and

WHEREAS, the New York State Office of Children and Family Services ("OCFS") approved, effective September 1, 2012, the plan of the New York City Administration for Children's Services ("ACS"), acting as the applicable social services district, to implement a Juvenile Justice Services Close to Home Initiative for juvenile delinquents placed in non-secure settings; and

WHEREAS, the Social Services Law and the Family Court Act provide for an expedited process to transfer youth from OCFS to ACS custody during the first 90 days after the effective date of an approved Juvenile Justice Services Close to Home Initiative; and

WHEREAS, as a result of Hurricane Sandy, ACS, the family courts for the five counties of the City of New York, attorneys for the youths subject to such initiative, the families of such children and OCFS have experienced multiple problems, including the loss of power, that have prevented the filing of petitions pursuant to the expedited process. In addition, some residential providers who are under contract to provide beds to provide services to the transferred youths have been unable to open or maintain those beds as a result of the storm, all of which has impeded the ability to implement the initiative as quickly as the applicable laws intended; and

WHEREAS, the enforcement of certain State statutes relating to such initiative, which OCFS has no ability to waive, could impede some affected parties ability to address the disaster emergency or to provide services to those affected by the disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the State disaster emergency, hereby temporarily modify from the date of this Executive Order until further notice, the following laws:

1. Paragraph (a) of subdivision 6 of Section 404 of the Social Services Law to the extent that the timeframe for OCFS to file petitions to transfer youths would be extended from ninety days to one hundred twenty days after the effective date of ACS' approved plan for the Juvenile Justice Services Close to Home Initiative for juvenile delinquents placed in non-secure settings; and

2. Subdivision 2 of Section 355.1 of the Family Court Act to the extent that the provisions in subdivision (b) of such section are modified to extend, from the first ninety days to the first one hundred twenty days after ACS' approved plan for said initiative is effective, the timeframe when the applicable family court must decide petitions filed by OCFS to transfer the custody of certain juvenile delinquents to ACS without a hearing; and, to modify the provisions of subdivision (c) of such section to apply beginning one hundred twenty-one days, instead of ninety-one days, after the effective date of such plan.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirtieth day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor