

ARTICLE 19-H  
RUNAWAY AND HOMELESS YOUTH ACT OF  
NINETEEN HUNDRED SEVENTY-EIGHT

Section 532. Short title.

532-a. Definitions.

532-b. Powers and duties of approved runaway program.

532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements.

532-d. Residential facilities operated as transitional independent living support programs.

532-e. Powers and duties of the office of children and family services.

§ 532. Short title. This article shall be known and may be cited as the "runaway and homeless youth act of nineteen hundred seventy-eight".

§ 532-a. Definitions. For the purposes of this article the term:

1. "Runaway youth" shall mean a person under the age of eighteen years who is absent from his legal residence without the consent of his parent, legal guardian or custodian.

2. "Homeless youth" shall mean a person under the age of twenty-one who is in need of services and is without a place of shelter where supervision and care are available.

3. "Youth in need of crisis intervention or respite services" shall mean a person under the age of eighteen years who is a potential respondent under article seven of the family court act, who, with the consent of his or her parent or other person legally responsible for the youth, is determined by the local juvenile probation department or social services official to be in need of crisis intervention or respite services.

4. "Approved runaway program" shall mean any non-residential program approved by the office of children and family services after submission by the county youth bureau, as part of its comprehensive plan, or any residential facility which is operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law, and approved by the office of children and family services after submission by the county youth bureau as part of its comprehensive plan, established and operated to provide services to runaway and homeless youth in accordance with the regulations of the office of temporary and disability assistance and the office of children and family services. Such programs may also provide non-residential crisis intervention and residential respite services to youth in need of crisis intervention or respite services, as defined in this section. Residential respite services in an approved runaway program may be provided for no more than twenty-one days in accordance with the regulations of the office of children and family services.

5. "Runaway and homeless youth service coordinator" shall mean any person designated by a county whose duties shall include but not be limited to answering inquiries at any time concerning transportation, shelter and other services available to a runaway or homeless youth or a youth in need of crisis intervention or respite services.

6. "Transitional independent living support program" shall mean any non-residential program approved by the office of children and family services after submission by the county youth bureau as part of its comprehensive plan, or any residential facility approved by the office of children and family services after submission by the county youth bureau as part of its comprehensive plan, established and operated to provide supportive services, for a period of up to eighteen months in

accordance with the regulations of the office of children and family services, to enable homeless youth between the ages of sixteen and twenty-one to progress from crisis care and transitional care to independent living. Such transitional independent living support program may also provide services to youth in need of crisis intervention or respite services. Notwithstanding the time limitation in paragraph (i) of subdivision (d) of section seven hundred thirty-five of the family court act, residential respite services may be provided in a transitional independent living support program for a period of more than twenty-one days.

7. "Safe house" shall mean a residential program for sexually exploited children as defined in subdivision one of section four hundred forty-seven-a of the social services law. An approved runaway program may operate a short-term safe house, as defined in subdivision two of section four hundred forty-seven-a of the social services law, for sexually exploited children. A transitional independent living support program may operate a long-term safe house for sexually exploited children.

§ 532-b. Powers and duties of approved runaway program. 1. Notwithstanding any other provision of law, pursuant to regulations of the office of children and family services an approved runaway program is authorized to and shall:

(a) provide assistance to any runaway or homeless youth or youth in need of crisis intervention or respite services as defined in this article;

(b) attempt to determine the cause for the youth's runaway or homeless status;

(c) explain to the runaway and homeless youth his legal rights and options of service or other assistance available to the youth;

(d) work towards reuniting such youth with his parent or guardian as soon as practicable in accordance with section five hundred thirty-two-c of this article;

(e) assist in arranging for necessary services for runaway or homeless youth, and where appropriate, their families, including but not limited to food, shelter, clothing, medical care, education and individual and family counseling. Where the approved runaway program concludes that such runaway or homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist the youth in securing such assistance, care or services as the youth is entitled to; and

(f) immediately report to the local child protective service where it has reasonable cause to suspect that the runaway or homeless youth has been abused or neglected or when such youth maintains such to be the case.

2. The runaway youth may remain in the program on a voluntary basis for a period not to exceed thirty days from the date of admission where the filing of a petition pursuant to article ten of the family court act is not contemplated, in order that arrangements can be made for the runaway youth's return home, alternative residential placement pursuant to section three hundred ninety-eight of the social services law, or any other suitable plan. If the runaway youth and the parent, guardian or custodian agree, in writing, the runaway youth may remain in the runaway program up to sixty days without the filing of a petition pursuant to article ten of the family court act, provided that in any such case the

facility shall first have obtained the approval of the county runaway coordinator, who shall notify the county youth bureau of his approval together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements. 1. The staff of the program shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following the youth's admission into the program, notify such runaway youth's parent, guardian or custodian of his or her physical and emotional condition, and the circumstances surrounding the runaway youth's presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the runaway program director or his designee shall either file an appropriate petition in the family court, refer the youth to the local social services district, or in instances where abuse or neglect is suspected, report such case pursuant to title six of article six of the social services law.

2. Where custody of the youth upon leaving the approved program is assumed by a relative or other person, other than the parent or guardian, the staff of the program shall so notify the parent or guardian as soon as practicable after the release of the youth. The officers, directors or employees of an approved runaway program shall be immune from any civil or criminal liability for or arising out of the release of a runaway or homeless youth to a relative or other responsible person other than a parent or guardian.

§ 532-d. Residential facilities operated as transitional independent living support programs. Notwithstanding any inconsistent provision of law, pursuant to regulations of the office of children and family services, residential facilities operating as transitional independent living support programs are authorized to and shall:

(a) provide shelter to homeless youth between the ages of sixteen and twenty-one as defined in this article;

(b) work toward reuniting such homeless youth with his parent, guardian or custodian, where possible;

(c) provide or assist in securing necessary services for such homeless youth, and where appropriate, his family, including but not limited to housing, educational, medical care, legal, mental health, and substance and alcohol abuse services. Where such program concludes that such homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist such youth in securing such assistance, care or services;

(d) for a homeless youth whose service plan involves independent living, provide practical assistance in achieving independence, either through direct provision of services or through written agreements with other community and public agencies for the provision of services in the following areas; high school education or high school equivalency education; higher education assessment; job training and job placement; counseling; assistance in the development of socialization skills; guidance and assistance in securing housing appropriate to needs and income; and training in the development of skills necessary for

responsible independent living, including but not limited to money and home management, personal care, and health maintenance; and

(e) provide residential services to a youth in need of crisis intervention or respite services, as defined in this article; and

(f) continue to provide services to a homeless youth who is not yet eighteen years of age but who has reached the eighteen month maximum provided by subdivision six of section five hundred thirty-two-a of this article, until he or she is eighteen years of age or for an additional six months if he or she is still under the age of eighteen; and

(g) provide such reports and data as specified by the office of children and family services.

532-e. Powers and duties of the office of children and family services. The office of children and family services shall: (a) visit, inspect and make periodic reports on the operation and adequacy of approved runaway programs and transitional independent living support programs;

(b) certify residential facilities providing care to runaway and/or homeless youth, provided, however, that no certification shall be issued or renewed until it can be demonstrated that a program operated pursuant to this article has consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, developed and implemented a procedure for reviewing and evaluating the backgrounds of and the information supplied by any person applying to be an employee, volunteer or consultant, which shall include but not be limited to the following requirements: that the applicants set forth his or her employment history, provide personal and employment references and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction;

(c) maintain a register of approved runaway programs, transitional independent living support programs and runaway and homeless youth service coordinators;

(d) submit to the governor and legislature an annual report detailing the numbers and characteristics of runaway and otherwise homeless youth throughout the state and their problems and service needs;

(e) develop and promulgate in consultation with county youth bureaus and organizations or programs which have had past experience dealing with runaway and homeless youth, regulations concerning the coordination and integration of services available for runaway and otherwise homeless youth and prohibiting the disclosure or transferal of any records containing the identity of individual youth receiving services pursuant to this section, without the written consent of the youth; and

(f) develop and promulgate regulations in consultation with the office of temporary and disability assistance concerning the provision of services by transitional independent living support programs consistent with the provisions of this article.

(g) in conjunction with the commissioner of education, develop and annually review a plan to ensure coordination and access to education for homeless children, in accordance with the provisions of section thirty-two hundred nine of the education law, and monitor compliance of residential programs for runaway and homeless youth with such plan.