

STATUS:

A304-D Clark (MS) No Same as
Executive Law
TITLE....Establishes the office of the child advocate

01/03/07 referred to children and families
01/17/07 reported referred to codes
01/23/07 reported referred to ways and means
06/06/07 amend (t) and recommit to ways and means
06/06/07 print number 304a
06/18/07 amend (t) and recommit to ways and means
06/18/07 print number 304b
06/20/07 reported referred to rules
01/09/08 referred to children and families
05/08/08 amend (t) and recommit to children and families
05/08/08 print number 304c
05/13/08 reported referred to codes
05/28/08 reported referred to ways and means
06/10/08 amend (t) and recommit to ways and means
06/10/08 print number 304d
06/16/08 reported referred to rules
06/16/08 reported
06/16/08 rules report cal.288
06/16/08 ordered to third reading rules cal.288
06/17/08 passed assembly
06/17/08 delivered to senate
06/17/08 REFERRED TO RULES

BILL TEXT:

STATE OF NEW YORK

304--A

2007-2008 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 3, 2007

Introduced by M. of A. CLARK, SCARBOROUGH, TITUS, PAULIN, JACOBS,
HEAST-

RIVERA, IE, BENJAMIN, D. GORDON, BENEDETTO, GREENE, PEOPLES, N.
COLTON, JOHN, CANESTRARI, GALEF, PHEFFER, FIELDS, PERRY,
MAYERSOHN, BOYLAND, WALKER, ALFANO, BUTLER -- Multi-Sponsored by -- M. of
A. ARROYO, BARRA, CAHILL, CAMARA, CHRISTENSEN, CROUCH, EDDINGTON,
ERRIGO, FARRELL, GANTT, GOTTFRIED, HIKIND, HYER-SPENCER, LATIMER,
LIFTON, McENENY, McKEVITT, MILLER, MILLMAN, MOLINARO, NOLAN,
ROBINSON, SAYWARD, SWEENEY, TOWNS, TOWNSEND, WEISENBERG, WRIGHT -- read once
and referred to the Committee on Children and Families -- reported
and referred to the Committee on Ways and Means -- committee
discharged,
said bill amended, ordered reprinted as amended and recommitted to
committee

AN ACT to amend the social services law, in relation to the office
of the child advocate; to amend a chapter of the laws of 2007
amending the executive law and the social services law relating to the
transfer of the state council on children and families from the office of
chil- dren and family services to the executive department, as proposed
in legislative bills numbers S. 3967 and A. 7129, in relation to
adding technical provisions thereto; and to repeal certain provisions of
the social services law and the executive law relating to the office
of the ombudsman in the office of children and family services

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

1 Section 1. Subtitle B of title 3 of article 19-G of the executive
law
2 is REPEALED.
3 § 2. Title 1-A of article 6 of the social services law is REPEALED.
4 § 3. Subdivision 1 of section 483 of the social services law, as
added
5 by section 2 of part F2 of chapter 62 of the laws of 2003, is amended
to
6 read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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1 1. There shall be a council on children and families established
with-
2 in the office of children and family services consisting of the
follow-
3 ing members: the state commissioner of children and family services,
the
4 commissioner of temporary and disability assistance, the commissioner
of
5 mental health, the commissioner of mental retardation and
developmental
6 disabilities, the commissioner of the office of alcoholism and
substance
7 abuse services, the commissioner of education, the state director
of
8 probation and correctional alternatives, the commissioner of health,
the
9 commissioner of the division of criminal justice services, the
state
10 advocate for persons with disabilities, the director of the office
for
11 the aging, the commissioner of labor, [~~and~~] the chair of the
commission

12 on quality of care for the mentally disabled and the child
advocate.

13 The governor shall designate the chair of the council and the
chief
14 executive officer (CEO).

15 § 4. Section 483-b of the social services law is amended by adding
two
16 new subdivisions 6 and 7 to read as follows:

17 6. The council shall at its option, or at the request of the
child

18 advocate, meet to discuss reports, information, or
recommendations

19 presented by the child advocate concerning care and services
programs

20 for children and youth and to consider recommendations for remedy of
any

21 problems presented, or to consider initiatives or other
recommendations

22 made by the child advocate.

23 7. Member agencies shall promulgate regulations requiring that
no

24 care, services, programs, or services programs under their
jurisdiction

25 shall restrict or prohibit access to records or individuals by the
child

26 advocate upon request, provided, however, that in the case of
medical

27 records, disclosure may be exclusive of the personal notes of a
physi-

28 cian as defined in such regulations and access to such medical
records

29 may be limited to such times as may be specified in such
regulations.
30 The regulations shall specify that all records shall be made
available
31 by a designated member or members of the staff of the
services,
32 programs, or services programs, who shall be designated by
such
33 services, programs, or services programs to provide access to and,
where
34 necessary, interpretation of such records to the child advocate,
who
35 shall have the right to photocopy such records.

36 § 5. The social services law is amended by adding a new section
483-f
37 to read as follows:

38 § 483-f. Office of the child advocate. 1. Definitions. As used in
this

39 article:
40 (a) "Advocate" means the office of the child advocate, created by
this
41 section.

42 (b) "Director" means the director of the office of the child
advocate.

43 (c) "Member agency" means a member agency of the council, as such
term
44 is defined in section four hundred eighty-three-b of this article,
and
45 the terms "care", "services", "programs", and "services programs"
shall
46 have the same meanings as in such section.

47 2. Office of the child advocate; creation. There is hereby
established
48 within the council the autonomous office of the child advocate,
whose
49 purpose shall be to ensure the protection and promotion of the
rights,
50 health, safety, and welfare of children receiving care,
services,
51 programs, and services programs by or under the jurisdiction of
the
52 office of children and family services, and of member agencies, to
the
53 extent provided and described in this section.

54 (a) The director shall be an individual with at least five years
expe-
55 rience in the general subject area of child welfare, child health
and
56 safety, and juvenile justice as a practitioner, advocate,
academician,

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1 writer, or theoretician, who shall be appointed by the governor upon
the
2 advice and consent of the senate for a term of five years. The
director

3 shall continue to hold such position until his or her successor
is
4 appointed, but may be removed from his or her position if the
governor
5 shall determine that such director has abused his or her rights,
powers
6 and duties established pursuant to this subdivision or that he or
she
7 has willfully failed to carry out the duties required by this
subdivi-
8 sion. The director shall report to the governor, who shall fix
the
9 compensation of the director within amounts appropriated therefor.
10 (b) Persons employed by the office of the child advocate shall
be
11 known and referred to as "child advocates," and shall be
individuals
12 with expertise in the areas of child welfare, child health and
safety,
13 and juvenile justice, as evidenced by experience in the field,
practice,
14 advocacy, or by academic background, the level and sufficiency of
such
15 factors to be determined by the director.
16 (c) The council on children and families, its chair, chief
executive
17 officer, or any member agency, shall have no power to appoint or
remove
18 any personnel of the advocate or any power or authority with regard
to
19 the operation and administration of the advocate or any power or
author-
20 ity over the advocate's budget. The advocate shall furnish to the
direc-
21 tor of the division of the budget the itemized estimates of its
finan-
22 cial needs, which shall not be revised or altered in any manner by
the
23 council, its chair, chief executive officer, or any member agency.
24 3. Duties of the office of the child advocate. The advocate shall:
25 (a) visit and evaluate the delivery of care, services, programs,
and
26 services programs for children and their families in accordance
with
27 priorities set by the director based upon the plan developed by
the
28 child advocate coordinating council; and hear grievances and
complaints,
29 and make appropriate referrals;
30 (b) investigate as provided herein alleged violations of the rights
of
31 children or threats to the health and safety of children in
care,
32 services, programs, and services programs under the jurisdiction of
the
33 office of children and family services, or of member agencies as and
to

34 the extent provided herein;
35 (c) monitor the implementation of policies and regulations of
the
36 office of children and family services, including statutes,
court
37 orders, court decisions and court stipulations, and of member
agencies
38 applicable to the rights, health, safety, and welfare of children
under
39 the jurisdiction of the office of children and family services;
40 (d) advise and assist youth under the jurisdiction of member
agencies
41 to obtain legal counsel, if the advocate shall deem it necessary
or
42 appropriate, or if requested to do so;
43 (e) establish and maintain a toll-free hotline to receive and
respond
44 to calls from adults and children seeking to refer problems and
concerns
45 to the advocate;
46 (f) recommend policies, regulations, and legislation to the
governor,
47 the legislature, and to the council on children and families which
are
48 designed to improve services or correct problems concerning
care,
49 services, programs, and services programs for children and their
fami-
50 lies, and recommend changes appropriate to protecting the
rights,
51 health, safety, and welfare of children under the jurisdiction of
member
52 agencies;
53 (g) serve as a resource to children receiving care,
services,
54 programs, and services programs by member agencies or from
entities
55 under the jurisdiction of member agencies, by such means as creating
and

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1 disseminating materials to inform them of their rights and
informing
2 them of the services that the advocate offers;
3 (h) present complaints of children and their families to the
governor
4 and the council on children and families, and where appropriate, to
the
5 independent review board and member agencies having jurisdiction
over
6 the child or the subject or source of the complaints; and
7 (i) with respect to children receiving care, services, programs,
and
8 services programs from mental hygiene facilities, as such term
is
9 defined in subdivision five of section 45.01 of the mental hygiene
law,

10 the child advocate shall execute a memorandum of understanding with
the
11 state commission on quality of care and advocacy for persons with
disa-
12 bilities, created by article forty-five of the mental hygiene
law,
13 delineating the appropriate roles of the advocate and such
commission
14 with respect to the powers and duties of each. A copy of such
memorandum
15 of understanding shall be provided when executed to the fiscal
commit-
16 tees of the legislature. Any other provision of any other law to
the
17 contrary notwithstanding, including any provision of this section,
the
18 advocate shall have no power, authority, duty, right, or
responsibility
19 with respect to children receiving care, services, programs,
and
20 services programs from such mental hygiene facilities prior to
the
21 execution of such memorandum of understanding, and any power,
authority,
22 duty, right, or responsibilities after execution of such memorandum
of
23 understanding shall be entirely governed by such memorandum of
under-
24 standing.
25 4. Powers with respect to access to individuals and records.
26 (a) In performance of the rights, powers and duties granted by
and
27 pursuant to this article, the child advocate may communicate
privately
28 with any child who has received or is receiving care,
services,
29 programs, and services programs by or from an entity under the
jurisdic-
30 tion of the office of children and family services or a member
agency.
31 (b) Any other provision of any other law to the contrary
notwithstand-
32 ing: the child advocate shall have access to records and
documents
33 necessary to conduct an investigation, except as otherwise
provided
34 herein, or otherwise protected by federal requirements, and it shall
be
35 incumbent upon any member agency to produce materials or written
docu-
36 ments necessary to such investigation when so requested; and any
entity
37 providing care, services, programs, and services programs to children
of
38 the state and their families by or under the jurisdiction of a
member

39 agency shall similarly provide access to and produce records and
docu-
40 ments necessary to conduct an investigation when so requested,
unless
41 excluded as otherwise provided herein, or otherwise protected by
federal
42 requirements.
43 (i) Such access shall include access to records maintained by
the
44 statewide central registry of child abuse and maltreatment and
records
45 of local child protective services maintained pursuant to title six
of
46 article six of this chapter, under written agreement to be
established
47 with the commissioner of the office of children and family
services
48 which shall provide access to the extent that such access is
necessary
49 to an investigation undertaken by the advocate. The advocate shall
addi-
50 tionally have access to the extent necessary to an investigation
under-
51 taken by the advocate, to the records of local and regional
fatality
52 review teams pursuant to agreement with the office of children and
fami-
53 ly services, and shall have access equal to that granted to the
office
54 of children and family services pursuant to section three hundred
seven-
55 ty-two of this chapter to records maintained pursuant to such
section
56 three hundred seventy-two, to the extent necessary to an
investigation

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1 undertaken by the advocate and shall have access to uniform case
records
2 pursuant to section four hundred nine-f of this chapter.
3 (ii) Any failure to maintain the confidentiality of client-
identifia-
4 ble information shall subject the advocate to denial of any
further
5 access to records until such time as the advocate shall have
reviewed
6 its procedures concerning controls and prohibitions imposed on
the
7 dissemination of such information and shall have taken all
reasonable
8 and appropriate steps to eliminate such lapses in maintaining
confiden-
9 tiality to the satisfaction of the office of children and
family
10 services. The office of children and family services shall establish
the

11 grounds for denial of access to records contained under this section
and
12 shall recommend as necessary a plan of remediation to the advocate.
Any
13 person given access to information pursuant to this subdivision
who
14 releases data or information to persons or agencies not authorized
to
15 receive such information shall be guilty of a class A misdemeanor.
16 5. Additional powers of the child advocate. With respect to any
care,
17 services, programs, and services programs provided to children of
the
18 state and their families by a member agency or by an entity under
the
19 jurisdiction of a member agency, except as otherwise provided in
this
20 section, the child advocate may:
21 (a) review, monitor or evaluate such agency's or entity's response
to
22 or disposition of an allegation of child abuse or neglect if it
shall
23 determine that the response or disposition by the agency or entity
has
24 been insufficient, provided that the child advocate shall provide
time
25 and opportunity, but not more than sixty days, for the agency or
entity
26 to respond in writing to the results of such review, monitoring or
eval-
27 uation prior to making its findings public or providing them to
the
28 governor and the legislature, and shall include such response in
any
29 such report;
30 (b) inspect and review operations, policies and procedures;
31 (c) review, monitor and report on performance by conducting audits
or
32 studies of case records, policies, procedures and protocols, and
inter-
33 views with staff and child residents as the advocate may deem
necessary;
34 (d) enter into contracts to obtain the services of experts to
assist
35 the advocate in assessing, evaluating, reviewing and improving
the
36 delivery of care, services, programs, and services programs to
children
37 and families in New York; and
38 (e) conduct public hearings on a study of systemic issues
undertaken
39 by the advocate, and receive testimony from representatives or
member
40 agencies, entities providing care, services, programs, and
services
41 programs under the jurisdiction of such member agencies, the public
and

42 other interested parties, as the child advocate deems appropriate.
43 6. Conduct and scope of investigations. Any other provision of
any
44 other law to the contrary notwithstanding, the child advocate may
inves-
45 tigate grievances and complaints brought to it from any source, and
may
46 in pursuing its investigation visit any facility or program at any
time,
47 without prior notice. Facility and program directors and
individuals
48 employed or volunteering at the facility or program shall cooperate
with
49 the investigation. At the child advocate's request, the staff of
a
50 facility or program shall inform the residents of the child
advocate's
51 availability on site or on premises. The child advocate shall
have
52 access to any resident or individuals receiving services on request,
and
53 the facility shall provide a suitable room upon request for
private
54 counseling. The child advocate shall have the right to inspect
the
55 facility, visit all areas and observe all parts and aspects of
the
56 program. The child advocate shall interview employees during
regular

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1 hours of employment whenever feasible. The child advocate shall
have
2 access to all books, records, logs, reports, memoranda and any and
all
3 other materials or written documents in the possession of such
facili-
4 ties or programs.
5 7. Reports. If the child advocate identifies a problem in the
way a
6 member agency or an entity under the jurisdiction of a member
agency
7 provides care, services, programs, and services programs to the
children
8 of the state and their families, the advocate shall provide a draft
of
9 its findings and recommendations to the agency or entity. The agency
or
10 entity shall have sixty days from the receipt of such draft findings
and
11 recommendations to develop a response, which may include a
corrective
12 action plan which it shall submit to the child advocate for inclusion
in
13 the final findings and recommendations which the child advocate
shall

14 make available to the public, except for any information or
data
15 required to be kept confidential by state or federal law or
other
16 requirement. The reports shall be forwarded unaltered by the child
advoc-
17 ate to the appropriate member agency, to the governor, the child
advoc-
18 ate coordinating council, the inspector general, the temporary
presi-
19 dent of the senate, the speaker of the assembly, the chairman of
the
20 senate committee on social services, children and families, and
the
21 chairman of the assembly committee on children and families. If a
member
22 agency or an entity under jurisdiction of such member agency
has
23 conducted an investigation into the matters reported by the child
advoc-
24 ate, the findings of such investigation shall be included in the
child
25 advocate's report.

26 8. Notification to child advocates of critical incidents. A
member
27 agency or entity shall immediately notify the child advocate of
any
28 critical incident occurring with respect to a child receiving
care,
29 services, programs, and services programs by such entity or member
agen-
30 cy, which for the purposes of this subdivision means and includes
an
31 incident which indicates that a violation of rights has occurred
that
32 could lead to disciplinary action and/or criminal prosecution, or
in
33 which a youth has died or sustained substantial physical injury,
or
34 which is an incident which could give rise to a claim against a
youth.

35 9. Access to the child advocate. All children receiving
care,
36 services, programs, and services programs under the jurisdiction of
a
37 member agency shall be permitted access to a telephone to call the
toll
38 free hotline of the office of the child advocate upon such
child's
39 request. Such child shall be permitted to complete any phone call to
the
40 toll free hotline and any subsequent phone calls with the child
advocate
41 in a private setting in which the child's conversations are not
moni-
42 tored. Any calls placed by a child to the child advocate shall not
count

43 against any limit on phone calls placed on the child pursuant to
the
44 rules of the facility in which such child resides.
45 10. Intervention as of right; notice. The office of the child
advoc-
46 ate, pursuant to paragraph one of subdivision (a) of section one
thou-
47 sand twelve of the civil practice law and rules, shall be permitted
to
48 intervene in any action involving an appeal from a decision of any
court
49 of this state which relates to programs, conditions or services
provided
50 by the office of children and family services. Written notice shall
be
51 given to the attorney general and the commissioner of the office
of
52 children and family services by the party taking the appeal.
53 11. Grants and gifts. The child advocate may apply for and
accept
54 grants, gifts and bequests of funds from private individuals and
founda-
55 tions for the purpose of carrying out systemic studies hereunder.
The

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1 funds shall be expended in accordance with the provisions of such
grant,
2 gift or bequest.
3 12. Quarterly and annual reports by the child advocate. The
child
4 advocate shall report to the governor, the legislature, and the
council
5 on children and families, concerning the grievances and complaints
of
6 youth and the status of such grievances and complaints on a
periodic
7 basis, but not less than once per quarter. The report shall
indicate
8 whether a reported issue, complaint or grievance has been resolved
and
9 the manner in which it was resolved, and the status of implementation
of
10 recommendations or directives made by the child advocate with regard
to
11 previously reported issues, grievances or complaints. At least once
per
12 year such report shall additionally contain statistical data and
infor-
13 mation indicating:
14 (a) the number of youths served by the child advocates;
15 (b) the number and types of complaints, grievances or issues
brought
16 to the attention of the child advocates;
17 (c) the number of facilities visited by the child advocates;
18 (d) the number of investigations conducted by the child advocates;

19 (e) the number of hearings in which the child advocates were
involved;
20 (f) the number and nature of contacts made by child advocates
to
21 persons or agencies external to the office on behalf of youth under
the
22 jurisdiction of the office; and
23 (g) information regarding major grievances, complaints received
and
24 other matters needing attention, including a recitation of the issue
or
25 complaint, a brief statement of facts, and the conclusions and
recommen-
26 dations of the child advocate, and such other items of information
as
27 the child advocate shall deem appropriate.
28 13. Child advocate coordinating council. (a) There is hereby
created a
29 child advocate coordinating council, whose purpose shall be to
facili-
30 tate, with the assistance of the child advocate, interagency
planning
31 and policy with respect to the work of the child advocate, to
review
32 specific initiatives undertaken by the child advocate for their
impact
33 on services related to the children as specified or required by
this
34 section, to provide a continuing forum for concerns and
discussion
35 related to the work of the child advocate with respect to children,
and
36 to provide ongoing consultation and advice for the work of the
child
37 advocate. The council shall be comprised of nine members with
expertise
38 in the general subject area of juvenile justice and child welfare
as
39 practitioners, advocates, academicians, writers, or theoreticians, to
be
40 appointed as follows: three shall be appointed by the governor,
two
41 shall be appointed by the temporary president of the senate and two
by
42 the speaker of the assembly, and one shall be appointed by the
minority
43 leader of the senate and one by the minority leader of the assembly.
The
44 governor shall designate a chairman of the council.
Administrative
45 duties shall be the responsibility of the child advocate. The members
of
46 the council shall receive no compensation for their services but
shall
47 be reimbursed for necessary travel and other expenses.
48 (b) Within one year after the effective date of this section,
the

49 council shall conduct community forums to gain input from
consumers,
50 providers, key researchers in the field and other interested
parties
51 concerning focus and direction of the work of the child advocate,
with
52 such forums to be conducted in at least each of the following regions
of
53 the state: Long Island, New York City, Northern Metropolitan New
York,
54 Northeastern New York, Utica area, Central New York, Rochester area
and
55 Western New York. The council shall develop a report identifying
best
56 practices, interventions, training, costs of effective interventions
and

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1 an assessment of the best initial and ongoing focus for the child
advo-
2 cate within appropriate budget parameters, and such other
recommenda-
3 tions as it shall deem appropriate in keeping with the spirit and
intent
4 of the creation of the office of the child advocate.
Administrative
5 staff for the coordinating council shall be provided by the child
advo-
6 cate.
7 (c) The council shall meet quarterly or more frequently if its
busi-
8 ness shall require. The community forums in the first year of
implemen-
9 tation shall count as a formal meeting of the council. The
council
10 shall provide reports to the governor, the child advocate, and
the
11 legislature on or before December first, two thousand eight and
by
12 February first of every other year thereafter. Such reports
shall
13 include recommendations for improving the effectiveness of the
child
14 advocate and a review of activities, with an assessment of their
rela-
15 tive success or failure, and reasons therefor.
16 14. Protection from retaliation. No state or local agency,
department,
17 office, or entity shall discharge, or in any manner discriminate
or
18 retaliate against, any employee who in good faith makes a complaint
to
19 the child advocate or cooperates with the child advocate in an
investi-
20 gation. No employee of any state or local department or office or
of

21 any private entity shall retaliate against any child who
makes a
22 complaint to the child advocate or who cooperates with the office of
the
23 child advocate in an investigation.
24 15. Indemnification from liability. The state of New York
shall
25 protect and hold harmless any attorney, director, investigator,
social
26 worker or other person employed by the office of the child advocate
and
27 any volunteer appointed by the child advocate from financial loss
and
28 expense, including legal fees and costs, if any, arising out of
any
29 claim, demand or suit for damages resulting from acts or
omissions
30 committed in the discharge of his or her rights, powers and duties
with-
31 in the scope of his or her employment or appointment which may
consti-
32 tute negligence but which acts are not wanton, malicious or
grossly
33 negligent as determined by a court of competent jurisdiction.
34 16. Utilization of other agency assistance. To effectuate the
purposes
35 of this section, any department, division, board, bureau, commission
or
36 agency of the state or of any political subdivision thereof shall,
at
37 the request of the child advocate, provide such facilities,
assistance
38 and data as will enable the advocate properly to carry out its
powers
39 and duties.
40 17. Initial focus. The foregoing provisions of this section to
the
41 contrary notwithstanding, the advocate shall focus initial
investigato-
42 ry, informational, analysis, reporting, and other efforts and
responsi-
43 bilities as required or established in this section on facilities
oper-
44 ated by the office of children and family services. Such initial
focus
45 shall be maintained until at least the fiscal year beginning in
two
46 thousand nine.

47 § 6. A chapter of the laws of 2007 amending the executive law and
the
48 social services law relating to the transfer of the state council
on
49 children and families from the office of children and family services
to
50 the executive department, as proposed in legislative bills numbers
S.

51 3967 and A. 7129, is amended by adding a new section 10-a to read
as

52 follows:

53 § 10-a. An act of the legislature of the year in which this act
shall
54 have become a law which adds or purports to add a new article,
title,
55 section, subdivision or other provision of law to the consolidated
laws
56 from which the sections of this act were derived, as such laws were
in

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1 force and effect immediately prior to the date that this act shall
take
2 effect, shall be legally effective notwithstanding any repealers,
amend-
3 ments and transfers of provisions of such laws by this act and shall
be
4 construed as having been added to this act and shall be given
full
5 effect according to its context as if the same had been added
expressly
6 and in terms to this act and shall be deemed and construed to have
been
7 inserted in this act in juxtaposition to and as modifying the effect
of
8 the corresponding provision or provisions of this act.

9 § 7. Transition money. Monies appropriated to the office of
the
10 ombudsman in the office of children and family services pursuant
to
11 chapter 53 of the laws of 2007, and monies in the amount of
\$500,000
12 appropriated by section 1 of chapter 53 of the laws of 2002, and
reap-
13 propriated by chapter 53 of the laws of 2007 to the state commission
on
14 quality of foster care, are hereby transferred and made available to
the
15 office of the child advocate, and notwithstanding section 51 of
the
16 state finance law or any other provision of law to the contrary,
the
17 director of the budget may authorize transfer or interchange of
moneys
18 not otherwise allocated or monies appropriated within the office of
the
19 children and family services to the office of the child advocate in
an
20 amount not exceeding an additional one million dollars, except
where
21 transfer or interchange of appropriations is prohibited or
otherwise
22 restricted by law.

23 § 8. This act shall take effect on the same date as part K-6 of
chap-

24 ter 57 of the laws of 2007, takes effect; provided, however,
that
25 section six of this act shall take effect on the same date and in
the
26 same manner as a chapter of the laws of 2007 amending the executive
law
27 and the social services law relating to the transfer of state council
on
28 children and families from the office of children and family services
to
29 the executive department, as proposed in legislative bills numbers
S.
30 3967 and A. 7129, takes effect.
