

1861--C

2015-2016 Regular Sessions

I N   A S S E M B L Y

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Introduced by M. of A. MAYER, ABINANTI, AUBRY, BUCHWALD, GALEF, JAFFEE, LAVINE, OTIS, SCHIMEL, PAULIN, LUPARDO, PEOPLES-STOKES, SKOUFIS, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, THIELE -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading -- committed to the Committee on Social Services in accordance with Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring local social services districts to obtain approval by the governing body of such district prior to applying to the office of children and family services to amend the consolidated services plan

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 5, 6, 7, 8 and 9 of section 34-a of the social  
2     services law, subdivision 5 as added by chapter 681 of the laws of 1981,  
3     subdivision 6 as added by chapter 160 of the laws of 2004, paragraph (a)  
4     of subdivision 6 as amended by section 8 of part G of chapter 57 of the  
5     laws of 2013, subdivision 7 as added by chapter 524 of the laws of 2005,  
6     subdivision 8 as added by chapter 543 of the laws of 2006 and subdivi-  
7     sion 9 as added by chapter 144 of the laws of 2015, are amended to read  
8     as follows:  
9     5. AMENDMENTS MADE TO THE MULTI-YEAR CONSOLIDATED SERVICES PLAN. (A)  
10    A LOCAL SOCIAL SERVICES DISTRICT MAY PROPOSE AMENDMENTS TO THE PLAN AT  
11    ANY TIME. IF A LOCAL SOCIAL SERVICES DISTRICT PROPOSES AN AMENDMENT TO  
12    THE CHILD CARE PORTION OF ITS CHILD AND FAMILY SERVICES PLAN THAT  
13    REDUCES ELIGIBILITY OR INCREASES THE FAMILY SHARE PERCENTAGE FOR CHILD  
14    CARE SERVICES, THE AMENDMENT SHALL BE PUBLISHED FOR PUBLIC COMMENT AND

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

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1 SHALL BE PRESENTED TO THE LOCAL ADVISORY BOARD FOR APPROVAL, PRIOR TO  
2 SUBMISSION TO THE OFFICE. IF AN AMENDMENT IS APPROVED BY THE OFFICE, IT  
3 BECOMES EFFECTIVE ON THE DATE SO DESIGNATED BY THE COMMISSIONER.

4 (B) AFTER AN AMENDMENT IS APPROVED BY THE OFFICE AND IMPLEMENTED BY  
5 THE LOCAL SOCIAL SERVICES DISTRICT, THE DISTRICT SHALL SUPPLY THE CHIEF  
6 EXECUTIVE OFFICER, OR FOR LOCAL SOCIAL SERVICES DISTRICTS WITHOUT A  
7 CHIEF EXECUTIVE OFFICER, THE LOCAL LEGISLATIVE BODY, WITH EVIDENCE  
8 SUPPORTING THE NEED FOR SUCH AMENDMENT.

9 6. The commissioner shall promulgate regulations concerning the time  
10 by which:

11 (a) each local social services district shall submit its multi-year  
12 services plan and annual implementation report;

13 (b) the commissioner shall, in writing, notify a local district of  
14 approval or disapproval of all or parts of such district's multi-year  
15 services plan or annual implementation reports; and

16 (c) each local social services district shall submit a revised version  
17 of its multi-year services plan or annual implementation report, or  
18 parts thereof.

19 [6.] 7. (a) Notwithstanding any other provision of law, the office of  
20 children and family services shall plan for the statewide implementa-  
21 tion, by the thirty-first day of December, two thousand eight, of the  
22 use by counties of a child and family services plan that combines the  
23 multi-year consolidated services plan required by this section and the  
24 comprehensive plan required by section four hundred twenty of the execu-  
25 tive law into a single plan.

26 (b) All counties shall implement a county child and family services  
27 plan prior to or by the two thousand eight plan year in accordance with  
28 a schedule developed by the office of children and family services and  
29 shall continue to implement such a plan thereafter. With the approval of  
30 such office, a county may implement such a plan before the date required  
31 by such schedule.

32 (c) The office of children and family services may waive any regulato-  
33 ry requirements relating to the content and timing of multi-year consol-  
34 idated services plans and annual implementation reports that may impede  
35 the ability of a county to implement a county child and family services  
36 plan.

37 (d) Nothing in this subdivision shall be deemed to affect county plan-  
38 ning requirements under the mental hygiene law.

39 [7.] 8. (a) From monies appropriated to the office of children and  
40 family services for the family and children's services foster care and  
41 adoption program, the office shall give assistance to local social  
42 services districts to enable them to collect statistics and to describe  
43 the steps being taken regarding: the number of families needing preven-  
44 tive services as provided for in title four of article six of this chap-  
45 ter for which services are provided; the effectiveness of specific  
46 preventive services in preventing unnecessary foster care placements and  
47 reducing the length of stay in foster care; the efforts made to prevent  
48 unnecessary placements; the use of the least restrictive settings and  
49 the proximity of foster care placements to the child's home; the use of  
50 kinship placements; the placement of siblings with one another at  
51 initial placement or as soon thereafter as possible; the number of  
52 transfers of children in foster care placements and the reasons for  
53 those transfers; the number of families reunited in fulfillment of the  
54 child's service goal plan and the length of placement prior to reunifi-  
55 cation; the number of children prepared for independent living; the  
56 number of children with adoption as a service plan goal; the number of

1 children freed for adoption and the length of time taken to secure  
2 terminations of parental rights; the number of children placed in pre-a-  
3 doptive homes and the number of adoptions completed and the length of  
4 time taken to complete them.

5 (b) Such data submitted to the office of children and family services  
6 shall be aggregated and submitted with a narrative report on these chil-  
7 dren's services, to the governor and the majority leader of the senate  
8 and the speaker of the assembly on or before July first, two thousand  
9 five and semiannually thereafter.

10 [8.] 9. The commissioner of the office of children and family services  
11 shall, in conjunction with the commissioner of education, develop model  
12 practices and procedures for local social services districts and school  
13 districts regarding the reporting and investigation of educational  
14 neglect. Such model practices and procedures shall be available to  
15 social services districts and school districts and shall be posted on  
16 the office of children and family services website and the state depart-  
17 ment of education website by September first, two thousand seven. Each  
18 social services district shall, in conjunction with local school  
19 districts within its district, submit written policies and procedures  
20 regarding the reporting of educational neglect by each school district  
21 within such social services district and the investigation of educa-  
22 tional neglect allegations by child protective services. Such policies  
23 and procedures shall be submitted to the office of children and family  
24 services for review by January first, two thousand eight and the office  
25 shall approve or disapprove such local policies and procedures, based  
26 upon the model practices and procedures established in conjunction with  
27 the state department of education, within sixty days of submission.

28 [9.] 10. (a) If a social services district proposes an amendment to  
29 the child care portion of its child and family services plan that  
30 reduces eligibility or increases the family share percentage for child  
31 care services such district must: (i) no later than the first day the  
32 public notice appears in a newspaper pursuant to subdivision three of  
33 this section or the regulations of the office of children and family  
34 services, as applicable, prominently post on the district's website a  
35 notice of the proposed amendment describing the categories of families  
36 whose cases will be impacted; and (ii) at the time the public notice is  
37 submitted to the newspaper for publication in accordance with subdivi-  
38 sion three of this section or the regulations of the office of children  
39 and family services, as applicable, provide a copy of such notice to the  
40 office of children and family services.

41 (b) If a social services district implements its process for closing  
42 child care cases, as set forth in its approved child and family services  
43 plan, due to the district determining that it cannot maintain its  
44 current caseload because all of the available funds are projected to be  
45 needed for open cases, the district must: (i) no later than the day the  
46 social services district begins to send individual notices to impacted  
47 families in accordance with subdivision eight of section four hundred  
48 ten-w of this chapter, prominently post a notice on their website that  
49 states that such district is implementing the child care case closing  
50 process set forth in its approved child and family services plan and  
51 that describes the categories of families whose cases will be closed;  
52 and (ii) immediately provide a copy of such notice to the office of  
53 children and family services.

54 (c) The office of children and family services shall prominently post  
55 notices received pursuant to paragraphs (a) or (b) of this subdivision  
56 on its website.

1 S 2. Subdivision 6 of section 34-a of the social services law, as  
2 added by chapter 160 of the laws of 2004, is amended to read as follows:

3 [6.] 7. (a) Notwithstanding any other provision of law, the office of  
4 children and family services shall plan for the statewide implementa-  
5 tion, by the thirty-first day of December, two thousand eight, of the  
6 use by counties of a child and family services plan that combines the  
7 multi-year consolidated services plan required by this section and the  
8 county comprehensive plan required by section four hundred twenty of the  
9 executive law into a single plan.

10 (b) All counties shall implement a county child and family services  
11 plan prior to or by the two thousand eight plan year in accordance with  
12 a schedule developed by the office of children and family services and  
13 shall continue to implement such a plan thereafter. With the approval of  
14 such office, a county may implement such a plan before the date required  
15 by such schedule.

16 (c) The office of children and family services may waive any regulato-  
17 ry requirements relating to the content and timing of multi-year consol-  
18 idated services plans and annual implementation reports that may impede  
19 the ability of a county to implement a county child and family services  
20 plan.

21 (d) Nothing in this subdivision shall be deemed to affect county plan-  
22 ning requirements under the mental hygiene law.

23 S 3. The social services law is amended by adding a new section 34-b  
24 to read as follows:

25 S 34-B. LOCAL ADVISORY BOARDS. 1. EACH LOCAL SOCIAL SERVICES DISTRICT  
26 SHALL ESTABLISH A LOCAL ADVISORY BOARD THAT WILL ASSIST THE COMMISSIONER  
27 IN THE CREATION OF THE MULTI-YEAR CONSOLIDATED SERVICES PLAN, AS WELL AS  
28 APPROVE ANY AMENDMENTS PROPOSED PURSUANT TO SUBDIVISION FIVE OF SECTION  
29 THIRTY-FOUR-A OF THE SOCIAL SERVICES LAW. EXCEPT WHEN AN AMENDMENT IS  
30 PROPOSED, THE LOCAL ADVISORY BOARD SHALL BE INVOLVED IN AN ADVISORY  
31 CAPACITY ONLY, IN POLICY DEVELOPMENT, PROGRAM PLANNING AND PROGRAM EVAL-  
32 UATION CARRIED ON BY THE SOCIAL SERVICES DISTRICT WITH RESPECT TO PUBLIC  
33 ASSISTANCE, MEDICAL ASSISTANCE AND SERVICES.

34 2. (A) FOR LOCAL SOCIAL SERVICES DISTRICTS WITH A CHIEF EXECUTIVE  
35 OFFICER THE LOCAL ADVISORY BOARD SHALL CONSIST OF NINE MEMBERS, FOUR  
36 MEMBERS SHALL BE APPOINTED BY THE LOCAL LEGISLATIVE BODY AND FIVE  
37 MEMBERS SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER UPON THE  
38 RECOMMENDATION OF THE COMMISSIONER OF SOCIAL SERVICES. FOR LOCAL SOCIAL  
39 SERVICES DISTRICTS WITHOUT A CHIEF EXECUTIVE OFFICER, THE LOCAL ADVISORY  
40 BOARD SHALL CONSIST OF FIFTEEN MEMBERS, FIVE MEMBERS SHALL BE APPOINTED  
41 BY THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT, FIVE MEMBERS  
42 SHALL BE APPOINTED BY THE MAJORITY OF THE LOCAL LEGISLATIVE BODY AND  
43 FIVE SHALL BE APPOINTED BY THE MINORITY OF THE LOCAL LEGISLATIVE BODY.

44 (B) THE LOCAL ADVISORY BOARD SHALL BE COMPOSED OF THE FOLLOWING CLASS-  
45 ES OF PERSONS:

46 (1) RECIPIENTS OF PUBLIC ASSISTANCE (INCLUDING SSI AND FOOD STAMPS),  
47 MEDICAL ASSISTANCE AND CHILD CARE SERVICES--AT LEAST TWENTY-FIVE  
48 PERCENT;

49 (2) PROVIDERS OF SOCIAL SERVICES, MEDICAL SERVICES AND DOMICILIARY  
50 CARE (OTHER THAN EMPLOYEES OF THE STATE OR LOCAL DEPARTMENTS OF SOCIAL  
51 SERVICES); AND

52 (3) MEMBERS OF THE GENERAL PUBLIC (INCLUDING BUT NOT LIMITED TO REPRE-  
53 SENTATIVES OF PROFESSIONAL SOCIAL WORK ASSOCIATIONS, SCHOOLS OF SOCIAL  
54 WORK, LABOR ORGANIZATIONS, PUBLIC INTEREST GROUPS, CLIENT ADVOCATES,  
55 COMMUNITY ORGANIZATIONS AND THE BUSINESS AND FINANCIAL COMMUNITY).

1     S 4. This act shall take effect immediately; provided, however, that  
2 the amendments to paragraph (a) of subdivision 6 of section 34-a of the  
3 social services law made by section one of this act shall be subject to  
4 the expiration and reversion of such paragraph when upon such date the  
5 provisions of section two of this act shall take effect.