

1861--B

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, ROBERTS, 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

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 495 of the laws of 2014, 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  
15    SHALL BE PRESENTED TO THE LOCAL ADVISORY BOARD FOR APPROVAL, PRIOR TO  
16    SUBMISSION TO THE OFFICE. IF AN AMENDMENT IS APPROVED BY THE OFFICE, IT  
17    BECOMES EFFECTIVE ON THE DATE SO DESIGNATED BY THE COMMISSIONER.

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

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

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

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

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

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

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

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

(c) The office of children and family services may waive any regulatory requirements relating to the content and timing of multi-year consolidated services plans and annual implementation reports that may impede the ability of a county to implement a county child and family services plan.

(d) Nothing in this subdivision shall be deemed to affect county planning requirements under the mental hygiene law.

[7.] 8. (a) From monies appropriated to the office of children and family services for the family and children's services foster care and adoption program, the office shall give assistance to local social services districts to enable them to collect statistics and to describe the steps being taken regarding: the number of families needing preventive services as provided for in title four of article six of this chapter for which services are provided; the effectiveness of specific preventive services in preventing unnecessary foster care placements and reducing the length of stay in foster care; the efforts made to prevent unnecessary placements; the use of the least restrictive settings and the proximity of foster care placements to the child's home; the use of kinship placements; the placement of siblings with one another at initial placement or as soon thereafter as possible; the number of transfers of children in foster care placements and the reasons for those transfers; the number of families reunited in fulfillment of the child's service goal plan and the length of placement prior to reunification; the number of children prepared for independent living; the number of children with adoption as a service plan goal; the number of children freed for adoption and the length of time taken to secure terminations of parental rights; the number of children placed in pre-a-

1 doptive homes and the number of adoptions completed and the length of  
2 time taken to complete them.

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

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

26 [9.] 10. (a) In order to allow families time to properly plan for  
27 their financial needs and for the safety, social and emotional needs of  
28 their children, in the event that a social services district proposes to  
29 amend its consolidated services plan, submits an annual plan update, or  
30 takes any other action that would lower the financial eligibility level  
31 for child care assistance so that families receiving subsidies would  
32 lose eligibility [therefore] THEREFOR, the local social services  
33 district shall notify the office of children and family services of that  
34 fact at least sixty days before the effective date of the proposed  
35 change in eligibility level. The office of children and family services  
36 shall post notice of the proposed change on the office's website within  
37 five days of receiving said notice, and within twenty days of receiving  
38 said notice shall notify all licensed, registered and legally-exempt  
39 child care providers in the affected district, the state child care  
40 resource and referral agency, the local child care resource and referral  
41 agency, as well as all certified employee organizations representing  
42 licensed, registered and legally-exempt child care providers in the  
43 affected district. Said notice may be made by e-mail or regular mail in  
44 the form of a letter or postcard, and shall inform the recipient of the  
45 date of the proposed change and a description of the proposed change.  
46 The notice shall also require that child care providers that receive the  
47 notice immediately post the notice in a place which is likely to be seen  
48 by the families who have children in the provider's care and that certi-  
49 fied employee organizations representing licensed, registered and legal-  
50 ly-exempt child care providers in the affected district post the notice  
51 on their official website. This notice shall not be considered as a  
52 substitute for any notice to parents which is required by law.

53 (b) In order to allow families time to properly plan for their finan-  
54 cial needs and for the safety, social and emotional needs of their chil-  
55 dren, in the event that a social services district proposes to amend its  
56 consolidated services plan or to submit an annual plan update that

1 increases the parental co-payment multiplier for child care assistance  
2 so that families receiving subsidies would pay an increased percentage  
3 of their income as a child care co-payment, the local social services  
4 district shall notify the office of children and family services of that  
5 fact at least sixty days before the effective date of the proposed  
6 change in eligibility level. The office of children and family services  
7 shall post notice of the proposed change on the office's website within  
8 five days of receiving said notice, and within twenty days of receiving  
9 said notice shall notify all licensed, registered and legally-exempt  
10 child care providers in the affected district, the state child care  
11 resource and referral agency, the local child care resource and referral  
12 agency, as well as all certified employee organizations representing  
13 licensed, registered and legally-exempt child care providers in the  
14 affected district. Said notice may be made by e-mail or regular mail in  
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17 The notice shall also require that child care providers that receive the  
18 notice immediately post the notice in a place which is likely to be seen  
19 by the families who have children in the provider's care and that certi-  
20 fied employee organizations representing licensed, registered and legal-  
21 ly-exempt child care providers in the affected district post the notice  
22 on their official website. This notice shall not be considered as a  
23 substitute for any notice to parents which is required by law.

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

26 [6.] 7. (a) Notwithstanding any other provision of law, the office of  
27 children and family services shall plan for the statewide implementa-  
28 tion, by the thirty-first day of December, two thousand eight, of the  
29 use by counties of a child and family services plan that combines the  
30 multi-year consolidated services plan required by this section and the  
31 county comprehensive plan required by section four hundred twenty of the  
32 executive law into a single plan.

33 (b) All counties shall implement a county child and family services  
34 plan prior to or by the two thousand eight plan year in accordance with  
35 a schedule developed by the office of children and family services and  
36 shall continue to implement such a plan thereafter. With the approval of  
37 such office, a county may implement such a plan before the date required  
38 by such schedule.

39 (c) The office of children and family services may waive any regulato-  
40 ry requirements relating to the content and timing of multi-year consol-  
41 idated services plans and annual implementation reports that may impede  
42 the ability of a county to implement a county child and family services  
43 plan.

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

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

48 S 34-B. LOCAL ADVISORY BOARDS. 1. EACH LOCAL SOCIAL SERVICES DISTRICT  
49 SHALL ESTABLISH A LOCAL ADVISORY BOARD THAT WILL ASSIST THE COMMISSIONER  
50 IN THE CREATION OF THE MULTI-YEAR CONSOLIDATED SERVICES PLAN, AS WELL AS  
51 APPROVE ANY AMENDMENTS PROPOSED PURSUANT TO SUBDIVISION FIVE OF SECTION  
52 THIRTY-FOUR-A OF THE SOCIAL SERVICES LAW. EXCEPT WHEN AN AMENDMENT IS  
53 PROPOSED, THE LOCAL ADVISORY BOARD SHALL BE INVOLVED IN AN ADVISORY  
54 CAPACITY ONLY, IN POLICY DEVELOPMENT, PROGRAM PLANNING AND PROGRAM EVAL-  
55 UATION CARRIED ON BY THE SOCIAL SERVICES DISTRICT WITH RESPECT TO PUBLIC  
56 ASSISTANCE, MEDICAL ASSISTANCE AND SERVICES.

1 2. (A) FOR LOCAL SOCIAL SERVICES DISTRICTS WITH A CHIEF EXECUTIVE  
2 OFFICER THE LOCAL ADVISORY BOARD SHALL CONSIST OF NINE MEMBERS, FOUR  
3 MEMBERS SHALL BE APPOINTED BY THE LOCAL LEGISLATIVE BODY AND FIVE  
4 MEMBERS SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER UPON THE  
5 RECOMMENDATION OF THE COMMISSIONER OF SOCIAL SERVICES. FOR LOCAL SOCIAL  
6 SERVICES DISTRICTS WITHOUT A CHIEF EXECUTIVE OFFICER, THE LOCAL ADVISORY  
7 BOARD SHALL CONSIST OF FIFTEEN MEMBERS, FIVE MEMBERS SHALL BE APPOINTED  
8 BY THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT, FIVE MEMBERS  
9 SHALL BE APPOINTED BY THE MAJORITY OF THE LOCAL LEGISLATIVE BODY AND  
10 FIVE SHALL BE APPOINTED BY THE MINORITY OF THE LOCAL LEGISLATIVE BODY.

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

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

16 (2) PROVIDERS OF SOCIAL SERVICES, MEDICAL SERVICES AND DOMICILIARY  
17 CARE (OTHER THAN EMPLOYEES OF THE STATE OR LOCAL DEPARTMENTS OF SOCIAL  
18 SERVICES); AND

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

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