

3473

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. SCARBOROUGH, McENENY, CLARK, N. RIVERA, ROSEN-  
THAL, JAFFEE, MILLMAN, JOHN -- Multi-Sponsored by -- M. of A. BOYLAND,  
EDDINGTON, MAISEL, PHEFFER, SCHIMEL, TITONE, WALKER -- read once and  
referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to standards for  
workloads for child protective services caseworkers

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

1 Section 1. Section 20-a of the social services law, as added by chap-  
2 ter 107 of the laws of 1971, is amended to read as follows:

3 S 20-a. Local personnel; limitations on department's power. Notwith-  
4 standing any inconsistent provision of this chapter, the board, the  
5 commissioner or the department, acting singly or in unison, shall not  
6 have the power, directly or indirectly to prescribe the number of  
7 persons to be employed in any social services district providing the  
8 district complies with the minimum federal standards relating thereto.  
9 PROVIDED, HOWEVER, THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL  
10 HAVE THE AUTHORITY TO PROMULGATE REGULATIONS THAT SET WORKLOAD STANDARDS  
11 FOR CHILD PROTECTIVE SERVICES, FOSTER CARE, PREVENTIVE SERVICES AND  
12 ADOPTION SERVICES, WHICH STANDARDS ARE BASED ON THE NEW YORK STATE WORK-  
13 LOAD STUDY. THE OFFICE SHALL SET WORKLOAD STANDARDS FOR CHILD PROTECTIVE  
14 SERVICES BY OCTOBER FIRST, TWO THOUSAND NINE. NO COUNTY SHALL BE  
15 REQUIRED TO INCREASE ITS WORKFORCE BY MORE THAN TWENTY-FIVE PERCENT IN  
16 ANY GIVEN STATE FISCAL YEAR, PROVIDED THAT EVERY SOCIAL SERVICES  
17 DISTRICT SHALL COME INTO COMPLIANCE WITH THE ESTABLISHED WORKLOAD STAND-  
18 ARDS BY JANUARY FIRST, TWO THOUSAND THIRTEEN.

19 S 2. Paragraph (c) of subdivision 1 of section 423 of the social  
20 services law, as amended by chapter 83 of the laws of 1995, is amended  
21 to read as follows:

22 (c) The child protective service shall have a sufficient staff, AS  
23 REQUIRED BY CASELOAD STANDARDS ESTABLISHED BY THE OFFICE OF CHILDREN AND

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

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1 FAMILY SERVICES, of sufficient qualifications to fulfill the purposes of  
2 this title and be organized in such a way as to maximize the continuity  
3 of responsibility, care and service of individual workers toward indi-  
4 vidual children and families. A social services district shall have  
5 flexibility in assigning staff to the child protective service provided  
6 that each staff assigned to such service has the staff qualifications  
7 and has received the training required by the [department] regulations  
8 promulgated BY THE OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to  
9 subdivisions four and five of section four hundred twenty-one of this  
10 title.

11 S 3. This act shall take effect immediately.