S T A T E O F N E W Y O R K

3473--B

Cal. No. 266

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, ROSENTHAL, JAFFEE, MILLMAN, JOHN, PAULIN -- Multi-Sponsored by -- M. of A. BOYLAND, MAISEL, PHEFFER, SCHIMEL, TITONE -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

(c) The child protective service shall have a sufficient staff, AS REQUIRED BY CASELOAD STANDARDS ESTABLISHED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, of sufficient qualifications to fulfill the purposes of this title and be organized in such a way as to maximize the continuity of responsibility, care and service of individual workers toward individual children and families. A social services district shall have flexibility in assigning staff to the child protective service provided that each staff assigned to such service has the staff qualifications and has received the training required by the [department] regulations promulgated BY THE OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to subdivisions four and five of section four hundred twenty-one of this title.

S 3. This act shall take effect immediately; provided however, that the amendments to paragraph (c) of subdivision 1 of section 423 of the social services law made by section two of this act shall take effect October 1, 2011.