

1398--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. MONTGOMERY, HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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 SEVENTEEN. NO COUNTY SHALL BE  
15    REQUIRED TO INCREASE ITS CHILD PROTECTIVE WORKFORCE BY MORE THAN TWEN-  
16    TY-FIVE PERCENT IN ANY GIVEN STATE FISCAL YEAR, PROVIDED THAT EVERY  
17    SOCIAL SERVICES DISTRICT SHALL COME INTO COMPLIANCE WITH THE ESTABLISHED  
18    WORKLOAD STANDARDS BY JANUARY FIRST, TWO THOUSAND TWENTY-ONE.

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

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

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

16 S 3. This act shall take effect immediately; provided however, that  
17 the amendments to paragraph (c) of subdivision 1 of section 423 of the  
18 social services law made by section two of this act shall take effect  
19 October 1, 2017.