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

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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:

Section 1. Subdivisions 5, 6, 7, 8 and 9 of section 34-a of the social services law, subdivision 5 as added by chapter 681 of the laws of 1981, subdivision 6 as added by chapter 160 of the laws of 2004, paragraph (a) of subdivision 6 as amended by section 8 of part G of chapter 57 of the laws of 2013, subdivision 7 as added by chapter 524 of the laws of 2005, subdivision 8 as added by chapter 543 of the laws of 2006 and subdivision 9 as added by chapter 144 of the laws of 2015, are amended to read as follows:

5. AMENDMENTS MADE TO THE MULTI-YEAR CONSOLIDATED SERVICES PLAN. (A) A LOCAL SOCIAL SERVICES DISTRICT MAY PROPOSE AMENDMENTS TO THE PLAN AT ANY TIME. IF A LOCAL SOCIAL SERVICES DISTRICT PROPOSES AN AMENDMENT TO THE CHILD CARE PORTION OF ITS CHILD AND FAMILY SERVICES PLAN THAT REDUCES ELIGIBILITY OR INCREASES THE FAMILY SHARE PERCENTAGE FOR CHILD 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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SHALL BE PRESENTED TO THE LOCAL ADVISORY BOARD FOR APPROVAL, PRIOR TO SUBMISSION TO THE OFFICE. IF AN AMENDMENT IS APPROVED BY THE OFFICE, IT BECOMES EFFECTIVE ON THE DATE SO DESIGNATED BY THE COMMISSIONER.

(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-adoptive homes and the number of adoptions completed and the length of time taken to complete them.

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

[8.] 9. The commissioner of the office of children and family services shall, in conjunction with the commissioner of education, develop model practices and procedures for local social services districts and school districts regarding the reporting and investigation of educational neglect. Such model practices and procedures shall be available to social services districts and school districts and shall be posted on the office of children and family services website and the state department of education website by September first, two thousand seven. Each social services district shall, in conjunction with local school districts within its district, submit written policies and procedures regarding the reporting of educational neglect by each school district within such social services district and the investigation of educational neglect allegations by child protective services. Such policies and procedures shall be submitted to the office of children and family services for review by January first, two thousand eight and the office shall approve or disapprove such local policies and procedures, based upon the model practices and procedures established in conjunction with the state department of education, within sixty days of submission.

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

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

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

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

[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 county 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.

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

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

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

(B) THE LOCAL ADVISORY BOARD SHALL BE COMPOSED OF THE FOLLOWING CLASSES OF PERSONS:

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

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

(3) MEMBERS OF THE GENERAL PUBLIC (INCLUDING BUT NOT LIMITED TO REPRESENTATIVES OF PROFESSIONAL SOCIAL WORK ASSOCIATIONS, SCHOOLS OF SOCIAL WORK, LABOR ORGANIZATIONS, PUBLIC INTEREST GROUPS, CLIENT ADVOCATES, COMMUNITY ORGANIZATIONS AND THE BUSINESS AND FINANCIAL COMMUNITY).

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