

3449--A

2015-2016 Regular Sessions

I N S E N A T E

February 9, 2015

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- reported favorably from said committee and committed to the Committee on Finance -- 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:

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.
18 (B) AFTER AN AMENDMENT IS APPROVED BY THE OFFICE AND IMPLEMENTED BY
19 THE LOCAL SOCIAL SERVICES DISTRICT, THE DISTRICT SHALL SUPPLY THE CHIEF
20 EXECUTIVE OFFICER, OR FOR LOCAL SOCIAL SERVICES DISTRICTS WITHOUT A

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

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1 CHIEF EXECUTIVE OFFICER, THE LOCAL LEGISLATIVE BODY, WITH EVIDENCE
2 SUPPORTING THE NEED FOR SUCH AMENDMENT.

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

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

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

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

13 [6.] 7. (a) Notwithstanding any other provision of law, the office of
14 children and family services shall plan for the statewide implementa-
15 tion, by the thirty-first day of December, two thousand eight, of the
16 use by counties of a child and family services plan that combines the
17 multi-year consolidated services plan required by this section and the
18 comprehensive plan required by section four hundred twenty of the execu-
19 tive law into a single plan.

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

26 (c) The office of children and family services may waive any regulato-
27 ry requirements relating to the content and timing of multi-year consol-
28 idated services plans and annual implementation reports that may impede
29 the ability of a county to implement a county child and family services
30 plan.

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

33 [7.] 8. (a) From monies appropriated to the office of children and
34 family services for the family and children's services foster care and
35 adoption program, the office shall give assistance to local social
36 services districts to enable them to collect statistics and to describe
37 the steps being taken regarding: the number of families needing preven-
38 tive services as provided for in title four of article six of this chap-
39 ter for which services are provided; the effectiveness of specific
40 preventive services in preventing unnecessary foster care placements and
41 reducing the length of stay in foster care; the efforts made to prevent
42 unnecessary placements; the use of the least restrictive settings and
43 the proximity of foster care placements to the child's home; the use of
44 kinship placements; the placement of siblings with one another at
45 initial placement or as soon thereafter as possible; the number of
46 transfers of children in foster care placements and the reasons for
47 those transfers; the number of families reunited in fulfillment of the
48 child's service goal plan and the length of placement prior to reunifi-
49 cation; the number of children prepared for independent living; the
50 number of children with adoption as a service plan goal; the number of
51 children freed for adoption and the length of time taken to secure
52 terminations of parental rights; the number of children placed in pre-a-
53 doptive homes and the number of adoptions completed and the length of
54 time taken to complete them.

55 (b) Such data submitted to the office of children and family services
56 shall be aggregated and submitted with a narrative report on these chil-

dren'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) In order to allow families time to properly plan for their financial needs and for the safety, social and emotional needs of their children, in the event that a social services district proposes to amend its consolidated services plan, submits an annual plan update, or takes any other action that would lower the financial eligibility level for child care assistance so that families receiving subsidies would lose eligibility [therefore] THEREFOR, the local social services district shall notify the office of children and family services of that fact at least sixty days before the effective date of the proposed change in eligibility level. The office of children and family services shall post notice of the proposed change on the office's website within five days of receiving said notice, and within twenty days of receiving said notice shall notify all licensed, registered and legally-exempt child care providers in the affected district, the state child care resource and referral agency, the local child care resource and referral agency, as well as all certified employee organizations representing licensed, registered and legally-exempt child care providers in the affected district. Said notice may be made by e-mail or regular mail in the form of a letter or postcard, and shall inform the recipient of the date of the proposed change and a description of the proposed change. The notice shall also require that child care providers that receive the notice immediately post the notice in a place which is likely to be seen by the families who have children in the provider's care and that certified employee organizations representing licensed, registered and legally-exempt child care providers in the affected district post the notice on their official website. This notice shall not be considered as a substitute for any notice to parents which is required by law.

(b) In order to allow families time to properly plan for their financial needs and for the safety, social and emotional needs of their children, in the event that a social services district proposes to amend its consolidated services plan or to submit an annual plan update that increases the parental co-payment multiplier for child care assistance so that families receiving subsidies would pay an increased percentage of their income as a child care co-payment, the local social services district shall notify the office of children and family services of that

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

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

22 [6.] 7. (a) Notwithstanding any other provision of law, the office of
23 children and family services shall plan for the statewide implementa-
24 tion, by the thirty-first day of December, two thousand eight, of the
25 use by counties of a child and family services plan that combines the
26 multi-year consolidated services plan required by this section and the
27 county comprehensive plan required by section four hundred twenty of the
28 executive law into a single plan.

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

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

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

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

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

53 2. (A) FOR LOCAL SOCIAL SERVICES DISTRICTS WITH A CHIEF EXECUTIVE
54 OFFICER THE LOCAL ADVISORY BOARD SHALL CONSIST OF NINE MEMBERS, FOUR
55 MEMBERS SHALL BE APPOINTED BY THE LOCAL LEGISLATIVE BODY AND FIVE
56 MEMBERS SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER UPON THE

1 RECOMMENDATION OF THE COMMISSIONER OF SOCIAL SERVICES. FOR LOCAL SOCIAL
2 SERVICES DISTRICTS WITHOUT A CHIEF EXECUTIVE OFFICER, THE LOCAL ADVISORY
3 BOARD SHALL CONSIST OF FIFTEEN MEMBERS, FIVE MEMBERS SHALL BE APPOINTED
4 BY THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT, FIVE MEMBERS
5 SHALL BE APPOINTED BY THE MAJORITY OF THE LOCAL LEGISLATIVE BODY AND
6 FIVE SHALL BE APPOINTED BY THE MINORITY OF THE LOCAL LEGISLATIVE BODY.

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

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

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

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

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