

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

7565

I N S E N A T E

May 10, 2016

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, in relation to authorizing
probation in juvenile delinquent cases to be conditional upon referral
for certain family services; and to amend the social services law, in
relation to family support centers and state reimbursement for expend-
itures made by social services districts for various services

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

1 Section 1. Paragraph (e) of subdivision 2 of section 353.2 of the
2 family court act, as amended by chapter 124 of the laws of 1993, is
3 amended to read as follows:

4 (e) co-operate with a mental health, social services or other appro-
5 priate community facility or agency to which the respondent is referred,
6 INCLUDING A FAMILY SUPPORT CENTER PURSUANT TO TITLE TWELVE OF ARTICLE
7 SIX OF THE SOCIAL SERVICES LAW;

8 S 2. Article 6 of the social services law is amended by adding a new
9 title 12 to read as follows:

TITLE 12

FAMILY SUPPORT CENTERS

12 SECTION 458-M. FAMILY SUPPORT CENTERS.

13 458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

14 S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM
15 "FAMILY SUPPORT CENTER" SHALL MEAN A PROGRAM ESTABLISHED PURSUANT TO
16 THIS TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO YOUTH AT
17 RISK OF BEING, OR ALLEGED OR ADJUDICATED TO BE PERSONS IN NEED OF SUPER-
18 VISION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT, AND THEIR
19 FAMILIES. FAMILY SUPPORT CENTERS MAY ALSO PROVIDE COMMUNITY-BASED
20 SUPPORTIVE SERVICES TO YOUTH WHO ARE ALLEGED OR ADJUDICATED TO BE JUVE-
21 NILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT AND
22 YOUTH AGED SIXTEEN, SEVENTEEN AND EIGHTEEN WHO ARE ACCUSED OR CONVICTED
23 OF CRIMES.

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

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2. FAMILY SUPPORT CENTERS SHALL PROVIDE COMPREHENSIVE SERVICES TO SUCH CHILDREN AND THEIR FAMILIES, EITHER DIRECTLY OR THROUGH REFERRALS WITH PARTNER AGENCIES, INCLUDING, BUT NOT LIMITED TO:

- (A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;
- (B) CRISIS INTERVENTION;
- (C) FAMILY MEDIATION AND SKILLS BUILDING;
- (D) MENTAL AND BEHAVIORAL HEALTH SERVICES AS DEFINED IN SUBDIVISION FIFTY-EIGHT OF SECTION 1.03 OF THE MENTAL HYGIENE LAW INCLUDING COGNITIVE INTERVENTIONS;
- (E) CASE MANAGEMENT;
- (F) RESPITE SERVICES; AND
- (G) OTHER FAMILY SUPPORT SERVICES.

3. TO THE EXTENT PRACTICABLE, THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA SENSITIVE, FAMILY FOCUSED, GENDER-RESPONSIVE, WHERE APPROPRIATE, AND EVIDENCE AND/OR STRENGTH BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY SUPPORT CENTER.

4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS OR WEEKENDS.

S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSE, FOR FAMILY SUPPORT CENTERS STATEWIDE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FAMILY SUPPORT CENTERS SHALL BE ESTABLISHED IN EACH SOCIAL SERVICES DISTRICT THROUGHOUT THE STATE WITH THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, PROVIDED HOWEVER THAT TWO OR MORE SOCIAL SERVICES DISTRICTS MAY JOIN TOGETHER TO ESTABLISH, OPERATE AND MAINTAIN A FAMILY SUPPORT CENTER AND MAY MAKE AND PERFORM AGREEMENTS IN CONNECTION THEREWITH.

3. SOCIAL SERVICES DISTRICTS MAY CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS OR UTILIZE EXISTING PROGRAMS TO OPERATE FAMILY SUPPORT CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC PROGRAM REQUIREMENTS ISSUED BY THE OFFICE. FAMILY SUPPORT CENTERS SHALL HAVE SUFFICIENT CAPACITY TO PROVIDE SERVICES TO YOUTH WITHIN THE SOCIAL SERVICES DISTRICT OR DISTRICTS WHO ARE AT RISK OF BECOMING, ALLEGED OR ADJUDICATED TO BE PERSONS IN NEED OF SUPERVISION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT, AND THEIR FAMILIES. IN ADDITION, TO THE EXTENT PRACTICABLE, FAMILY SUPPORT CENTERS MAY PROVIDE SERVICES TO YOUTH WHO ARE ALLEGED OR ADJUDICATED UNDER ARTICLE THREE OF THE FAMILY COURT ACT.

4. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT RECEIVES FUNDING UNDER THIS TITLE.

S 3. Subdivision 8 of section 404 of the social services law, as added by section 1 of subpart A of part G of chapter 57 of the laws of 2012, is amended to read as follows:

8. (a) Notwithstanding any other provision of law to the contrary[,], EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible expenditures during the applicable time periods made by a social services district for an approved juvenile justice services close to home initiative shall, if approved by the department of family assistance, be subject to reimbursement with state funds only up to the extent

1 of an annual appropriation made specifically therefor, after first
2 deducting therefrom any federal funds properly received or to be
3 received on account thereof; provided, however, that when such funds
4 have been exhausted, a social services district may receive state
5 reimbursement from other available state appropriations for that state
6 fiscal year for eligible expenditures for services that otherwise would
7 be reimbursable under such funding streams. Any claims submitted by a
8 social services district for reimbursement for a particular state fiscal
9 year for which the social services district does not receive state
10 reimbursement from the annual appropriation for the approved close to
11 home initiative may not be claimed against that district's appropriation
12 for the initiative for the next or any subsequent state fiscal year.

13 (i) State funding for reimbursement shall be, subject to appropri-
14 ation, in the following amounts: for state fiscal year 2013-14,
15 \$35,200,000 adjusted by any changes in such amount required by subpara-
16 graphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15,
17 \$41,400,000 adjusted to include the amount of any changes made to the
18 state fiscal year 2013-14 appropriation under subparagraphs (ii) and
19 (iii) of this paragraph plus any additional changes required by such
20 subparagraphs; and, such reimbursement shall be, subject to appropri-
21 ation, for all subsequent state fiscal years in the amount of the prior
22 year's actual appropriation adjusted by any changes required by subpara-
23 graphs (ii) and (iii) of this paragraph.

24 (ii) The reimbursement amounts set forth in subparagraph (i) of this
25 paragraph shall be increased or decreased by the percentage that the
26 average of the most recently approved maximum state aid rates for group
27 residential foster care programs is higher or lower than the average of
28 the approved maximum state aid rates for group residential foster care
29 programs in existence immediately prior to the most recently approved
30 rates.

31 (iii) The reimbursement amounts set forth in subparagraph (i) of this
32 paragraph shall be increased if either the population of alleged juve-
33 nile delinquents who receive a probation intake or the total population
34 of adjudicated juvenile delinquents placed on probation combined with
35 the population of adjudicated juvenile delinquents placed out of their
36 homes in a setting other than a secure facility pursuant to section
37 352.2 of the family court act, increases by at least ten percent over
38 the respective population in the annual baseline year. The baseline year
39 shall be the period from July first, two thousand ten through June thir-
40 tieth, two thousand eleven or the most recent twelve month period for
41 which there is complete data, whichever is later. In each successive
42 year, the population of the previous July first through June thirtieth
43 period shall be compared to the baseline year for determining any
44 adjustments to a state fiscal year appropriation. When either population
45 increases by ten percent or more, the reimbursement will be adjusted by
46 a percentage equal to the larger of the percentage increase in either
47 the number of probation intakes for alleged juvenile delinquents or the
48 total population of adjudicated juvenile delinquents placed on probation
49 combined with the population of adjudicated juvenile delinquents placed
50 out of their homes in a setting other than a secure facility pursuant to
51 section 352.2 of the family court act.

52 (iv) The social services district and/or the New York city department
53 of probation shall provide an annual report including the data required
54 to calculate the population adjustment to the New York city office of
55 management and budget, the division of criminal justice services and the
56 state division of the budget no later than the first day of September

1 following the close of the previous July first through June thirtieth
2 period.

3 (A-1) STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED
4 PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT,
5 EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR
6 APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME
7 INITIATIVE PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH
8 SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH.

9 (b) The department of family assistance is authorized, in its
10 discretion, to make advances to a social services district in antic-
11 ipation of the state reimbursement provided for in this section.

12 (c) A social services district shall conduct eligibility determi-
13 nations for federal and state funding and submit claims for reimburse-
14 ment in such form and manner and at such times and for such periods as
15 the department of family assistance shall determine.

16 (d) Notwithstanding any inconsistent provision of law or regulation of
17 the department of family assistance, state reimbursement shall not be
18 made for any expenditure made for the duplication of any grant or allow-
19 ance for any period.

20 (e) Claims submitted by a social services district for reimbursement
21 shall be paid after deducting any expenditures defrayed by fees, third
22 party reimbursement, and any non-tax levy funds including any donated
23 funds.

24 (f) The office of children and family services shall not reimburse any
25 claims for expenditures for residential services that are submitted more
26 than twenty-two months after the calendar quarter in which the expendi-
27 tures were made.

28 (g) Notwithstanding any other provision of law, the state shall not be
29 responsible for reimbursing a social services district and a district
30 shall not seek state reimbursement for any portion of any state disal-
31 lowance or sanction taken against the social services district, or any
32 federal disallowance attributable to final federal agency decisions or
33 to settlements made, when such disallowance or sanction results from the
34 failure of the social services district to comply with federal or state
35 requirements, including, but not limited to, failure to document eligi-
36 bility for the federal or state funds in the case record. To the extent
37 that the social services district has sufficient claims other than those
38 that are subject to disallowance or sanction to draw down the full annu-
39 al appropriation, such disallowance or sanction shall not result in a
40 reduction in payment of state funds to the district unless the district
41 requests that the department use a portion of the appropriation toward
42 meeting the district's responsibility to repay the federal government
43 for the disallowance or sanction and any related interest payments.

44 (h) Rates for residential services. (i) The office shall establish the
45 rates, in accordance with section three hundred ninety-eight-a of this
46 [chapter] TITLE, for any non-secure facilities established under an
47 approved juvenile justice services close to home initiative. For any
48 such non-secure facility that will be used primarily by the social
49 services district with an approved close to home initiative, final
50 authority for establishment of such rates and any adjustments thereto
51 shall reside with the office, but such rates and any adjustments thereto
52 shall be established only upon the request of, and in consultation with,
53 such social services district.

54 (ii) A social services district with an approved juvenile justice
55 services close to home initiative for juvenile delinquents placed in
56 limited secure settings shall have the authority to establish and

1 adjust, on an annual or regular basis, maintenance rates for limited
2 secure facilities providing residential services under such initiative.
3 Such rates shall not be subject to the provisions of section three
4 hundred ninety-eight-a of this [chapter] TITLE but shall be subject to
5 maximum cost limits established by the office of children and family
6 services.

7 S 4. Paragraph (a) of subdivision 1 of section 409-a of the social
8 services law, as amended by chapter 87 of the laws of 1993, subparagraph
9 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
10 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
11 amended to read as follows:

12 (a) A social services official shall provide preventive services to a
13 child and his or her family, in accordance with the family's service
14 plan as required by section four hundred nine-e of this [chapter] ARTI-
15 CLE and the social services district's child welfare services plan
16 submitted and approved pursuant to section four hundred nine-d of this
17 [chapter] ARTICLE, upon a finding by such official that (i) the child
18 will be placed, returned to or continued in foster care unless such
19 services are provided and that it is reasonable to believe that by
20 providing such services the child will be able to remain with or be
21 returned to his or her family, and for a former foster care youth under
22 the age of twenty-one who was previously placed in the care and custody
23 or custody and guardianship of the local commissioner of social services
24 or other officer, board or department authorized to receive children as
25 public charges where it is reasonable to believe that by providing such
26 services the former foster care youth will avoid a return to foster care
27 or (ii) the child is the subject of a petition under article seven of
28 the family court act, [or has been determined by the assessment service
29 established pursuant to section two hundred forty-three-a of the execu-
30 tive law,] or by the probation service where no such assessment service
31 has been designated, to be at risk of being the subject of such a peti-
32 tion, and the social services official determines that the child is at
33 risk of placement into foster care. Such finding shall be entered in the
34 child's uniform case record established and maintained pursuant to
35 section four hundred nine-f of this [chapter] ARTICLE. The commissioner
36 shall promulgate regulations to assist social services officials in
37 making determinations of eligibility for mandated preventive services
38 pursuant to this [subparagraph] PARAGRAPH.

39 S 5. This act shall take effect immediately; provided, however, that
40 the amendments to subdivision 8 of section 404 of the social services
41 law made by section three of this act shall not affect the repeal of
42 such subdivision and shall be deemed repealed therewith; provided,
43 further, that the amendments to subparagraph (ii) of paragraph (a) of
44 subdivision 1 of section 409-a of the social services law made by
45 section four of this act shall not affect the expiration of such subpar-
46 agraph and shall be deemed to expire therewith.