

# STATE OF NEW YORK

7581--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 9, 2019

Introduced by M. of A. JAFFEE, BURKE, D'URSO, CRUZ, REYES, LIFTON, GLICK, FRONTUS, COLTON, DICKENS, DeSTEFANO, JEAN-PIERRE, COOK, BLAKE, SCHMITT, PICHARDO, RIVERA, ORTIZ, BARRON, FALL, CROUCH, BRONSON, STIRPE, PERRY, ENGLEBRIGHT, PALUMBO, STECK, DINOWITZ, RICHARDSON, HUNTER, D. ROSENTHAL, GIGLIO, WEPRIN, SMITH, RA, EPSTEIN, SAYEGH, LUPARDO, ABINANTI, MOSLEY, PALMESANO -- Multi-Sponsored by -- M. of A. ARROYO, DE LA ROSA, GALEF, MANKTELOW, McDONOUGH, SIMON, TAGUE, THIELE -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly 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 caseload standards for child protective services workers

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 § 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 provisions of this section shall not apply  
10 to the regulations of the office of children and family services estab-  
11 lishing caseload standards for child protective services workers promul-  
12 gated pursuant to paragraph (a) of subdivision nine of section four  
13 hundred twenty-one of this chapter.

14 § 2. Paragraph (a) of subdivision 1 of section 153-k of the social  
15 services law, as added by section 15 of part C of chapter 83 of the laws  
16 of 2002, is amended to read as follows:

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

LBD11190-02-0

1 (a) Expenditures made by social services districts for child protec-  
2 tive services, preventive services provided, as applicable, to eligible  
3 children and families of children who are in and out of foster care  
4 placement, independent living services, aftercare services, and adoption  
5 administration and services other than adoption subsidies provided  
6 pursuant to article six of this chapter and the regulations of the  
7 department of family assistance shall, if approved by the office of  
8 children and family services, be subject to sixty-five percent state  
9 reimbursement exclusive of any federal funds made available for such  
10 purposes, in accordance with the directives of the department of family  
11 assistance and subject to the approval of the director of the budget.  
12 Provided however, for requirements prescribed in subdivision nine of  
13 section four hundred twenty-one of this chapter, such expenditures shall  
14 be subject to one hundred percent state reimbursement, provided that  
15 local social services districts continue to maintain current expendi-  
16 tures related to child protective services at a level equal to or great-  
17 er than expenditures for such activities during the fiscal year prior to  
18 the effective date of a chapter of the laws of two thousand twenty which  
19 amended this paragraph.

20 § 3. Section 421 of the social services law is amended by adding a new  
21 subdivision 9 to read as follows:

22 9. promulgate regulations in consultation with local social services  
23 districts, relating to caseload standards for child protective services  
24 workers. Such standards shall include, but not be limited to: (a) limi-  
25 tations on the number of investigations which can be assigned to child  
26 protective services workers, provided however, to the extent possible  
27 and within amounts appropriated therefore, no more than two initial  
28 investigations per week may be assigned per full time equivalent child  
29 protective services worker; and (b) guidance as it relates to how such  
30 investigations are assigned, taking into consideration the child protec-  
31 tive services worker current caseload, as well as the complexity of the  
32 particular investigation, if known. Nothing in this subdivision shall be  
33 construed to prohibit the office from prescribing local social services  
34 districts from establishing caseload standards that are less than what  
35 is required in this subdivision.

36 § 4. Paragraph (c) of subdivision 1 of section 423 of the social  
37 services law, as amended by chapter 83 of the laws of 1995, is amended  
38 to read as follows:

39 (c) The child protective service shall have a sufficient staff, in  
40 accordance with the provisions of subdivision nine of section four  
41 hundred twenty-one of this title, of sufficient qualifications to  
42 fulfill the purposes of this title and be organized in such a way as to  
43 maximize the continuity of responsibility, care and service of individ-  
44 ual workers toward individual children and families. A social services  
45 district shall have flexibility in assigning staff to the child protec-  
46 tive service provided that each staff assigned to such service has the  
47 staff qualifications and has received the training required by the  
48 department regulations promulgated pursuant to subdivisions four and  
49 five of section four hundred twenty-one of this title.

50 § 5. Section 426 of the social services law, as amended by section  
51 11-a of part D of chapter 501 of the laws of 2012, is amended to read as  
52 follows:

53 § 426. Annual reports. The commissioner shall prepare for inclusion in  
54 the annual report required by subdivision (d) of section seventeen of  
55 this chapter to be filed with the governor and the legislature prior to  
56 December fifteenth of each year, a report on the operations of the state

1 central register of child abuse and maltreatment and the various local  
2 child protective services. The report shall include a full statistical  
3 analysis of the reports made to the central register together with a  
4 report on the implementation of this title, his or her evaluation of  
5 services offered under this chapter and his or her recommendations for  
6 additional legislation to fulfill the purposes of this title. Such  
7 report shall indicate the number of child abuse and maltreatment reports  
8 and cases received by the statewide central register of child abuse and  
9 maltreatment by each district in the preceding year, the number of such  
10 cases determined to have been indicated and the number of such cases  
11 determined to be unfounded by each district in the preceding year, the  
12 number of such cases which have not been indicated or unfounded within  
13 the time period required by subdivision seven of section four hundred  
14 twenty-four of this ~~[article]~~ title by each district in the preceding  
15 year ~~[and]~~. Such report shall also include a monthly accounting by local  
16 social services districts, of the total number of child protective  
17 services workers ~~[assigned to the child protective service in each~~  
18 ~~district in]~~ with an indication of how many hold a supervisory position,  
19 as well as the average number of active cases per child protective  
20 services worker, with an indication of how many were in the initial  
21 investigation stage at the time the information was collected for the  
22 preceding year. Such report shall include, among other information,  
23 available demographic information and available information concerning  
24 the racial and ethnic characteristics of the family members and persons  
25 served by the differential response program pursuant to section four  
26 hundred twenty-seven-a of ~~[the social services law]~~ this title, as well  
27 as available information concerning the racial and ethnic character-  
28 istics of the family members and persons serviced under the traditional  
29 child protective services program, in each local social services  
30 district in the state.

31 § 6. This act shall take effect immediately; provided however sections  
32 one, two, three and four of this act shall take effect on the seven  
33 hundred thirtieth day after it shall have become a law; provided,  
34 further, however that the amendments to section 153-k of the social  
35 services law made by section two of this act shall not affect the repeal  
36 of such section and shall be deemed repealed therewith.