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:

Section 1. Section 20-a of the social services law, as added by chapter 107 of the laws of 1971, is amended to read as follows:

§ 20-a. Local personnel; limitations on department's power. Notwithstanding any inconsistent provision of this chapter, the board, the commissioner or the department, acting singly or in unison, shall not have the power, directly or indirectly to prescribe the number of persons to be employed in any social services district providing the district complies with the minimum federal standards relating thereto**; provided, however, that the provisions of this section shall not apply to the regulations of the office of children and family services establishing caseload standards for child protective services workers promulgated pursuant to paragraph (a) of subdivision nine of section four hundred twenty-one of this chapter**.

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

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

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

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

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

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

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

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

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

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

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