

STATE OF NEW YORK

786

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. MONTGOMERY, PERSAUD -- 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 expenditures made by social services districts for various services

The People of the State of New York, represented in Senate and Assembly, 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 § 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 § 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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1 2. Family support centers shall provide comprehensive services to such
2 children and their families, either directly or through referrals with
3 partner agencies, including, but not limited to:

4 (a) rapid family assessments and screenings;

5 (b) crisis intervention;

6 (c) family mediation and skills building;

7 (d) mental and behavioral health services as defined in subdivision
8 fifty-eight of section 1.03 of the mental hygiene law including cogni-
9 tive interventions;

10 (e) case management;

11 (f) respite services; and

12 (g) other family support services.

13 3. To the extent practicable, the services that are provided shall be
14 trauma sensitive, family focused, gender-responsive, where appropriate,
15 and evidence and/or strength based and shall be tailored to the individ-
16 ualized needs of the child and family based on the assessments and
17 screenings conducted by such family support center.

18 4. Family support centers shall have the capacity to serve families
19 outside of regular business hours including evenings or weekends.

20 § 458-n. Funding for family support centers. 1. Notwithstanding any
21 other provision of law to the contrary, state reimbursement shall be
22 made available for one hundred percent of expenditures made by social
23 services districts, exclusive of any federal funds made available for
24 such purpose, for family support centers statewide.

25 2. Notwithstanding any other provision of law to the contrary, family
26 support centers shall be established in each social services district
27 throughout the state with the approval of the office of children and
28 family services, provided however that two or more social services
29 districts may join together to establish, operate and maintain a family
30 support center and may make and perform agreements in connection there-
31 with.

32 3. Social services districts may contract with not-for-profit corpo-
33 rations or utilize existing programs to operate family support centers
34 in accordance with the provisions of this title and the specific program
35 requirements issued by the office. Family support centers shall have
36 sufficient capacity to provide services to youth within the social
37 services district or districts who are at risk of becoming, alleged or
38 adjudicated to be persons in need of supervision pursuant to article
39 seven of the family court act, and their families. In addition, to the
40 extent practicable, family support centers may provide services to youth
41 who are alleged or adjudicated under article three of the family court
42 act.

43 4. Social services districts receiving funding under this title shall
44 report to the office of children and family services, in the form and
45 manner and at such times as determined by the office, on the performance
46 outcomes of any family support center located within such district that
47 receives funding under this title.

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

51 8. (a) Notwithstanding any other provision of law to the contrary
52 except as provided for in paragraph (a-1) of this subdivision, eligible
53 expenditures during the applicable time periods made by a social
54 services district for an approved juvenile justice services close to
55 home initiative shall, if approved by the department of family assist-
56 ance, 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 (a-1) State reimbursement shall be made available for one hundred
14 percent of eligible expenditures made by a social services district,
15 exclusive of any federal funds made available for such purposes, for
16 approved juvenile justice services under an approved close to home
17 initiative provided to youth age sixteen years of age or older when such
18 services would not otherwise have been provided to such youth.

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

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

26 (d) Notwithstanding any inconsistent provision of law or regulation of
27 the department of family assistance, state reimbursement shall not be
28 made for any expenditure made for the duplication of any grant or allow-
29 ance for any period.

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

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

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

54 (h) Rates for residential services. (i) The office shall establish the
55 rates, in accordance with section three hundred ninety-eight-a of this
56 chapter, for any non-secure facilities established under an approved

1 juvenile justice services close to home initiative. For any such non-se-
2 cure facility that will be used primarily by the social services
3 district with an approved close to home initiative, final authority for
4 establishment of such rates and any adjustments thereto shall reside
5 with the office, but such rates and any adjustments thereto shall be
6 established only upon the request of, and in consultation with, such
7 social services district.

8 (ii) A social services district with an approved juvenile justice
9 services close to home initiative for juvenile delinquents placed in
10 limited secure settings shall have the authority to establish and
11 adjust, on an annual or regular basis, maintenance rates for limited
12 secure facilities providing residential services under such initiative.
13 Such rates shall not be subject to the provisions of section three
14 hundred ninety-eight-a of this chapter but shall be subject to maximum
15 cost limits established by the office of children and family services.

16 § 4. Paragraph (a) of subdivision 1 of section 409-a of the social
17 services law, as amended by chapter 87 of the laws of 1993, subparagraph
18 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
19 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
20 amended to read as follows:

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

48 § 5. This act shall take effect immediately; provided, however, that
49 the amendments to subdivision 8 of section 404 of the social services
50 law made by section three of this act shall not affect the repeal of
51 such subdivision and shall be deemed repealed therewith; provided,
52 further, that the amendments to subparagraph (ii) of paragraph (a) of
53 subdivision 1 of section 409-a of the social services law made by
54 section four of this act shall not affect the expiration of such subpar-
55 agraph and shall be deemed to expire therewith.