

# STATE OF NEW YORK

7332--A

2021-2022 Regular Sessions

## IN ASSEMBLY

May 5, 2021

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families -- 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:

17 (a) Expenditures made by social services districts for child protec-  
18 tive services, preventive services provided, as applicable, to eligible  
19 children and families of children who are in and out of foster care  
20 placement, independent living services, aftercare services, and adoption  
21 administration and services other than adoption subsidies provided  
22 pursuant to article six of this chapter and the regulations of the  
23 department of family assistance shall, if approved by the office of  
24 children and family services, be subject to sixty-five percent state

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

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1 reimbursement exclusive of any federal funds made available for such  
2 purposes, in accordance with the directives of the department of family  
3 assistance and subject to the approval of the director of the budget.  
4 Provided however, for requirements prescribed in subdivision nine of  
5 section four hundred twenty-one of this chapter, such expenditures shall  
6 be subject to one hundred percent state reimbursement, provided that  
7 local social services districts continue to maintain current expendi-  
8 tures related to child protective services at a level equal to or great-  
9 er than expenditures for such activities during the fiscal year prior to  
10 the effective date of a chapter of the laws of two thousand twenty-one  
11 which amended this paragraph.

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

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

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

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

42 § 5. Section 426 of the social services law, as amended by section  
43 11-a of part D of chapter 501 of the laws of 2012, is amended to read as  
44 follows:

45 § 426. Annual reports. The commissioner shall prepare for inclusion in  
46 the annual report required by subdivision (d) of section seventeen of  
47 this chapter to be filed with the governor and the legislature prior to  
48 December fifteenth of each year, a report on the operations of the state  
49 central register of child abuse and maltreatment and the various local  
50 child protective services. The report shall include a full statistical  
51 analysis of the reports made to the central register together with a  
52 report on the implementation of this title, his or her evaluation of  
53 services offered under this chapter and his or her recommendations for  
54 additional legislation to fulfill the purposes of this title. Such  
55 report shall indicate the number of child abuse and maltreatment reports  
56 and cases received by the statewide central register of child abuse and

1 maltreatment by each district in the preceding year, the number of such  
2 cases determined to have been indicated and the number of such cases  
3 determined to be unfounded by each district in the preceding year, the  
4 number of such cases which have not been indicated or unfounded within  
5 the time period required by subdivision seven of section four hundred  
6 twenty-four of this ~~[article]~~ title by each district in the preceding  
7 year ~~[and]~~. Such report shall also include a monthly accounting by local  
8 social services districts, of the total number of child protective  
9 services workers ~~[assigned to the child protective service in each~~  
10 ~~district in]~~ with an indication of how many hold a supervisory position,  
11 as well as the average number of active cases per child protective  
12 services worker, with an indication of how many were in the initial  
13 investigation stage at the time the information was collected for the  
14 preceding year. Such report shall include, among other information,  
15 available demographic information and available information concerning  
16 the racial and ethnic characteristics of the family members and persons  
17 served by the differential response program pursuant to section four  
18 hundred twenty-seven-a of ~~[the social services law]~~ this title, as well  
19 as available information concerning the racial and ethnic character-  
20 istics of the family members and persons serviced under the traditional  
21 child protective services program, in each local social services  
22 district in the state.

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