

# STATE OF NEW YORK

5674

2021-2022 Regular Sessions

## IN SENATE

March 15, 2021

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

AN ACT to amend the social services law, in relation to differential response programs for child protection assessments or investigations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 427-a of the social services law,  
2 as amended by chapter 45 of the laws of 2011, is amended to read as  
3 follows:

4 1. ~~[Any]~~ Each social services district ~~[may]~~ shall, upon the authori-  
5 zation of the office of children and family services, establish a  
6 program that implements differential responses to reports of child abuse  
7 and maltreatment. Such programs shall create a family assessment and  
8 services track as an alternative means of addressing certain matters  
9 otherwise investigated as allegations of child abuse or maltreatment  
10 pursuant to this title. Notwithstanding any other provision of law to  
11 the contrary, the provisions of this section shall apply only to those  
12 cases involving allegations of ~~[abuse or]~~ maltreatment in family  
13 settings expressly included in the family assessment and services track  
14 of the authorized differential response program~~[, and only in those~~  
15 ~~social services districts authorized by the office of children and fami-~~  
16 ~~ly services to implement a differential response program]~~. Such cases  
17 shall not be subject to the requirements otherwise applicable to cases  
18 reported to the statewide central register of child abuse and maltreat-  
19 ment pursuant to this title, except as set forth in this section.

20 § 2. The opening paragraph and paragraph (a) of subdivision 2 of  
21 section 427-a of the social services law, as added by chapter 452 of the  
22 laws of 2007, are amended to read as follows:

23 ~~[Any]~~ Each social services district ~~[interested in implementing a~~  
24 ~~differential response program]~~ shall ~~[apply]~~ submit a plan to the office  
25 of children and family services on or before January first, two thousand

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

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1 ~~twenty-three~~ for [~~permission to participate~~] authorization to operate a  
2 program pursuant to subdivision one of this section prior to January  
3 first, two thousand twenty-four. The criteria for [~~a social services~~  
4 ~~district to participate~~] authorization will be determined by the office  
5 of children and family services after consultation with the office for  
6 the prevention of domestic violence[~~7~~]; however the social services  
7 district's [~~application must include a~~] plan [~~setting~~] shall set forth  
8 the following:

9 (a) in conjunction with any additional requirements imposed by the  
10 office of children and family services and the provisions of this subdivi-  
11 sion, the factors to be considered by the social services district in  
12 determining which cases will be addressed through the family assessment  
13 and services track and the size of the population to be the subject of  
14 the differential response program and the protocols that will be in  
15 place to remove implicit bias from the decision-making process in deter-  
16 mining which cases will be subject to the differential response;

17 § 3. The opening paragraph of subdivision 3 of section 427-a of the  
18 social services law, as added by chapter 452 of the laws of 2007, is  
19 amended to read as follows:

20 The criteria for determining which cases may be placed in the assess-  
21 ment track shall be determined by the local department of social  
22 services, in conjunction with and in accordance with requirements set  
23 forth by the office of children and family services and after consulta-  
24 tion with the office for the prevention of domestic violence. Provided,  
25 however, that such criteria shall include protocols to remove implicit  
26 bias in the decision-making process. Provided further, however, that  
27 reports including any of the following allegations shall not be included  
28 in the assessment track of a differential response program:

29 § 4. Subdivision 7 of section 427-a of the social services law, as  
30 added by chapter 452 of the laws of 2007, is amended to read as follows:

31 7. The office of children and family services shall post [~~the~~] each  
32 plan [~~contained in any application approved~~] for implementation of a  
33 differential response program on the office of children and family  
34 services website within sixty days of such approval.

35 § 5. This act shall take effect on the one hundred eightieth day  
36 after it shall have become a law. Effective immediately, the office of  
37 children and family services is authorized to adopt regulations neces-  
38 sary for the implementation of this act on or before its effective date.