

STATE OF NEW YORK

8148

IN SENATE

January 26, 2022

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 establishing alternative living arrangements for children who are at a substantial risk of abuse

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

1 Section 1. Section 412 of the social services law is amended by adding
2 a new subdivision 10 to read as follows:

3 10. An "alternative living arrangement" means a temporary, written and
4 agreed upon out of home living arrangement developed as a result of an
5 investigation of child maltreatment by the child protective service that
6 would allow for a relative or suitable person as defined in subdivisions
7 (m) and (n) of section one thousand twelve of the family court act or
8 paragraph (a), (b) or (c) of subdivision three of section four hundred
9 fifty-eight-a of this article, who is identified by any parent, person
10 legally responsible or child over the age of five, to temporarily care
11 for a child who is at a substantial risk of abuse as defined in para-
12 graph (i), (ii) or (iii) of subdivision (e) of section one thousand
13 twelve of the family court act or in imminent danger of neglect as
14 defined in paragraph (i) of subdivision (f) of section one thousand
15 twelve of such act.

16 § 2. Subdivision 2 of section 424 of the social services law, as added
17 by chapter 1039 of the laws of 1973, is amended to read as follows:

18 2. maintain and keep up-to-date a local child abuse and maltreatment
19 register of all cases reported under this title together with any addi-
20 tional information obtained and a record of the final disposition of the
21 report, including services offered and accepted and any alternative
22 living arrangement made for the care of any child in the home of a rela-
23 tive or suitable person;

24 § 3. The social services law is amended by adding a new section 424-c
25 to read as follows:

26 § 424-c. Alternative living arrangements. 1. An alternative living
27 arrangement may be facilitated by the child protective service to

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

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1 arrange for the child to temporarily reside with a relative or suitable
2 person without a judicial removal for a limited amount of time and is
3 available only in circumstances where grounds exist for removal pursuant
4 to article ten of the family court act. Prior to offering such an
5 arrangement to a family, the child protective service worker must
6 explain that the child protective service has no legal authority to
7 compel such family to agree to the arrangement but may inform the family
8 of the obligations and authority of the child protective service to
9 petition the family court for a determination that a child is in need of
10 care and protection. This out of home arrangement shall not be used
11 without written documentation of the circumstances that warrant removal.

12 2. (a) An alternative living arrangement agreement shall be in writ-
13 ing, signed by the authorized child protective services worker, parent
14 or person legally responsible, and the relative or suitable person and
15 shall include:

16 (i) a specific action or actions agreed upon for the parent or person
17 legally responsible to mitigate the identified grounds that warrant
18 removal;

19 (ii) names, addresses, and contact information of the authorized child
20 protective services worker and their immediate supervisor, parent or
21 person legally responsible, and the relative or suitable person or
22 persons;

23 (iii) length of the alternative living arrangement; and

24 (iv) plan for re-assessment for reunification or judicial removal.

25 (b) The signature of the parent or person legally responsible only
26 signifies agreement to the temporary alternative living arrangement and
27 shall not be considered an admission of the accuracy of the safety eval-
28 uation and determination of risk pursuant to paragraph (a) of subdivi-
29 sion six of section four hundred twenty-four of this title by the parent
30 or person legally responsible. It shall not be admissible in a court of
31 law as proof of the allegations in a neglect or abuse filing.

32 3. An alternative living arrangement shall last no longer than five
33 business days. One additional extension of no more than five business
34 days may be requested by the authorized child protective service, parent
35 or person legally responsible, or relative or suitable person. An exten-
36 sion of an alternative living arrangement agreement shall be:

37 (a) in writing;

38 (b) signed by the authorized child protective service, parent or
39 person legally responsible, and the relative or suitable person;

40 (c) include all of the provisions in subdivision two of this section;
41 and

42 (d) include the reason for such extension.

43 4. Prior to the execution of the alternative living arrangement agree-
44 ment, the child protective service shall provide written information as
45 described in this section to the parent or parents or person or persons
46 legally responsible and the prospective relative or suitable person or
47 persons. Such information shall include but not be limited to:

48 (a) information about supportive services for the parents, children
49 and relative or suitable person;

50 (b) information about the options for care and custody of the child
51 pursuant to section three hundred ninety-two of this article;

52 (c) information on how to apply for public assistance; and

53 (d) any other relevant information related to supporting the alterna-
54 tive living arrangement.

55 5. (a) The office of children and family services shall collect the
56 following data regarding alternative living arrangements and compile an

1 annual report for the preceding calendar year on such data provided by
2 every local social services district:

3 (i) total number of alternative living arrangement agreements;

4 (ii) total number of extensions to alternative living arrangement
5 written agreements;

6 (iii) total number of children, parents and relatives or suitable
7 persons who were the subject of alternative living arrangement agree-
8 ments;

9 (iv) average length of alternative living arrangements in each county;

10 (v) total number of alternative living arrangements that lasted longer
11 than the ten days permitted by this section;

12 (vi) total number of children who were reunited with parents upon
13 cessation of an alternative living arrangement agreement;

14 (vii) total number of children who were not reunited with parents upon
15 cessation of an alternative living arrangement agreement;

16 (viii) total number of children who were the subject of a proceeding
17 pursuant to article ten of the family court act upon cessation of all
18 alternative living arrangement agreements;

19 (ix) total number of children who were the subject of a proceeding
20 pursuant to article ten of the family court act upon cessation of all
21 alternative living arrangement agreements and who were directly placed
22 with relatives pursuant to article ten of the family court act;

23 (x) total number of children who were the subject of a proceeding
24 pursuant to article ten of the family court act upon cessation of all
25 alternative living arrangement agreements and who were placed in foster
26 care with a relative or suitable person;

27 (xi) total number of children who were the subject of a proceeding
28 pursuant to article ten of the family court act upon cessation of all
29 alternative living arrangement agreements and who were placed in foster
30 care with a non-relative or congregate care setting;

31 (xii) total number of children who were placed in the custody of a
32 relative or suitable person pursuant to article six of the family court
33 act upon cessation of all alternative living arrangement agreements;

34 (xiii) a descriptive list of preventive services and their utilization
35 rates, if practicable, that were provided to parents, children and rela-
36 tives or suitable persons who were the subject of an alternative living
37 arrangement agreement in each local social services district; and

38 (xiv) any other information the commissioner may deem necessary to
39 include.

40 (b) The office of children and family services shall submit such
41 report to the governor, the speaker of the assembly, the temporary pres-
42 ident of the senate, the chairperson of the assembly children and fami-
43 lies committee, and the chairperson of the senate children and families
44 committee, and the chairperson of the assembly ways and means committee,
45 and the chairperson of the senate finance committee by no later than
46 September first, two thousand twenty-three and annually thereafter. Such
47 report shall include the data and information required under paragraph
48 (a) of this subdivision for the preceding calendar year, to the extent
49 such information is available. When practicable, such information shall
50 be disaggregated by age, sex, race and ethnicity.

51 § 4. This act shall take effect on the ninetieth day after it shall
52 have become a law. Effective immediately, the addition, amendment and/or
53 repeal of any rule or regulation necessary for the implementation of
54 this act on its effective date are authorized to be made on or before
55 such date.