

# STATE OF NEW YORK

9004

## IN SENATE

May 3, 2022

Introduced by Sen. BRISPORT -- (at request of the Council on Children and Families) -- 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 the establishment and powers and duties of the council on children and families; to repeal certain provisions of such law relating thereto; and to repeal certain provisions of the mental hygiene law relating to the children's plan

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

1 Section 1. Section 483 of the social services law, as added by section  
2 2 of part F2 of chapter 62 of the laws of 2003, subdivision 1 as amended  
3 by chapter 672 of the laws of 2019, is amended to read as follows:

4 § 483. Council on children and families~~[, chair]~~. 1. Purpose. There  
5 shall be a council on children and families, hereinafter referred to in  
6 this article as the "council", that shall provide a forum for promoting  
7 cross-system approaches to improve the effectiveness and efficiency of  
8 service delivery systems for children and youth, consider new or emerg-  
9 ing service needs and promote coordinated and consistent policies to  
10 best meet the needs of children and youth and their families. The coun-  
11 cil, established within the office of children and family services  
12 [consisting], shall consist of the following members: the [~~state~~]  
13 commissioner of children and family services, the commissioner of tempo-  
14 rary and disability assistance, the commissioner of mental health, the  
15 commissioner [~~of the office~~] for people with developmental disabilities,  
16 the commissioner of [~~the office of alcoholism and substance abuse~~  
17 ~~services~~] addiction services and supports, the commissioner of educa-  
18 tion, [~~the director of the office of probation and correctional alterna-~~  
19 ~~tives,~~] the commissioner of health, the commissioner of [~~the division~~  
20 ~~of~~] criminal justice services, the [~~state advocate for persons with~~  
21 ~~disabilities~~] executive director of the justice center for the  
22 protection of people with special needs, the director [~~of the office~~]  
23 for the aging, the commissioner of labor, and the [~~chair of the commis-~~  
24 ~~sion on quality of care for the mentally disabled. The governor shall~~

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

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1 ~~designate the chair of the council and the chief~~ executive [~~officer~~  
2 ~~(CEO)~~] director of the developmental disabilities planning council.

3 2. Staffing. The governor shall designate the executive director of  
4 the council. The [~~chair of the council~~] executive director, in consulta-  
5 tion with the commissioner of [~~the office of~~] children and family  
6 services, shall designate staff [~~from the office of children and family~~  
7 ~~services to work full time in carrying out~~] to carry out the functions  
8 of the council.

9 3. Meetings. The council [~~may conduct its meetings and, by and through~~  
10 ~~the chair,~~] shall meet as often as deemed necessary by the executive  
11 director of the council or the commissioner or director of a member  
12 agency but in no event less than annually to perform its powers and  
13 duties [~~notwithstanding the absence of a quorum, provided, however that~~  
14 ~~no action may be taken by the council without the concurrence of the~~  
15 ~~chair~~].

16 § 2. Section 483-a of the social services law, as added by section 2  
17 of part F2 of chapter 62 of the laws of 2003, is amended to read as  
18 follows:

19 § 483-a. Utilization of other agency assistance. To effectuate the  
20 purposes of this article, any department, division, board, bureau,  
21 commission or agency of the state or of any political subdivision there-  
22 of shall, at the request of the [~~chair~~] executive director of the coun-  
23 cil, provide to the council such facilities, assistance and data as will  
24 enable the council to properly [~~to~~] carry out its powers and duties [~~and~~  
25 ~~those of the chair~~].

26 § 3. Section 483-b of the social services law, as added by section 2  
27 of part F2 of chapter 62 of the laws of 2003, is amended to read as  
28 follows:

29 § 483-b. Powers and duties of council. 1. As used in this section, the  
30 terms "care", "services", and "programs" [~~, and "services programs"~~]  
31 shall mean and include care, maintenance, services and programs provided  
32 to children and youth of the state and their families by or under the  
33 jurisdiction of a member agency. The term "member agency" shall mean an  
34 agency headed by a member of the council.

35 2. The council shall have the following powers:

36 (a) to identify problems and deficiencies in residential care and  
37 community-based services and programs and, on a selective basis, to plan  
38 and make recommendations to the governor for the remedy of such problems  
39 and deficiencies and for the development of programs of care and  
40 services for children and youth and their families;

41 (b) to make recommendations to improve coordination of program and  
42 fiscal resources of state-local, public-voluntary care and services to  
43 children and youth and their families;

44 (c) to [~~coordinate program~~] facilitate interagency cooperation and  
45 coordination of programs and [~~management~~] research [~~of~~] by member agen-  
46 cies for the purpose of monitoring, evaluating or redirecting existing  
47 care [~~and~~], services and programs or developing new services and  
48 programs, and to conduct, sponsor, or direct member agencies to under-  
49 take such research or other activities;

50 (d) to review and resolve differences, if any, concerning rules and  
51 regulations of each member agency insofar as such rules and regulations  
52 impact on care, services or programs provided by other member agencies;

53 (e) to promulgate, amend and rescind rules and regulations relating to  
54 the administration and performance of the powers and duties of the coun-  
55 cil pursuant to this article;

1 (f) to review [~~significant~~] existing state and locally operated and  
2 supported [~~care and~~] services<sup>7</sup> and programs and plans and proposals  
3 for new services and programs for children and youth and their families  
4 to determine whether such services and programs are planned, created and  
5 delivered in a coordinated, effective and comprehensive manner;

6 (g) to perform all other things necessary [~~and convenient~~] to carry  
7 out the functions, powers and duties of the council and to effectuate  
8 the purposes of this article; and

9 (h) to accept and expend any grants, awards, or other funds or appro-  
10 priations as may be available to the council to effectuate the purposes  
11 of this article, subject to the approval of the director of the budget.

12 3. [~~The council shall review the budget requests of member agencies~~  
13 ~~insofar as such budgets jointly affect services programs for children~~  
14 ~~and their families and shall make comments and recommendations thereon~~  
15 ~~to the relevant member agencies and the governor.~~

16 4.] (a) The council shall meet on a regular basis to implement the  
17 purposes of this article and to discuss and resolve disputes, including  
18 but not limited to disputes between member agencies, relating to their  
19 functions, powers and duties over the provision of services to partic-  
20 ular children and youth and their families or to categories of children  
21 [~~or child and family problems~~] and youth when all the internal statutory  
22 and administrative grievance or appeal procedures applicable to a member  
23 agency have failed to finally resolve such dispute. [~~The council shall~~  
24 ~~direct each member agency to establish and maintain such grievance or~~  
25 ~~appeal procedures.~~]

26 (b) The council shall direct member agencies to provide an evaluation,  
27 including a diagnostic study, of a particular child or youth and his or  
28 her family when there is a dispute as to the appropriate agency or  
29 program in which the child or youth should be placed or from which the  
30 child or youth and his or her family should receive services, and,  
31 following such study, the council shall order placement of a child or  
32 youth with a member agency, or with a social services official, or order  
33 a member agency to provide or require the provision of services to the  
34 child or youth and his or her family in a manner consistent with the  
35 legal authority of the member agency or social services official, as  
36 applicable.

37 (c) The council shall direct member agencies to take appropriate  
38 direct action or to exercise their supervisory powers over local offi-  
39 cials and agencies, in the resolution of such disputes.

40 (d) The duty of the council to resolve disputes involving particular  
41 children or youth may be performed on a selective basis within the  
42 discretion of the council. Exercise of jurisdiction over such disputes  
43 by the council or appeals to the council therefor shall not be required  
44 as a condition precedent to the initiation of a proceeding pursuant to  
45 article seventy-eight of the civil practice law and rules.

46 (e) A dispute relative to which member agency shall have the responsi-  
47 bility for determining and recommending adult services pursuant to  
48 sections 7.37 and 13.37 of the mental hygiene law, section three hundred  
49 ninety-eight-c of [~~the social services law~~] this chapter, or subdivision  
50 ten of section forty-four hundred three of the education law shall be  
51 resolved in accordance with this subdivision.

52 [~~5-~~] 4. (a) Notwithstanding any other provision of state law to the  
53 contrary, the council may request any member agency to submit to the  
54 council and such member agency shall submit, to the extent permitted by  
55 federal law, all information in the form and manner and at such times as

1 the council may require that it is appropriate to the purposes and oper-  
2 ation of the council.

3 (b) The council shall protect the confidentiality of individual iden-  
4 tifying information submitted to or provided by the council, and prevent  
5 access thereto, by, or the distribution thereof to, persons not author-  
6 ized by law.

7 § 4. Section 483-c of the social services law is REPEALED and a new  
8 section 483-c is added to read as follows:

9 § 483-c. Council committees. 1. The council shall have two standing  
10 committees: (a) a cross-systems committee for children and youth with  
11 complex needs; and (b) an early care and education committee. In accord-  
12 ance with the purposes of this article, other committees may be formed  
13 by the executive director of the council or the request of the governor  
14 or a commissioner or director of a member agency.

15 2. There shall be a cross-systems committee for children and youth  
16 with complex needs to support the establishment of a coordinated system  
17 of care for children and youth and their families who require assistance  
18 from multiple systems and to facilitate coordination among member agen-  
19 cies to better serve such children and youth and their families.

20 (a) Such committee shall meet as often as deemed necessary by the  
21 executive director of the council or a commissioner or director of a  
22 member agency and shall be comprised of commissioners and directors or  
23 their designees from the following member agencies: the office of chil-  
24 dren and family services, the office of mental health, the office for  
25 people with developmental disabilities, the department of health, the  
26 office of addiction services and supports, the developmental disabili-  
27 ties planning council, and the education department.

28 (b) Such committee shall provide for the effective collaboration among  
29 state and local health, mental health, developmental disabilities,  
30 education, child welfare, juvenile justice, and other human services  
31 governmental entities and stakeholders by coordinating cross-systems  
32 professional development training, recommending the use of funding mech-  
33 anisms to more flexibly support the unique needs of children and youth  
34 and their families requiring services from multiple systems, and other  
35 approaches to promoting interagency cooperation to best support the  
36 needs of children and youth and their families.

37 (c) Such committee shall provide an annual progress report, by April  
38 thirtieth of each year, which shall include an update on children and  
39 youth placed in residential programs and schools outside of New York  
40 state and other committee activities.

41 3. There shall be an early care and education committee to support the  
42 alignment of programs and services for young children and their families  
43 to promote healthy development and school readiness.

44 (a) Such committee shall meet as often as deemed necessary by the  
45 executive director of the council or the commissioner or director of a  
46 member agency and shall be comprised of commissioners and directors or  
47 their designees from the following member agencies: the office of chil-  
48 dren and family services, the education department, the department of  
49 health, the office of temporary and disability assistance, the office of  
50 mental health, and the office for people with developmental disabili-  
51 ties. The committee shall be informed by the work and recommendations of  
52 the early childhood advisory council established pursuant to section  
53 four hundred eighty-three-g of this article.

54 (b) Committee members, to the extent practicable, shall notify the  
55 executive director of the council when proposing new policies, rules, or  
56 regulations that may impact other committee member agencies. The execu-

1 tive director of the council shall distribute such proposed policies,  
2 rules, or regulations for review by committee members to solicit feed-  
3 back, within governing time periods, on the possible cross-system align-  
4 ment of such proposals.

5 (c) Such committee shall provide an annual progress report by May  
6 thirtieth of each year.

7 § 5. Sections 483-d, 483-e and 483-f of the social services law are  
8 REPEALED.

9 § 6. Section 7.43 of the mental hygiene law is REPEALED.

10 § 7. Subdivisions 2 and 6 of section 483-g of the social services law,  
11 as amended by chapter 14 of the laws of 2017, are amended to read as  
12 follows:

13 2. The governor shall also designate the two chairpersons to the early  
14 childhood advisory council one of whom shall be the executive director  
15 of the council or his or her designee.

16 6. The executive director of the council, on behalf of the early  
17 childhood advisory council shall submit a statewide strategic report  
18 addressing the activities described in subdivision three of this section  
19 to the director of the head start collaboration office, the governor,  
20 the speaker of the assembly and the temporary president of the senate.  
21 After submission of a statewide strategic report, the early childhood  
22 advisory council shall meet periodically to review any implementation of  
23 the recommendations in such report and any changes in state and local  
24 needs.

25 § 8. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law.