# 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:**

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

§ 483. Council on children and families[~~; chair~~]. 1. **Purpose.** There shall be a council on children and families**, hereinafter referred to in this article as the "council", that shall provide a forum for promoting cross-system approaches to improve the effectiveness and efficiency of service delivery systems for children and youth, consider new or emerging service needs and promote coordinated and consistent policies to best meet the needs of children and youth and their families. The council,** established within the office of children and family services [~~consisting~~]**, shall consist** of the following members: the [~~state~~] commissioner of children and family services, the commissioner of temporary and disability assistance, the commissioner of mental health, the commissioner [~~of the office~~] for people with developmental disabilities, the commissioner of [~~the office of alcoholism and substance abuse services~~] **addiction services and supports**, the commissioner of education, [~~the director of the office of probation and correctional alternatives,~~] the commissioner of health, the commissioner of [~~the division of~~] criminal justice services, the [~~state advocate for persons with disabilities~~] **executive director of the justice center for the protection of people with special needs**, the director [~~of the office~~] for the aging, the commissioner of labor, and the [~~chair of the commission 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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~~designate the chair of the council and the chief~~] executive [~~officer (CEO)~~] director of the developmental disabilities planning council.

2. Staffing. The governor shall designate the executive director of the council. The [~~chair of the council~~] executive director, in consultation with the commissioner of [~~the office of~~] children and family services, shall designate staff [~~from the office of children and family services to work full time in carrying out~~] to carry out the functions of the council.

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

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

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

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

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

2. The council shall have the following powers:

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

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

(c) to [~~coordinate program~~] facilitate interagency cooperation and coordination of programs and [~~management~~] research [~~of~~] by member agencies for the purpose of monitoring, evaluating or redirecting existing care [~~and~~], services and programs or developing new services and programs, and to conduct, sponsor, or direct member agencies to undertake such research or other activities;

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

(e) to promulgate, amend and rescind rules and regulations relating to the administration and performance of the powers and duties of the council pursuant to this article;

(f) to review [~~significant~~] **existing** state and locally operated and supported [~~care and~~] services[~~,~~] **and programs and** plans and proposals for new services **and programs** for children **and youth** and **their** families to determine whether such services **and programs** are planned, created and delivered in a coordinated, effective and comprehensive manner;

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

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

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

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

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

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

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

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

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

the council may require that it is appropriate to the purposes and operation of the council.

(b) The council shall protect the confidentiality of individual identifying information submitted to or provided by the council, and prevent access thereto, by, or the distribution thereof to, persons not authorized by law.

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

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

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

**(a) Such committee shall meet as often as deemed necessary by the executive director of the council or a commissioner or director of a member agency and shall be comprised of commissioners and directors or their designees from the following member agencies: the office of children and family services, the office of mental health, the office for people with developmental disabilities, the department of health, the office of addiction services and supports, the developmental disabilities planning council, and the education department.**

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

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

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

**(a) Such committee shall meet as often as deemed necessary by the executive director of the council or the commissioner or director of a member agency and shall be comprised of commissioners and directors or their designees from the following member agencies: the office of children and family services, the education department, the department of health, the office of temporary and disability assistance, the office of mental health, and the office for people with developmental disabilities. The committee shall be informed by the work and recommendations of the early childhood advisory council established pursuant to section four hundred eighty-three-g of this article.**

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

tive director of the council shall distribute such proposed policies, rules, or regulations for review by committee members to solicit feedback, within governing time periods, on the possible cross-system alignment of such proposals.

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

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

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

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

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

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

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