

# STATE OF NEW YORK

8322--A

Cal. No. 269

2023-2024 Regular Sessions

## IN ASSEMBLY

November 29, 2023

Introduced by M. of A. HEVESI -- (at request of the Council on Children and Families) -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to the establishment and powers and duties of the council on children and families

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". The council shall act as a neutral, coordinating agency to promote the well-being of children and families by convening the state's human services, health, and education agencies to develop aligned and comprehensive approaches to serve children and families most efficiently and effectively.

2. Council establishment. There shall be a council on children and families established within the ~~[office of children and family services consisting of]~~ executive department. The council shall convene the following ~~[members]~~ state agency leaders: 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

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

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1 services, the [~~state advocate for persons with disabilities~~] executive  
 2 director of the justice center for the protection of people with special  
 3 needs, the director of [~~the office for the~~] aging, the commissioner of  
 4 labor, and the [~~chair of the commission on quality of care for the~~  
 5 ~~mentally disabled~~] executive director of the council on developmental  
 6 disabilities.

7 3. Definitions. As used in this article:

8 (a) "Council" shall refer to the council on children and families.

9 (b) "Executive director" shall refer to the executive director of the  
 10 council.

11 (c) "Member agency" shall refer to the state agencies convened by the  
 12 council identified in subdivision two of this section.

13 4. Executive director; staffing. (a) The governor shall designate the  
 14 [~~chair~~] executive director of the council [~~and the chief executive offi-~~  
 15 ~~cer (CEO)~~].

16 [~~2-~~] (b) The [~~chair of the council in consultation with the commis-~~  
 17 ~~sioner of the office of children and family services,~~] executive direc-  
 18 tor shall [~~designate staff from the office of children and family~~  
 19 ~~services~~] employ personnel to [~~work full time in carrying~~] carry out the  
 20 functions of the council.

21 [~~3-~~] 5. Meetings. The council [~~may conduct its meetings and, by and~~  
 22 ~~through the chair,~~] shall meet as often as deemed necessary, by the  
 23 executive director or the leader of a member agency, but in no event  
 24 less than annually to perform its powers and duties notwithstanding the  
 25 absence of a quorum[~~, provided, however that no action may be taken by~~  
 26 ~~the council without the concurrence of the chair~~].

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

30 § 483-a. Utilization of other agency assistance. To effectuate the  
 31 purposes of this article, any department, division, board, bureau,  
 32 commission or agency of the state or of any political subdivision there-  
 33 of shall, at the request of the [~~chair~~] executive director, provide to  
 34 the council such facilities, assistance and data as will enable the  
 35 council to properly [~~to~~] carry out its powers and duties [~~and those of~~  
 36 ~~the chair~~].

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

40 § 483-b. Powers and duties of council. 1. Definitions. As used in this  
 41 section, the terms "care", "services", "programs", and "services  
 42 programs" shall mean and include care, maintenance, services and  
 43 programs provided to children of the state and their families by or  
 44 under the jurisdiction of a member agency. [~~The term "member agency"~~  
 45 ~~shall mean an agency headed by a member of the council.~~]

46 2. General powers. The council shall have the following powers:

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

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

55 (c) to coordinate program and management research of member agencies  
 56 for the purpose of monitoring, evaluating or redirecting existing care

1 and services programs or developing new programs, and to conduct, sponsor,  
2 or direct member agencies to undertake such research or other  
3 activities;

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

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

10 (f) to review significant state and locally operated and supported  
11 care and services, plans and proposals for new services for children and  
12 families to determine whether such services are planned, created and  
13 delivered in a coordinated, effective and comprehensive manner;

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

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

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

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

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

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

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

53 (e) A dispute relative to which member agency shall have the responsibility  
54 for determining and recommending adult services pursuant to  
55 sections 7.37 and 13.37 of the mental hygiene law, section three hundred  
56 ninety-eight-c of the social services law, or subdivision ten of section

1 forty-four hundred three of the education law shall be resolved in  
2 accordance with this subdivision.

3 ~~[5-]~~ 4. Submission of information to the council. (a) Notwithstanding  
4 any other provision of state law to the contrary, the council may  
5 request any member agency to submit to the council and such member agen-  
6 cy shall submit, to the extent permitted by federal law, all information  
7 in the form and manner and at such times as the council may require that  
8 it is appropriate to the purposes and operation of the council.

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

13 § 4. This act shall take effect immediately.