

STATE OF NEW YORK

7452

2023-2024 Regular Sessions

IN SENATE

May 26, 2023

Introduced by Sen. PERSAUD -- (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

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

11 2. Council establishment. There shall be a council on children and
12 families established within the [~~office of children and family services~~
13 ~~consisting of~~] executive department. The council shall convene the
14 following [~~members~~] state agency leaders: the [~~state~~] commissioner of
15 children and family services, the commissioner of temporary and disabil-
16 ity assistance, the commissioner of mental health, the commissioner [~~of~~
17 ~~the office~~] for people with developmental disabilities, the commissioner
18 [~~of the office~~] of [~~alcoholism and substance abuse services~~] addiction
19 services and supports, the commissioner of education, [~~the director of~~
20 ~~the office of probation and correctional alternatives,~~] the commissioner
21 of health, the commissioner of the division of criminal justice
22 services, the [~~state advocate for persons with disabilities~~] executive
23 director of the justice center for the protection of people with special
24 needs, the director of [~~the office for the~~] aging, the commissioner of

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

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1 labor, and the [~~chair of the commission on quality of care for the~~
2 ~~mentally disabled~~] executive director of the developmental disabilities
3 planning council.

4 3. Definitions. As used in this article:

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

6 (b) "Executive director" shall refer to the executive director of the
7 council.

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

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

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

18 [~~3.~~] 5. Meetings. The council [~~may conduct its meetings and, by and~~
19 ~~through the chair,~~] shall meet as often as deemed necessary, by the
20 executive director or the leader of a member agency, but in no event
21 less than annually to perform its powers and duties notwithstanding the
22 absence of a quorum[~~, provided, however that no action may be taken by~~
23 ~~the council without the concurrence of the chair~~].

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

27 § 483-a. Utilization of other agency assistance. To effectuate the
28 purposes of this article, any department, division, board, bureau,
29 commission or agency of the state or of any political subdivision there-
30 of shall, at the request of the [~~chair~~] executive director, provide to
31 the council such facilities, assistance and data as will enable the
32 council to properly [~~to~~] carry out its powers and duties [~~and those of~~
33 ~~the chair~~].

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

37 § 483-b. Powers and duties of council. 1. Definitions. As used in this
38 section, the terms "care", "services", "programs", and "services
39 programs" shall mean and include care, maintenance, services and
40 programs provided to children of the state and their families by or
41 under the jurisdiction of a member agency. [~~The term "member agency"~~
42 ~~shall mean an agency headed by a member of the council.~~]

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

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

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

52 (c) to coordinate program and management research of member agencies
53 for the purpose of monitoring, evaluating or redirecting existing care
54 and services programs or developing new programs, and to conduct, spon-
55 sor, or direct member agencies to undertake such research or other
56 activities;

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

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

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

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

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

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

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

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

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

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

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

1 ~~[5-]~~ 4. Submission of information to the council. (a) Notwithstanding
2 any other provision of state law to the contrary, the council may
3 request any member agency to submit to the council and such member agen-
4 cy shall submit, to the extent permitted by federal law, all information
5 in the form and manner and at such times as the council may require that
6 it is appropriate to the purposes and operation of the council.
7 (b) The council shall protect the confidentiality of individual iden-
8 tifying information submitted to or provided by the council, and prevent
9 access thereto, by, or the distribution thereof to, persons not author-
10 ized by law.
11 § 4. This act shall take effect immediately.