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:

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 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

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

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

3. Definitions. As used in this article:

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

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

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

4. Executive director; staffing. (a) The governor shall designate the [~~chair~~] executive director of the council [~~and the chief executive officer (CEO)~~].

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

[~~3.~~] 5. Meetings. The council [~~may conduct its meetings and, by and through the chair,~~] shall meet as often as deemed necessary, by the executive director or the leader 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, 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. Definitions. As used in this section, the terms "care", "services", "programs", and "services programs" shall mean and include care, maintenance, services and programs provided to children 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. General powers. The council shall have the following powers:

(a) to identify problems and deficiencies in residential care and community-based services 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 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 their families;

(c) to coordinate program and management research of member agencies for the purpose of monitoring, evaluating or redirecting existing care and services programs or developing new 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 services 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 state and locally operated and supported care and services, plans and proposals for new services for children and families to determine whether such services 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.~~] **Interagency resolution powers.** (a) The council shall **convene member agencies to** 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 their families or to categories of children or child and family problems 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 and his or her family when there is a dispute as to the appropriate agency or program in which the child should be placed or from which the child and his or her family should receive services, and, following such study, the council shall order placement of a child 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 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 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, or subdivision ten of section forty-four hundred three of the education law shall be resolved in accordance with this subdivision.

[~~5.~~] **4. Submission of information to the council.** (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. This act shall take effect immediately.