

STATE OF NEW YORK

4077

2023-2024 Regular Sessions

IN SENATE

February 2, 2023

Introduced by Sens. BRISPORT, GOUNARDES, MANNION, SALAZAR -- 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 caseload standards for child protective services workers

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

1 Section 1. Section 20-a of the social services law, as added by chapter 107 of the laws of 1971, is amended to read as follows:

2 § 20-a. Local personnel; limitations on department's power. Notwithstanding any inconsistent provision of this chapter, the board, the commissioner or the department, acting singly or in unison, shall not have the power, directly or indirectly to prescribe the number of persons to be employed in any social services district providing the district complies with the minimum federal standards relating thereto; provided, however, that the provisions of this section shall not apply to the regulations of the office of children and family services establishing caseload standards for child protective services workers promulgated pursuant to paragraph (a) of subdivision nine of section four hundred twenty-one of this chapter.

14 § 2. Paragraph (a) of subdivision 1 of section 153-k of the social services law, as added by section 15 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

17 (a) Expenditures made by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies provided pursuant to article six of this chapter and the regulations of the department of family assistance shall, if approved by the office of children and family services, be subject to sixty-five percent state

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

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1 reimbursement exclusive of any federal funds made available for such
2 purposes, in accordance with the directives of the department of family
3 assistance and subject to the approval of the director of the budget.
4 Provided however, for requirements prescribed in subdivision nine of
5 section four hundred twenty-one of this chapter, such expenditures shall
6 be subject to one hundred percent state reimbursement, provided that
7 local social services districts continue to maintain current expendi-
8 tures related to child protective services at a level equal to or great-
9 er than expenditures for such activities during the fiscal year prior to
10 the effective date of a chapter of the laws of two thousand twenty-three
11 which amended this paragraph.

12 § 3. Section 421 of the social services law is amended by adding a new
13 subdivision 9 to read as follows:

14 9. promulgate regulations in consultation with local social services
15 districts, relating to caseload standards for child protective services
16 workers. Such standards shall include, but not be limited to:

17 (a) limitations on the number of investigations which can be assigned
18 to child protective services workers, provided however, to the extent
19 possible and within amounts appropriated therefor, no more than two
20 initial investigations per week may be assigned per full time equivalent
21 child protective services worker; and

22 (b) guidance as it relates to how such investigations are assigned,
23 taking into consideration the child protective services worker current
24 caseload, as well as the complexity of the particular investigation, if
25 known. Nothing in this subdivision shall be construed to prohibit the
26 office from prescribing local social services districts from establish-
27 ing caseload standards that are less than what is required in this
28 subdivision.

29 § 4. Paragraph (c) of subdivision 1 of section 423 of the social
30 services law, as amended by chapter 83 of the laws of 1995, is amended
31 to read as follows:

32 (c) The child protective service shall have a sufficient staff, in
33 accordance with the provisions of subdivision nine of section four
34 hundred twenty-one of this title, of sufficient qualifications to
35 fulfill the purposes of this title and be organized in such a way as to
36 maximize the continuity of responsibility, care and service of individ-
37 ual workers toward individual children and families. A social services
38 district shall have flexibility in assigning staff to the child protec-
39 tive service provided that each staff assigned to such service has the
40 staff qualifications and has received the training required by the
41 department regulations promulgated pursuant to subdivisions four and
42 five of section four hundred twenty-one of this title.

43 § 5. Section 426 of the social services law, as amended by section
44 11-a of part D of chapter 501 of the laws of 2012, is amended to read as
45 follows:

46 § 426. Annual reports. The commissioner shall prepare for inclusion in
47 the annual report required by subdivision (d) of section seventeen of
48 this chapter to be filed with the governor and the legislature prior to
49 December fifteenth of each year, a report on the operations of the state
50 central register of child abuse and maltreatment and the various local
51 child protective services. The report shall include a full statistical
52 analysis of the reports made to the central register together with a
53 report on the implementation of this title, his or her evaluation of
54 services offered under this chapter and his or her recommendations for
55 additional legislation to fulfill the purposes of this title. Such
56 report shall indicate the number of child abuse and maltreatment reports

1 and cases received by the statewide central register of child abuse and
2 maltreatment by each district in the preceding year, the number of such
3 cases determined to have been indicated and the number of such cases
4 determined to be unfounded by each district in the preceding year, the
5 number of such cases which have not been indicated or unfounded within
6 the time period required by subdivision seven of section four hundred
7 twenty-four of this ~~[article]~~ title by each district in the preceding
8 year ~~[and]~~. Such report shall also include a monthly accounting by local
9 social services districts, of the total number of child protective
10 services workers ~~[assigned to the child protective service in each~~
11 ~~district in]~~ with an indication of how many hold a supervisory position,
12 as well as the average number of active cases per child protective
13 services worker, with an indication of how many were in the initial
14 investigation stage at the time the information was collected for the
15 preceding year. Such report shall include, among other information,
16 available demographic information and available information concerning
17 the racial and ethnic characteristics of the family members and persons
18 served by the differential response program pursuant to section four
19 hundred twenty-seven-a of ~~[the social services law]~~ this title, as well
20 as available information concerning the racial and ethnic character-
21 istics of the family members and persons serviced under the traditional
22 child protective services program, in each local social services
23 district in the state.

24 § 6. This act shall take effect immediately; provided, however,
25 sections one, two, three and four of this act shall take effect on the
26 seven hundred thirtieth day after it shall have become a law; provided,
27 further, however that the amendments to section 153-k of the social
28 services law made by section two of this act shall not affect the repeal
29 of such section and shall be deemed repealed therewith.