STATE OF NEW YORK

5029

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. BRISPORT -- 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 establishing alternative living arrangements for children who are at a substantial risk of abuse

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

Section 1. Section 412 of the social services law is amended by adding a new subdivision 10 to read as follows:

10. An "alternative living arrangement" means a temporary, written and agreed upon out of home living arrangement developed as a result of an investigation of child maltreatment by the child protective service that would allow for a relative or suitable person as defined in subdivisions (m) and (n) of section one thousand twelve of the family court act or paragraph (a), (b) or (c) of subdivision three of section four hundred fifty-eight-a of this article, who is identified by any parent, person legally responsible or child over the age of five, to temporarily care for a child who is at a substantial risk of abuse as defined in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or in imminent danger of neglect as defined in paragraph (i) of subdivision (f) of section one thousand twelve of such act.

§ 2. Subdivision 2 of section 424 of the social services law, as added by chapter 1039 of the laws of 1973, is amended to read as follows:

2. maintain and keep up-to-date a local child abuse and maltreatment register of all cases reported under this title together with any additional information obtained and a record of the final disposition of the report, including services offered and accepted **and any alternative living arrangement made for the care of any child in the home of a relative or suitable person**;

§ 3. The social services law is amended by adding a new section 424-c to read as follows:

§ 424-c. Alternative living arrangements. 1. An alternative living arrangement may be facilitated by the child protective service to

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

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arrange for the child to temporarily reside with a relative or suitable person without a judicial removal for a limited amount of time and is available only in circumstances where grounds exist for removal pursuant to article ten of the family court act. Prior to offering such an arrangement to a family, the child protective service worker must explain that the child protective service has no legal authority to compel such family to agree to the arrangement but may inform the family of the obligations and authority of the child protective service to petition the family court for a determination that a child is in need of care and protection. This out of home arrangement shall not be used without written documentation of the circumstances that warrant removal.

2. (a) An alternative living arrangement agreement shall be in writing, signed by the authorized child protective services worker, parent or person legally responsible, and the relative or suitable person and shall include:

(i) a specific action or actions agreed upon for the parent or person legally responsible to mitigate the identified grounds that warrant removal;

(ii) names, addresses, and contact information of the authorized child protective services worker and their immediate supervisor, parent or person legally responsible, and the relative or suitable person or persons;

(iii) length of the alternative living arrangement; and

(iv) plan for re-assessment for reunification or judicial removal.

(b) The signature of the parent or person legally responsible only signifies agreement to the temporary alternative living arrangement and shall not be considered an admission of the accuracy of the safety evaluation and determination of risk pursuant to paragraph (a) of subdivision six of section four hundred twenty-four of this title by the parent or person legally responsible. It shall not be admissible in a court of law as proof of the allegations in a neglect or abuse filing.

3. An alternative living arrangement shall last no longer than five business days. One additional extension of no more than five business days may be requested by the authorized child protective service, parent or person legally responsible, or relative or suitable person. An extension of an alternative living arrangement agreement shall be:

(a) in writing;

(b) signed by the authorized child protective service, parent or person legally responsible, and the relative or suitable person;

(c) include all of the provisions in subdivision two of this section; and

(d) include the reason for such extension.

4. Prior to the execution of the alternative living arrangement agreement, the child protective service shall provide written information as described in this section to the parent or parents or person or persons legally responsible and the prospective relative or suitable person or persons. Such information shall include but not be limited to:

(a) information about supportive services for the parents, children and relative or suitable person;

(b) information about the options for care and custody of the child pursuant to section three hundred ninety-two of this article;

(c) information on how to apply for public assistance; and

(d) any other relevant information related to supporting the alternative living arrangement.

5. (a) The office of children and family services shall collect the following data regarding alternative living arrangements and compile an

annual report for the preceding calendar year on such data provided by every local social services district:

(i) total number of alternative living arrangement agreements;

(ii) total number of extensions to alternative living arrangement written agreements;

(iii) total number of children, parents and relatives or suitable persons who were the subject of alternative living arrangement agreements;

(iv) average length of alternative living arrangements in each county;

(v) total number of alternative living arrangements that lasted longer than the ten days permitted by this section;

(vi) total number of children who were reunited with parents upon cessation of an alternative living arrangement agreement;

(vii) total number of children who were not reunited with parents upon cessation of an alternative living arrangement agreement;

(viii) total number of children who were the subject of a proceeding pursuant to article ten of the family court act upon cessation of all alternative living arrangement agreements;

(ix) total number of children who were the subject of a proceeding pursuant to article ten of the family court act upon cessation of all alternative living arrangement agreements and who were directly placed with relatives pursuant to article ten of the family court act;

(x) total number of children who were the subject of a proceeding pursuant to article ten of the family court act upon cessation of all alternative living arrangement agreements and who were placed in foster care with a relative or suitable person;

(xi) total number of children who were the subject of a proceeding pursuant to article ten of the family court act upon cessation of all alternative living arrangement agreements and who were placed in foster care with a non-relative or congregate care setting;

(xii) total number of children who were placed in the custody of a relative or suitable person pursuant to article six of the family court act upon cessation of all alternative living arrangement agreements;

(xiii) a descriptive list of preventive services and their utilization rates, if practicable, that were provided to parents, children and relatives or suitable persons who were the subject of an alternative living arrangement agreement in each local social services district; and

(xiv) any other information the commissioner may deem necessary to include.

(b) The office of children and family services shall submit such report to the governor, the speaker of the assembly, the temporary president of the senate, the chairperson of the assembly children and families committee, and the chairperson of the senate children and families committee, and the chairperson of the assembly ways and means committee, and the chairperson of the senate finance committee by no later than September first, two thousand twenty-five and annually thereafter. Such report shall include the data and information required under paragraph (a) of this subdivision for the preceding calendar year, to the extent such information is available. When practicable, such information shall be disaggregated by age, sex, race and ethnicity.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.