

STATE OF NEW YORK

7603

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law and the state finance law, in relation to providing additional support to children with complex needs under the jurisdiction of the state

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

1 Section 1. Section 483-b of the social services law, as amended by
2 chapter 235 of the laws of 2024, is amended to read as follows:

3 § 483-b. Powers and duties of council. 1. Definitions. As used in this
4 section, the terms "care", "services", "programs", and "services
5 programs" shall mean and include care, maintenance, services and
6 programs provided to children of the state and their families by or
7 under the jurisdiction of a member agency, and the term "boarding" shall
8 mean remaining in a hospital setting after having been determined to no
9 longer need a hospital level of care, and awaiting discharge.

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

11 (a) to identify problems and deficiencies in residential care and
12 community-based services programs and, on a selective basis, to plan and
13 make recommendations to the governor for the remedy of such problems and
14 deficiencies and for the development of programs of care and services
15 for children and their families;

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

19 (c) to coordinate program and management research of member agencies
20 for the purpose of monitoring, evaluating or redirecting existing care
21 and services programs or developing new programs, and to conduct, spon-
22 sor, or direct member agencies to undertake such research or other
23 activities;

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

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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 funds appropriated pursuant to section nine-
15 ty-nine-rr of the state finance law any grants, awards, or other funds
16 or appropriations as may be available to the council to effectuate the
17 purposes of this article, subject to the approval of the director of the
18 budget; ~~and~~

19 (i) to establish and maintain a confidential online data portal to
20 help facilitate the coordination of residential and non-residential
21 services to children and adolescents within the council's interagency
22 resolution powers.

23 3. Interagency resolution powers. (a) The council shall convene member
24 agencies to meet ~~[on a regular basis]~~ as needed and in response to
25 requests for assistance that are received to discuss and resolve
26 disputes, including but not limited to disputes between member agencies,
27 relating to their functions, powers and duties over the provision of
28 services to particular children and their families or to categories of
29 children or child and family problems when all the internal statutory
30 and administrative grievance or appeal procedures applicable to a member
31 agency have failed to finally resolve such dispute.

32 (b) The council shall direct member agencies to provide an evaluation,
33 including a diagnostic study, of a particular child and ~~[his or her]~~
34 such child's family when there is a dispute as to the appropriate agency
35 or program in which the child should be placed or from which the child
36 and ~~[his or her]~~ such child's family should receive services~~[, and,~~
37 ~~following]~~. Such evaluation and diagnostic study shall be completed
38 within seventy-two hours of the interagency resolution unit receiving a
39 request for assistance. Following such evaluation and diagnostic study,
40 the council, within five business days, shall ~~[order]~~ effectuate place-
41 ment of or provide services for a child with a member agency, or with a
42 social services official, or order a member agency to provide or require
43 the provision of services to the child and ~~[his or her]~~ such child's
44 family in a manner consistent with the legal authority of the member
45 agency or social services official, as applicable.

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

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

55 (e) A dispute relative to which member agency shall have the responsi-
56 bility for determining and recommending adult services pursuant to

1 sections 7.37 and 13.37 of the mental hygiene law, section three hundred
2 ninety-eight-c of the social services law, or subdivision ten of section
3 forty-four hundred three of the education law shall be resolved in
4 accordance with this subdivision.

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

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

15 5. Data collection and online data portal. (a) The council shall
16 collect data regarding:

17 (i) the total number of children and adolescents who are boarding,
18 including a breakdown by geographic location and whether they are in the
19 care or custody of a state agency or local district of social services;
20 and

21 (ii) the total number of children and adolescents who are in the care
22 or custody of a state agency or local social services district and are
23 awaiting appropriate residential programs or services.

24 (b) The council shall also collect the following data regarding the
25 individuals included in paragraph (a) of this subdivision:

26 (i) the average wait time for discharge to an appropriate level of
27 care or placement;

28 (ii) the level of care required;

29 (iii) the primary behavioral health diagnosis and any relevant co-mor-
30 bidities;

31 (iv) the primary reason for boarding, and/or awaiting an appropriate
32 residential program or service;

33 (v) whether the children and adolescents are in the care or custody of
34 the office of children and family services; in the care or custody of a
35 local social services district; and/or are eligible for services under
36 the office of mental health, the office for people with developmental
37 disabilities, or the state or local department of education;

38 (vi) if the children and adolescents are eligible for services from
39 the office for people with developmental disabilities, the date that
40 they became eligible and the date on which they applied for services;

41 (vii) information regarding the children and adolescents' insurance
42 coverage; and

43 (viii) demographic data, including ages, race, ethnicity, preferred
44 spoken languages, and gender.

45 (c) The council shall establish and maintain a confidential online
46 data portal to help state agencies, local agencies, voluntary agencies,
47 and payors facilitate the coordination of residential and non-residen-
48 tial services to children and adolescents within the council's intera-
49 gency resolution powers. The portal shall only be accessible by the
50 council and its members, local agencies, voluntary agencies, and payors.

51 (d) The portal shall include information regarding children and
52 adolescents who are boarding or who are in the care and custody of a
53 state agency or local social services district and are awaiting:

54 (i) discharge to an appropriate residential program or service; or

55 (ii) community-based services.

1 (e) The portal shall be regularly updated to include the following
2 information on the availability of beds in state-licensed residential
3 therapeutic programs, including residential treatment facilities, resi-
4 dential treatment centers, inpatient psychiatric units, and residential
5 programs operated or licensed by the office for people with develop-
6 mental disabilities:

7 (i) the total number of beds in these programs;

8 (ii) the total number of available beds, broken down by location,
9 licensing authority, age range, and any specializations or additional
10 admissions criteria;

11 (iii) average daily bed availability, broken down by licensing author-
12 ity and age range; and

13 (iv) the average length of stay, broken down by licensing authority,
14 age range, and any specialization.

15 6. Reporting. (a) Every six months, the council shall report on the
16 data collected under subdivision five of this section, and the status of
17 children and adolescents who are boarding, awaiting residential disposi-
18 tion or in the care or custody of a state agency or local social
19 services district and awaiting discharge to an appropriate residential
20 program or service. Such report shall be delivered to the governor and
21 the legislature and shall be posted in a conspicuous place on the coun-
22 cil's webpage.

23 (b) On an annual basis, the council shall publish a report that summa-
24 rizes the cases reviewed by the interagency resolution unit, including
25 the length of time in review and the final resolution. Such report shall
26 be delivered to the governor and the legislature and shall be posted in
27 a conspicuous place on the council's webpage.

28 § 2. Subdivision 7 of section 483-d of the social services law, as
29 added by chapter 392 of the laws of 2005, is amended to read as follows:

30 7. Additional review and recommendations; report. The out-of-state
31 placement committee may develop additional recommendations regarding a
32 common system concerning placement of children in out-of-state programs
33 and facilities, with the purpose of averting insofar as practicable
34 future placement of children in such out-of-state programs and facili-
35 ties, of returning children from such out-of-state programs and facili-
36 ties, of building or rebuilding the infrastructure of in-state programs
37 and facilities so that it shall be capable of serving the needs of such
38 children, of redesigning the system to eliminate barriers and institute
39 flexibility in funding services so that children may be provided for in
40 the most appropriate and least restrictive environments, including the
41 child's home, of enabling public funding for such services to follow the
42 child, and of requiring appropriate levels of accountability concerning
43 the placement of children at all levels of public decision-making.

44 The committee shall provide an annual progress report concerning the
45 development of the items and policies described in this section and
46 progress on their implementation, along with such recommendations as the
47 committee shall deem appropriate and in keeping with the spirit and
48 intent of this section. Such report shall be submitted to the governor
49 and the legislature no later than thirty days following the submission
50 of the executive budget. Such report shall be posted in a conspicuous
51 place on the council's webpage.

52 § 3. Paragraphs (c) and (d) of subdivision 3 of section 99-rr of the
53 state finance law, as added by section 2 of part II of chapter 57 of the
54 laws of 2024, are amended and a new paragraph (e) is added to read as
55 follows:

1 (c) reimbursement to the general fund for expenditures incurred in the
2 medical assistance program, including, but not limited to, reimbursement
3 pursuant to a savings allocation plan established in accordance with
4 section ninety-two of part H of chapter fifty-nine of the laws of two
5 thousand eleven, as amended; ~~and~~

6 (d) transfer to the capital projects fund, or any other capital
7 projects fund of the state to support the delivery of health care
8 services~~[-]~~;

9 (e) transfer twenty-five million dollars to the council on children
10 and families to carry out the mandates of section four hundred eighty-
11 three-b of the social services law, including but not limited to, estab-
12 lishment and maintenance of an online data portal, hiring of staff for
13 the interagency dispute resolution unit, enhancing access to diagnostic
14 and evaluation services related to requests for assistance, multi-system
15 care coordination, and providing for the cost of services and/or resi-
16 dential care for a child during a period of time while disputes over the
17 party financially responsible for such care are being determined.

18 § 4. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law; provided, however, that subdivisions 5 and 6
20 of section 483-b of the social services law as added by section one of
21 this act shall take effect January 1, 2026.