# STATE OF NEW YORK

10122

# IN SENATE

April 30, 2026

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 requiring social services districts to develop family assessment and services tracks to address certain types of cases

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

Section 1. Subdivisions 1, 2 and 3 of section 427-a of the social services law, as added by chapter 452 of the laws of 2007 and subdivision 1 as amended by chapter 45 of the laws of 2011, are amended and a new subdivision 3-a is added to read as follows:

1. [~~Any~~] **Except as provided for in subdivision three-a of this section, any** social services district may, upon the authorization of the office of children and family services, establish a program that implements differential responses to reports of child abuse and maltreatment. Such programs shall create a family assessment and services track as an alternative means of addressing certain matters otherwise investigated as allegations of child abuse or maltreatment pursuant to this title. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply only to those cases involving allegations of abuse or maltreatment in family settings expressly included in the family assessment and services track of the differential response program, and only in those social services districts authorized by the office of children and family services to implement a differential response program. Such cases shall not be subject to the requirements otherwise applicable to cases reported to the statewide central register of child abuse and maltreatment pursuant to this title, except as set forth in this section.

2. Any social services district interested in implementing a differential response program shall apply to the office of children and family services for permission to participate**, except as provided for in subdivision three-a of this section**. The criteria for a social services district to participate will be determined by the office of children and family services after consultation with the office for the prevention of

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

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domestic violence, however the social services district's application must include a plan setting forth the following:

(a) in conjunction with any additional requirements imposed by the office of children and family services and the provisions of this subdivision, the factors to be considered by the social services district in determining which cases will be addressed through the family assessment and services track and the size of the population to be the subject of the differential response program**, provided, however that cases meeting the requirements of paragraph (a) of subdivision three-a of this section shall be addressed through the family assessment and services track developed pursuant to such paragraph**;

(b) the types of services and interventions to be provided to families included in the family assessment and services track and a description of how the services will be offered;

(c) a description of the process to be followed for planning and monitoring the services provided under the family assessment and services track;

(d) a description of how the principles of family involvement and support consistent with maintaining the safety of the child will be implemented in the family assessment and services track;

(e) a description of how the differential response program will enhance the ability of the district to protect children, maintain the safety of children and preserve families;

(f) a description of how the district will reduce the involvement of government agencies with families and maintain the safety of children through the use of community resources;

(g) a description of the staff resources proposed to be used in the family assessment and services track, including the proposed staff workloads and qualifications;

(h) a description of the training that will be provided to district and any non-district staff to be used in the differential response program including, but not limited to, a description of the training involving maintaining the safety and well-being of children and any cross training planned for family assessment and investigative staff;

(i) a description of the community resources that are proposed to be used in the family assessment and services track;

(j) a description of any additional funding that may be utilized to enhance the differential response program; and

(k) a description of the protocol to be followed for handling cases where domestic violence is present in order to maintain the safety of the child through the family assessment and services track.

3. The criteria for determining which cases may be placed in the assessment track shall be determined by the local department of social services, in conjunction with the office of children and family services and after consultation with the office for the prevention of domestic violence**, provided, however, that cases meeting the requirements of paragraph (a) of subdivision three-a of this section shall be subject to the family assessment and services track developed pursuant to such paragraph**. Provided, **further,** however, that reports including any of the following allegations**, except for cases meeting the requirements of paragraph (a) of subdivision three-a of this section,** shall not be included in the assessment track of a differential response program:

(a) reports alleging that the subject committed or allowed to be committed an offense defined in article one hundred thirty of the penal law;

(b) reports alleging that the subject allowed, permitted or encouraged a child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law;

(c) reports alleging that the subject committed any of the acts described in section 255.25, 255.26 or 255.27 of the penal law;

(d) reports alleging that the subject allowed a child to engage in acts or conduct described in article two hundred sixty-three of the penal law;

(e) reports alleging that the subject committed assault in the first, second or third degree against a child;

(f) reports alleging that the subject committed or attempted to commit murder or manslaughter in the first or second degree;

(g) reports alleging that the subject abandoned a child pursuant to subdivision five of section three hundred eighty-four-b of this article;

(h) reports alleging that the subject has subjected a child to severe or repeated abuse as those terms are defined in paragraphs (a) and (b) of subdivision eight of section three hundred eighty-four-b of this article; and

(i) reports alleging that the subject has neglected a child so as to substantially endanger the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect.

**3-a. (a) Notwithstanding the provisions of subdivisions one, two and three of this section, every social services district shall create a family assessment and services track which shall be used to address cases where:**

**(i) there is a prior history of multiple likely malicious and unfounded complaints against the respondent;**

**(ii) there is no actual history of founded complaints of abuse or maltreatment against the respondent within the preceding four years; and**

**(iii) the initial investigation into the new complaint yields no new information which could indicate the possibility of actual abuse or maltreatment.**

**(b) Cases meeting the requirements of paragraph (a) of this subdivision shall be addressed through the family assessment and services track developed pursuant to such paragraph and shall not be subject to the requirements otherwise applicable to cases reported to the statewide central register of child abuse and maltreatment pursuant to this title.**

**(c) The family assessment and services track developed pursuant to paragraph (a) of this subdivision shall be subject to the provisions of subdivisions four and five of this section.**

**(d) The development of a family assessment and services track to address cases meeting the requirements of paragraph (a) of this subdivision shall not be subject to the authorization of the office of children and family services pursuant to the provisions of subdivisions two and three of this section. The development of such family assessment and services tracks by social services districts shall be required for cases meeting the requirements of paragraph (a) of this subdivision and shall not require or be subject to an application by a social services district to the office of children and family services.**

§ 2. This act shall take effect immediately.