

STATE OF NEW YORK

7978--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sens. BROUK, COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services 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 following terms shall have the following meanings:

5 (a) "care", "services", "programs", and "services programs" shall mean
6 and include care, maintenance, services and programs provided to chil-
7 dren of the state and their families by or under the jurisdiction of a
8 member agency;

9 (b) "boarding" shall mean remaining in a hospital setting after having
10 been determined to no longer need a hospital level of care, and awaiting
11 discharge;

12 (c) "place" and "placement" shall mean the placement of a child,
13 following a diagnostic study and evaluation, in a clinically appropriate
14 residential setting, with consideration of geographic proximity of such
15 setting to the home of the child and family; and

16 (d) "provide services" shall mean the referral of a child, following a
17 diagnostic study and evaluation, to clinically appropriate and available
18 community-based services.

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

20 (a) to identify problems and deficiencies in residential care and
21 community-based services programs and~~[, on a selective basis, to plan~~

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

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1 ~~and make recommendations to the governor for the~~ to remedy ~~[of]~~ such
2 problems and deficiencies and for the development of programs of care
3 and services for children and their families;

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

7 (c) to coordinate program and management research of member agencies
8 for the purpose of monitoring, evaluating or redirecting existing care
9 and services programs or developing new programs, and to conduct, spon-
10 sor, or direct member agencies to undertake such research or other
11 activities;

12 (d) to review and resolve differences, if any, concerning rules and
13 regulations of each member agency insofar as such rules and regulations
14 impact on services programs provided by other member agencies;

15 (e) to promulgate, amend and rescind rules and regulations relating to
16 the administration and performance of the powers and duties of the coun-
17 cil pursuant to this article;

18 (f) to review significant state and locally operated and supported
19 care and services, plans and proposals for new services for children and
20 families to determine whether such services are planned, created and
21 delivered in a coordinated, effective and comprehensive manner;

22 (g) to perform all other things necessary and convenient to carry out
23 the functions, powers and duties of the council and to effectuate the
24 purposes of this article; ~~and]~~

25 (h) to accept and expend any grants, awards, or other funds or appro-
26 priations as may be available to the council to effectuate the purposes
27 of this article, subject to the approval of the director of the budget;
28 and

29 (i) to establish and maintain a confidential online data portal to
30 help facilitate the coordination of residential and non-residential
31 services to children and adolescents within the council's interagency
32 resolution powers.

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

42 (b) The council shall direct member agencies to provide an evaluation,
43 including a diagnostic study, of a particular child and ~~[his or her]~~
44 such child's family when there is a dispute as to the appropriate agency
45 or program in which the child should be placed or from which the child
46 and ~~[his or her]~~ such child's family should receive services~~, and,~~
47 following]. Such evaluation and diagnostic study shall be completed
48 within seventy-two hours of the interagency resolution unit receiving a
49 request for assistance. Following such evaluation and diagnostic study,
50 the council, within five business days, shall ~~[order placement of]~~ place
51 or provide services for a child with a member agency, or with a social
52 services official, or order a member agency to provide or require the
53 provision of services to the child and ~~[his or her]~~ such child's family
54 in a manner consistent with the legal authority of the member agency or
55 social services official, as applicable.

1 (c) The council shall direct member agencies to take appropriate
2 direct action, which may include waiving relevant regulatory require-
3 ments, or to exercise their supervisory powers over local officials and
4 agencies, in the resolution of such disputes.

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

11 (e) A dispute relative to which member agency shall have the responsi-
12 bility for determining and recommending adult services pursuant to
13 sections 7.37 and 13.37 of the mental hygiene law, section three hundred
14 ninety-eight-c of the social services law, or subdivision ten of section
15 forty-four hundred three of the education law shall be resolved in
16 accordance with this subdivision.

17 4. Submission of information to the council. (a) Notwithstanding any
18 other provision of state law to the contrary, the council may request
19 any member agency to submit to the council and such member agency shall
20 submit, to the extent permitted by federal law, all information in the
21 form and manner and at such times as the council may require that it is
22 appropriate to the purposes and operation of the council.

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

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

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

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

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

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

40 (ii) the level of care required;

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

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

45 (v) whether the children and adolescents are in the care or custody of
46 the office of children and family services; in the care or custody of a
47 local social services district; and/or are eligible for services under
48 the office of mental health, the office for people with developmental
49 disabilities, or the state or local department of education;

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

53 (vii) information regarding the children and adolescents' insurance
54 coverage; and

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

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

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

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

11 (ii) community-based services.

12 (e) The portal shall be regularly updated to include the following
13 information on the availability of beds in state-licensed residential
14 therapeutic programs, including residential treatment facilities, resi-
15 dential treatment centers, inpatient psychiatric units, and residential
16 programs operated or licensed by the office for people with develop-
17 mental disabilities:

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

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

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

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

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

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

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

41 7. Additional review and recommendations; report. The out-of-state
42 placement committee may develop additional recommendations regarding a
43 common system concerning placement of children in out-of-state programs
44 and facilities, with the purpose of averting insofar as practicable
45 future placement of children in such out-of-state programs and facili-
46 ties, of returning children from such out-of-state programs and facili-
47 ties, of building or rebuilding the infrastructure of in-state programs
48 and facilities so that it shall be capable of serving the needs of such
49 children, of redesigning the system to eliminate barriers and institute
50 flexibility in funding services so that children may be provided for in
51 the most appropriate and least restrictive environments, including the
52 child's home, of enabling public funding for such services to follow the
53 child, and of requiring appropriate levels of accountability concerning
54 the placement of children at all levels of public decision-making.

55 The committee shall provide an annual progress report concerning the
56 development of the items and policies described in this section and

1 progress on their implementation, along with such recommendations as the
2 committee shall deem appropriate and in keeping with the spirit and
3 intent of this section. Such report shall be submitted to the governor
4 and the legislature no later than thirty days following the submission
5 of the executive budget. Such report shall be posted in a conspicuous
6 place on the council's webpage.

7 § 3. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law; provided, however, that subdivisions 5 and 6
9 of section 483-b of the social services law as added by section one of
10 this act shall take effect January 1, 2027.