STATE OF NEW YORK

7603--B

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. HEVESI, SIMONE, SIMON, BUTTENSCHON, STECK, SANTABARBARA, LUNSFORD, BRONSON, MANKTELOW, JENSEN, BAILEY -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- 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:

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

§ 483-b. Powers and duties of council. 1. Definitions. As used in this section, the **following** terms **shall have the following meanings:**

(a) "care", "services", "programs", and "services programs" shall mean and include care, maintenance, services and programs provided to children of the state and their families by or under the jurisdiction of a member agency**;**

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

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

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

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

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

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

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

(c) to coordinate program and management research of member agencies for the purpose of monitoring, evaluating or redirecting existing care and services programs or developing new programs, and to conduct, sponsor, or direct member agencies to undertake such research or other activities;

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

(e) to promulgate, amend and rescind rules and regulations relating to the administration and performance of the powers and duties of the council pursuant to this article;

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

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

(h) to accept and expend any grants, awards, or other funds or appropriations as may be available to the council to effectuate the purposes of this article, subject to the approval of the director of the budget; and

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

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

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

in a manner consistent with the legal authority of the member agency or social services official, as applicable.

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

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

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

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

(b) The council shall protect the confidentiality of individual identifying information submitted to or provided by the council, and prevent access thereto, by, or the distribution thereof to, persons not authorized by law.

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

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

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

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

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

(ii) the level of care required;

(iii) the primary behavioral health diagnosis and any relevant co-morbidities;

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

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

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

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

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

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

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

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

(ii) community-based services.

(e) The portal shall be regularly updated to include the following information on the availability of beds in state-licensed residential therapeutic programs, including residential treatment facilities, residential treatment centers, inpatient psychiatric units, and residential programs operated or licensed by the office for people with developmental disabilities:

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

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

(iii) average daily bed availability, broken down by licensing authority and age range; and

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

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

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

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

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

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

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