§ 501. General functions, powers and duties of division. The division for youth shall have the following functions, powers and duties: 1. To develop policies and plans for improving the administration of division facilities and the delivery of services therein.

2. To establish, operate and maintain treatment programs and other services for youth placed with or committed to the division and programs for the care of conditionally released children.

3. To establish, operate and maintain division facilities and to contract with authorized agencies as defined in section three hundred seventy-one of the social services law for the operation and maintenance of non-secure facilities.

4. To establish, operate and maintain all division facilities and programs and all necessary powers to see that the purposes of each facility or program are carried into effect.

5. To promulgate rules and regulations for the establishment, operation and maintenance of division facilities and programs.

6. To enter into contracts with any person, firm, corporation, not-for-profit corporation, authorized agency as defined by section three hundred seventy-one of the social services law, municipality or governmental agency.

7. To establish, operate and maintain programs and services alternative to division facilities for persons placed with the division pursuant to section five hundred seven-a of this article. The division may contract with political subdivisions of the state, agencies thereof or supported thereby, not-for-profit associations, institutions or agencies concerned with youth, for the operation and maintenance of such programs and services.

8. (a) Subject to the amounts appropriated therefor, to establish, operate and maintain or to contract for the operation and maintenance of programs which may include, but not be limited to work training programs

and alternative to placement programs authorized by law, in order to prevent and control juvenile delinquency, and to advance the moral, physical, mental and social well-being of the youth of this state;

(b) To establish and operate or to participate with the federal government in the establishment and operation of job corps camps pursuant to the federal economic opportunity program and any federal laws amendatory or supplemental thereto, and to accept and receive such youths as may be referred by federal agencies pursuant to such law.

9. To cooperate with other departments, divisions and agencies of the state, its political subdivisions and municipalities and cooperate with public and private agencies and departments throughout the state in order to assist in the rehabilitation and training of youth placed with or committed to the division.

10. To encourage and foster an exchange of information and to cooperate with social agencies, both public and private, which may be administering to the needs or assisting any members of the families of youth placed with or committed to the division.

11. To develop a comprehensive five year plan for the provision of services for youths ordered by the court into the custody of the division. Such plan shall include, but not be limited to:

(a) a projection of the numbers of youths to be placed into or committed to the care of the division at secure, limited secure and non-secure levels of care for the five years encompassed by the plan;

(b) an analysis of current and anticipated utilization of division facilities;

(c) a plan for increasing or decreasing residential capacities at all levels as indicated by paragraph (b) of this subdivision;

(d) a comprehensive description of the types of services and programs to be provided to youths in the custody of the division; and

(e) a plan for containing costs at all levels of residential care.

12. To promulgate regulations concerning standards for the protection of children in residential facilities and programs operated or certified by the division, from abuse and maltreatment. Such standards shall

include the prevention and remediation of abuse and maltreatment of children in such residential facilities or programs, including procedures for:

(a) consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, the review and evaluation of the backgrounds of and the information supplied by any person applying to be an employee, a volunteer or consultant which shall include but not be limited to the following requirements: that the applicant set forth his or her employment history, provide personal and employment references and relevant experiential and educational information and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction;

(b) establishing for employees, relevant minimal experiential and educational qualifications, consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law;

(c) assuring adequate and appropriate supervision of employees, volunteers and consultants;

(d) demonstrating by a residential facility or program that appropriate action is taken to assure the safety of the child who is reported to the state central register as well as other children in care, immediately upon notification that a report of child abuse or maltreatment has been made with respect to a child in a residential facility or program;

(e) removing of a child, consistent as applicable with any court order placing the child, when it is determined that there is risk to such child if he or she continues to remain within a residential facility or program; and

(f) appropriate preventive and remedial action to be taken, including legal actions, consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law.

Such standards shall also establish as a priority that:

(i) subject to the amounts appropriated therefor, administrators, employees, volunteers and consultants receive training in at least the following: child abuse prevention and identification, safety and

security procedures, the principles of child development, the characteristics of children in care and techniques of group and child management including crisis intervention, the laws, regulations and procedures governing the protection of children from abuse and maltreatment, and other appropriate topics; provided however, that the division may exempt administrators and consultants from such requirements upon demonstration of substantially equivalent knowledge or experience;

(ii) subject to the amounts appropriated therefor, children receive instruction, consistent with their age, needs and circumstances as well as the needs and circumstances within the residential facility or program, in techniques and procedures which will enable such children to protect themselves from abuse and maltreatment.

The division shall take all reasonable and necessary actions to assure that employees, volunteers and consultants in residential facilities and programs are kept apprised on a current basis of all division policies and procedures relating to the protection of children from abuse and maltreatment, and shall monitor and supervise the provision of training to such administrators, employees, volunteers, children and consultants. Such standards shall, to the extent possible, be consistent with those promulgated by other state agencies for such purposes.

13. To cooperate with the state department of social services and other departments, divisions and agencies of the state when a report is received pursuant to title six of article six of the social services law to protect the health and safety of children in residential facilities or programs. Such cooperation shall include: the making of reports of alleged child abuse and maltreatment, providing necessary assistance to the state department of social services in the department's investigation thereof and considering the recommendations of the state department of social services for appropriate preventive and remedial action, including legal actions, and provide or direct the residential facility to provide such written reports thereon to the department of social services as to the implementation of plans of prevention and remediation approved by the division pursuant to title six of article six of the social services law.

14. To provide for the development and implementation of a plan of prevention and remediation with respect to an indicated report of child abuse or maltreatment. Such action shall include: (a) within ten days of receipt of an indicated report of child abuse or maltreatment, development and implementation of a plan of prevention and remediation to be taken with respect to a custodian or the residential facility in order to assure the continued health and safety of children and to provide for the prevention of future acts of abuse or maltreatment; and (b) development and implementation of a plan of prevention and remediation, in the event an investigation of a report of alleged child abuse or maltreatment determines that some credible evidence of abuse or maltreatment exists and such abuse or maltreatment may be attributed in whole or in part to noncompliance by the residential facility or program with provisions of this chapter or regulations of the division applicable to the operation of such residential facility or program. Any plan of prevention and remediation required to be developed pursuant to paragraph (b) of this subdivision by a facility supervised by the division shall be submitted to and approved by the division in accordance with time limits established by regulations of the division. Implementation of the plan shall be monitored by the division. In reviewing the continued qualifications of a residential facility or program for an operating certificate, the division shall evaluate such facility's compliance with plans of prevention and remediation developed and implemented pursuant to this subdivision.

15. In the event that the office of children and family services determines that significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity are anticipated in the office of children and family services long term planning process or for a particular facility in a future year, to take the following actions:

(a) confer with the department of civil service, the governor's office of employee relations and any other state agency to develop strategies which attempt to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated community-based services or other employment opportunities, and to

develop strategies for the development of necessary retraining and redeployment programs. In planning such strategies, the commissioner of the office of children and family services shall provide for the participation of the representatives of the employee labor organizations and for the participation of managerial and confidential employees to ensure continuity of employment;

(b) consult with the department of economic development and any other appropriate state agencies to develop strategies which attempt to minimize the impact of such significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity on the local and regional economies;

(c) provide for a mechanism which may reasonably be expected to provide notice to local governments, community organizations, employee labor organizations, managerial and confidential employees, consumer and advocacy groups of the potential for significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity at such state-operated facilities, at least twelve months prior to commencing such service reduction; and

(d) consult with the office of general services and any other appropriate state agency in developing a mechanism for determining alternative uses for land and buildings to be vacated by the office of children and family services. Such a mechanism should include a review of other programs or state agencies that could feasibly expand their operations onto a state-operated campus and are compatible with health, safety and programmatic needs of persons served in such facilities.

16. To perform such acts as are necessary or convenient to carry out the division's functions, powers and duties in furtherance of the best interests of youth, consistent with the provisions of this article.