§ 20. Powers and duties of the department.

2. The department shall, as provided in this chapter:

(a) administer all the forms of public welfare work for which the state is responsible;

(b) supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work;

(c) distribute, reimburse and grant as herein provided the funds appropriated by the legislature for such participation and also such funds as may be received from the federal government for such purpose or purposes.

3. The department is authorized:

(a) to supervise local social services departments and in exercising such supervision the department shall approve or disapprove rules, regulations and procedures made by local social services officials within thirty days after filing of same with the commissioner; such rules, regulations and procedures shall become operative immediately upon approval or on the thirtieth day after such submission to the commissioner unless the commissioner shall specifically disapprove said rule, regulation or procedure as being inconsistent with law or regulations of the department;

(b) in accordance with the provisions of this chapter to make reimbursements of local welfare costs on a participating basis established by law, to advance grants of money for local welfare purposes and to administer a discretionary fund for such purposes within the limit of available appropriations;

(c) to pay such per centum as the legislature shall determine, of the salaries of local administrative personnel as it shall determine to be qualified to perform the duties assigned;

(d) to establish rules, regulations and policies to carry out its powers and duties under this chapter;

(e) to withhold or deny state reimbursement, in whole or in part, from or to any social services district or any city or town thereof, in the

event of the failure of either of them to comply with law, rules or regulations of the department relating to public assistance and care or the administration thereof;

(f) to promulgate any regulations the commissioner determines are necessary, in accordance with the provisions of section one hundred eleven-b of this chapter, and to withhold or deny state reimbursement, in whole or in part, from or to any social services district, in the event of the failure of any such district to comply with such regulations relating to such district's organization, administration, management or program. Upon withholding or denying state reimbursement, the commissioner shall notify the temporary president of the senate, the speaker of the assembly and the chairmen of the senate finance committee and assembly ways and means committee;

(g) to formulate plans for the recruitment, utilization and training of volunteers to assist in performing services and other duties in social services districts for the purpose of improving participation in public welfare programs;

(h) for the purpose of the proper administration of programs of public assistance and care, to enter into agreements not inconsistent with federal law, with public agencies responsible for the administration of public assistance and care in any geographically contiguous state, to receive information from such public agencies which is substantially similar to information obtained by the department from the wage reporting system operated by the state department of taxation and finance pursuant to section one hundred seventy-one-a of the tax law and, subject to the approval of the state department of taxation and finance, to provide such public agencies with information obtained from such wage reporting system; provided, however, that no such agreement shall be entered into with a public agency of any geographically contiguous state unless such state has by law established standards of confidentiality which are substantially similar to those contained in this chapter prohibiting the disclosure of such information. Upon receipt of wage information from such public agencies, the department shall furnish such information to the local social services districts;

(i) to assure conformance with federal law, by entering into agreements with the federal social security administration and public agencies in other states responsible for administering the food stamp

program or programs under title I, II, IV-A, IV-D, X, XIV, XVI, or XIX of the social security act under which the department will provide such agencies, when required by federal law and only to the extent so required, with data which may be of use in establishing or verifying eligibility for or benefit amounts in such programs or ability to pay support for a person receiving support collection services including data obtained from the wage reporting system operated by the state department of taxation and finance pursuant to section one hundred seventy-one-a of the tax law.

(j) to ensure the provision, on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, the form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the office of temporary and disability assistance shall ensure that contact information for the state department of veterans' services is provided to such applicant or recipient addition to any other materials provided.

4. The Department shall not withhold state reimbursement from or deny state reimbursement to a social services district, until written notice is given to the commissioner of the social services district affected, except when the reason for the proposed withholding or denying is that such commissioner does not meet the minimum qualifications required for such position, to the body or officer that appointed or purported to appoint such commissioner:

(a) entirely for any period; or

(b) in whole or in part, on ten per centum or more of all the cases in receipt of public assistance in such district in any period; or

(c) in whole or in part, on ten per centum or more of the cases in receipt of a specific category of assistance in such district in any period; or

(d) for any period, in an amount equal to or greater than ten per centum of the state reimbursement otherwise due the district for such period.

5. (a) In the case of the death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency, other than a vulnerable person as defined in article eleven of this chapter, or the death of a child for whom any local department of social services has an open child protective services or preventive services case, or in the case of a report made to the statewide central register of child abuse and maltreatment involving the death of a child, the office of children and family services shall (i) investigate or provide for an investigation of the cause of and circumstances surrounding such death, (ii) review such investigation, and (iii) prepare and issue a report on such death, except where a report is issued by an approved local or regional fatality review team in accordance with section four hundred twenty-two-b of this chapter.

(b) Such report shall include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding such child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to such child's death, (v) any action or further investigation undertaken by the department or by the local social services district since the death of the child, (vi) as appropriate, recommendations for local or state administrative or policy changes, and (vii) written comments as may be provided by any local social services district referenced in such report, to the extent that such comments: (A) protect the confidentiality and privacy of the deceased child, his or her siblings, the parent or other person legally responsible for such child, any other members of such child's household and the source of any report of suspected child abuse or maltreatment, and (B) are relevant to the fatality reported and pertain to any of the provisions of subparagraph (i), (ii), (iii), (iv), (v) or (vi) of this paragraph, provided that any comments that pertain to subparagraphs (i), (ii), (iii), (iv) or (v) of this paragraph must be factually accurate.

Such report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child or any other members of the child's

household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the department or a local social services district. In making a fatality report available to the public pursuant to paragraph (c) of this subdivision, the department may respond to a child specific request for such report if the commissioner determines that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household, pursuant to subdivision five of section four hundred twenty-two-a of this chapter. Except as it may apply directly to the cause of the death of the child, nothing herein shall be deemed to authorize the release or disclosure to the public of the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family.

(c) Twenty days prior to the release of the report the department shall forward the proposed report to each local social services district referenced in the report. Within ten days thereafter, each local social services district may provide written comments in accordance with subparagraph (vii) of paragraph (b) of this subdivision to the department in the form and manner required by the department to be included by the department within the report. No later than six months from the date of the death of such child, the department shall forward its report to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child's death occurred and the social services district which had care and custody or custody and guardianship of the child, if different. The department shall notify the temporary president of the senate and the speaker of the assembly as to the issuance of such reports and, in addition to the requirements of section seventeen of this chapter, shall submit an annual cumulative report to the governor and the legislature incorporating the data in the above reports and including appropriate findings and recommendations. Such reports concerning the death of a child and such cumulative reports shall immediately thereafter be made available to the public after such forwarding or submittal.

(d) To enable the office of children and family services or a local or regional fatality review team to prepare such report, the office of children and family services or a local or regional fatality review team

may request and shall timely receive from departments, boards, bureaus or other agencies of the state, or any of its political subdivisions, or any duly authorized agency, or any other agency which provided assistance, care or services to the deceased child such information as they are authorized to provide.

6. The department is directed to seek appropriate approvals from federal officials to permit commissioners of jurors and clerks of the court or jury administrators of any United States district court in New York state appointed pursuant to title twenty-eight of the United States Code, section 1836(b)(2) in each social services district to obtain the names and addresses of persons applying for or receiving aid to dependent children, medicaid, or home relief authorized by this chapter for purposes of identifying prospective jurors. Upon receiving such approval or upon determining that no approval is necessary, notwithstanding sections one hundred thirty-six and three hundred sixty-nine of this chapter, the department shall provide lists of such persons to the chief administrator of the courts, appointed pursuant to section two hundred ten of the judiciary law, or the chief judge of any United States district court in New York State appointed pursuant to title twenty-eight of the United States Code. The lists shall be provided for the sole purpose of integration into lists of prospective jurors as provided by section five hundred six of the judiciary law or title twenty-eight of the United States Code. The chief administrator of the courts shall upon request provide information from the lists to the commissioner of jurors in each county or, in a county within a city having a population of one million or more, the county clerk of said county, solely for the purpose of compiling lists of prospective jurors for the appropriate county. The chief judge of such United States district court shall make lists available to such clerk of the court or jury administrator of a United States district court solely for the purpose of compiling lists of prospective jurors for the United States district court. The lists shall be provided only pursuant to a cooperative agreement between the chief administrator of the courts or, in the case of a United States district court, the chief judge of such United States district court and the commissioner that guarantees that all necessary steps shall be taken by the chief administrator of the

courts, the chief judge of such United States district court, the commissioners of jurors and the county clerks or the clerk of the court or jury administrator or court clerk of the United States district court to ensure that the lists are kept confidential and that there is no unauthorized use or disclosure of such lists. Furthermore, the lists will be provided only if the chief administrator of the courts or the chief judge of the United States district court determines that the lists are needed for integration into lists of prospective jurors in one or more counties or the district of such United States district court. Commissioners of jurors and county clerks, and clerks of the court or jury administrators or clerk of any United States district court receiving such lists shall not use any information derived from such lists for any purpose other than for the selection of jurors and shall take appropriate steps to see that the confidentiality of such information is maintained.

7. To the extent appropriations are available, the office of children and family services shall conduct a public education campaign that emphasizes zero tolerance for child abuse and maltreatment. Such campaign shall include information about the signs and symptoms of child abuse and maltreatment, the hotline available to report child abuse and maltreatment, and services that are available to assist families with underlying issues that may lead to child abuse and maltreatment including, but not limited to, substance abuse services, domestic violence services, mental health services for adults and services to assist families with children in need of mental health treatment. Such campaign may include, but not be limited to, educational and informational materials in print, audio, video, electronic and other media and public service announcements and advertisements.

8. (a) The office of temporary and disability assistance shall promulgate rules and regulations for the administration of this subdivision. The rules and regulations shall provide for the conditions under which local social services officials determine the placement of applicants for and recipients of public assistance for whom a notice pursuant to section two hundred three of the correction law, has been received and who are:

(i) determined to be in immediate need of shelter; and

(ii) designated a level two or level three sex offender pursuant to article six-C of the correction law.

(b) When making determinations in regard to the placement of such individuals in shelter, local social services officials shall consider the following factors:

(i) the location of other sex offenders required to register pursuant to the sex offender registration act, specifically whether there is a concentration of registered sex offenders in a certain residential area or municipality;

(ii) the number of registered sex offenders residing at a particular property;

(iii) proximity of the entities with vulnerable populations;

(iv) accessibility to family members, friends or other supportive services, including but not limited to locally available sex offender treatment programs with preference for placement of such individuals into programs that have demonstrated effectiveness in reducing sex offender recidivism and increasing public safety; and

(v) investigation and approval of such placement by the department of corrections and community supervision.