§ 34-a. Services planning requirements. 1. (a) Each social services district shall prepare a multi-year consolidated services plan encompassing adult services and family and children's services, which shall include diversion services provided pursuant to section seven hundred thirty-five of the family court act.

(b) Commencing with the years following preparation of the multi-year consolidated services plan, each local district shall also be required to prepare an annual implementation report.

2. (a) The commissioner shall have authority to promulgate regulations specifying the contents of both the multi-year services plan and the annual implementation reports, provided however that such regulations shall not be inconsistent with the standards of review by the commissioner of such plan and reports specified in subdivision four of this section.

(b) The regulations promulgated pursuant to paragraph (a) of this subdivision shall require the multi-year services plan and where appropriate the annual implementation reports, to include a summary of the understanding between the local social services district and the district attorney's office, which outlines the cooperative procedures to be followed by both parties in investigating incidents of child abuse and maltreatment, consistent with their respective obligations for the investigation or prosecution of such incidents, as otherwise required by law.

3. (a) There shall be a public hearing on the multi-year services plan or each annual implementation report. Commencing in nineteen hundred eighty-two, such public hearing shall be held only after fifteen days notice is provided in a newspaper of general circulation within the county. Such notice shall specifically identify the times of the public hearing in which the child protective services and other services components of the multi-year services plan or annual implementation reports are to be considered.

(b) Commencing in nineteen hundred eighty-two, after such hearing, the multi-year services plan or the annual implementation reports shall be submitted for approval to the chief executive officer of the county or to the legislative body in those counties without a chief executive

officer. Full approval of the multi-year services plan or of the annual implementation report by the chief executive officer or legislative body shall be required before submission of such plan or report to the commissioner.

(c) Commencing in nineteen hundred eighty-two, the multi-year services plan or the annual implementation reports shall not be forwarded to the commissioner until at least fifteen days have passed from the date of the public hearing thereon.

4. (a) Except as provided in paragraph (b) of this subdivision, the commissioner shall review both the multi-year services plan and the annual implementation reports submitted by the social services district, using standards consistent with the provisions of sections one hundred thirty-one-1, four hundred nine-d and four hundred twenty-three of this chapter, and shall notify such district, in writing, of approval of such plan or reports in whole or in part; provided, however, that for any portions not approved, the commissioner shall in writing to the district specify the portions not approved, the reasons for such determination, the actions required for resubmittal of such portions, and the time period of resubmittal; and provided further, that disapproval of a portion of such plan or report shall not render the entire plan or report invalid. No portion of the multi-year services plan or of the annual implementation reports shall be finally disapproved until the district has had at least one opportunity for resubmittal. Upon resubmittal, or if no resubmittal is made within the time specified, the commissioner may grant further extensions to the district to allow it to resubmit any unapproved portions, or may finally disapprove such portions. Any social services district aggrieved by a final disapproval of the commissioner under this section shall have the right to a fair hearing in accordance with the appropriate provisions of this chapter. An adverse fair hearing decision shall be reviewable pursuant to article seventy-eight of the civil practice law and rules. State reimbursement may be withheld for all or a portion of a local district's activities, if the multi-year services plan, annual implementation report, or portions of either are disapproved.

(b) The commissioner of the office of children and family services shall review and approve or disapprove the diversion services portion of

the plan jointly with the director of the office of probation and correctional alternatives or any other successor agency or entity. The requirements for the portion of the plan and report regarding the provision of diversion services shall be jointly established by the commissioner of the office of children and family services and the director of the office of probation and correctional alternatives or any other successor agency or entity. The multi-year services plan and where appropriate the annual implementation reports shall be based upon a written understanding between the local social services district and the probation department which outlines the cooperative procedures to be followed by both parties regarding diversion services pursuant to section seven hundred thirty-five of the family court act, consistent with their respective obligations as otherwise required by law.

5. The commissioner shall promulgate regulations concerning the time by which:

(a) each local social services district shall submit its multi-year services plan and annual implementation report;

(b) the commissioner shall, in writing, notify a local district of approval or disapproval of all or parts of such district's multi-year services plan or annual implementation reports; and

(c) each local social services district shall submit a revised version of its multi-year services plan or annual implementation report, or parts thereof.

6. (a) Notwithstanding any other provision of law, the office of children and family services shall plan for the statewide implementation, by the thirty-first day of December, two thousand eight, of the use by counties of a child and family services plan that combines the multi-year consolidated services plan required by this section and the comprehensive plan required by section four hundred twenty of the executive law into a single plan.

(b) All counties shall implement a county child and family services plan prior to or by the two thousand eight plan year in accordance with a schedule developed by the office of children and family services and shall continue to implement such a plan thereafter. With the approval of such office, a county may implement such a plan before the date required

by such schedule.

(c) The office of children and family services may waive any regulatory requirements relating to the content and timing of multi-year consolidated services plans and annual implementation reports that may impede the ability of a county to implement a county child and family services plan.

(d) Nothing in this subdivision shall be deemed to affect county planning requirements under the mental hygiene law.

7. (a) From monies appropriated to the office of children and family services for the family and children's services foster care and adoption program, the office shall give assistance to local social services districts to enable them to collect statistics and to describe the steps being taken regarding: the number of families needing preventive services as provided for in title four of article six of this chapter for which services are provided; the effectiveness of specific preventive services in preventing unnecessary foster care placements and reducing the length of stay in foster care; the efforts made to prevent unnecessary placements; the use of the least restrictive settings and the proximity of foster care placements to the child's home; the use of kinship placements; the placement of siblings with one another at initial placement or as soon thereafter as possible; the number of transfers of children in foster care placements and the reasons for those transfers; the number of families reunited in fulfillment of the child's service goal plan and the length of placement prior to reunification; the number of children prepared for independent living; the number of children with adoption as a service plan goal; the number of children freed for adoption and the length of time taken to secure terminations of parental rights; the number of children placed in pre-adoptive homes and the number of adoptions completed and the length of time taken to complete them.

(b) Such data submitted to the office of children and family services shall be aggregated and submitted with a narrative report on these children's services, to the governor and the majority leader of the senate and the speaker of the assembly on or before July first, two thousand five and semiannually thereafter.

8. The commissioner of the office of children and family services shall, in conjunction with the commissioner of education, develop model practices and procedures for local social services districts and school districts regarding the reporting and investigation of educational neglect. Such model practices and procedures shall be available to social services districts and school districts and shall be posted on the office of children and family services website and the state department of education website by September first, two thousand seven. Each social services district shall, in conjunction with local school districts within its district, submit written policies and procedures regarding the reporting of educational neglect by each school district within such social services district and the investigation of educational neglect allegations by child protective services. Such policies and procedures shall be submitted to the office of children and family services for review by January first, two thousand eight and the office shall approve or disapprove such local policies and procedures, based upon the model practices and procedures established in conjunction with the state department of education, within sixty days of submission.

9. (a) If a social services district proposes an amendment to the child care portion of its child and family services plan that reduces eligibility or increases the family share percentage for child care services such district must: (i) no later than the first day the public notice appears in a newspaper pursuant to subdivision three of this section or the regulations of the office of children and family services, as applicable, prominently post on the district's website a notice of the proposed amendment describing the categories of families whose cases will be impacted; and (ii) at the time the public notice is submitted to the newspaper for publication in accordance with subdivision three of this section or the regulations of the office of children and family services, as applicable, provide a copy of such notice to the office of children and family services.

(b) If a social services district implements its process for closing child care cases, as set forth in its approved child and family services plan, due to the district determining that it cannot maintain its current caseload because all of the available funds are projected to be needed for open cases, the district must: (i) no later than the day the

social services district begins to send individual notices to impacted families in accordance with subdivision eight of section four hundred ten-w of this chapter, prominently post a notice on their website that states that such district is implementing the child care case closing process set forth in its approved child and family services plan and that describes the categories of families whose cases will be closed; and (ii) immediately provide a copy of such notice to the office of children and family services.

(c) The office of children and family services shall prominently post notices received pursuant to paragraphs (a) or (b) of this subdivision on its website.