§ 462. Responsibility for standards. 1. (a) The office of children and family services shall promulgate regulations concerning standards of care and treatment and fiscal, administrative, nutritional, architectural and safety standards, consistent with the provisions of section three hundred ninety-eight-a of this chapter, which shall apply to all facilities exercising care or custody of children or providing care or shelter to unmarried mothers.

(b) With respect to facilities exercising care or custody of children, no license or operating certificate shall be provided or renewed unless it can be demonstrated that such facilities comply with regulations for the prevention and remediation of reportable incidents involving children in such facilities, including procedures for:

(i) consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, assisting the justice center for the protection of people with special needs with its review and evaluation of criminal background checks of prospective employees, as set forth in subdivision five of section five hundred fifty-three of the executive law;

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

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

(iv) demonstrating by a residential facility or program that appropriate action is taken to assure the safety of the child who is reported pursuant to article eleven of this chapter to the vulnerable persons' central register as well as other children in care, immediately upon notification that a report of a reportable incident has been made with respect to a child in such facility or program;

(v) consistent with applicable collective bargaining agreements, assuring that an individual who has committed a category one offense, as defined in paragraph (a) of subdivision five of section four hundred ninety-three of this chapter, that is included on the vulnerable persons' central register is not hired or otherwise used in any position in which such individual would have regular and substantial contact with a service recipient in any program operated, licensed or certified by

the office;

(vi) removing 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 facility or program;

(vii) 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.

(c) With respect to facilities exercising care or custody of children such standards shall 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 neglect, and other appropriate topics, provided however, that the office may exempt administrators and consultants of such facilities or programs from such requirements upon demonstration of substantially equivalent knowledge or experience; and

(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 facility or program, in techniques and procedures which will enable such children to advocate for and protect themselves from reportable incidents; and

(iii) the office, in consultation with the executive director of the justice center for persons with special needs, shall take all reasonable and necessary actions to assure that employees, volunteers and consultants in residential care facilities and programs are kept apprised on a current basis of all office policies and procedures relating to the protection of children from reportable incidents, and shall monitor and supervise the provision of training to such administrators, employees, volunteers, children and consultants.

(d) Such regulations shall be developed in consultation with other state departments and agencies responsible for human services programs including, but not limited to, the department of education, the department of health, the office of mental health, the office for people

with developmental disabilities, the office of alcoholism and substance abuse services and the justice center for the protection of people with special needs and shall, to the extent possible, be consistent with those promulgated by other state agencies for such purposes.

(e) This subdivision shall not apply to facilities operated by or certified or licensed to operate by another state agency.

(f) No residential institution for children as defined in subdivision forty-four of section sixteen hundred seventy-six of the public authorities law shall enter into a lease, sub-lease or other agreement with the dormitory authority pursuant to subdivision forty of section sixteen hundred eighty of the public authorities law unless and until:

(i) the office of children and family services, the director of the division of the budget and any other state agency which licenses such residential institutions for children first determines that the project is necessary to address health and safety needs of children at the institution, approve the project cost upon determination that such costs are reasonable, necessary and cost effective based upon the application of cost per square foot guidelines and any other standards applicable to the type of program or to the clinically-required needs of a specialized group of children to be served by the project; and

(ii) the office of children and family services or such other state agency which licenses such residential institution for children approves the plans and specifications of the residential facilities to be replaced, reconstructed, rehabilitated, improved, renovated, or otherwise provided for, furnished or equipped.

2. (a) The office shall establish regulations governing secure and non-secure detention facilities subject to article nineteen-G of the executive law and residential facilities operated as approved runaway programs or transitional independent living support programs pursuant to article nineteen-H of the executive law.

(b) The appropriate offices of the state department of mental hygiene shall establish regulations governing all child care facilities subject to articles thirty-one and thirty-two of the mental hygiene law.

(c) The department of mental hygiene and the office shall propose any additional standards as are deemed necessary to adequately ensure the care of children in facilities subject to the inspection and supervision

of the department, which care for a significant number of mentally disabled children, juvenile delinquents or persons in need of supervision. The final form of any such additional standards shall be subject to the approval of the department of mental hygiene for such standards related to the care of mentally disabled children, or the office for such standards related to the care of juvenile delinquents and persons in need of supervision.