

NEW YORK STATE ASSEMBLY

2022

Committee On
Children and Families

Carl E. Heastie • Speaker
Andrew D. Hevesi • Chairperson



ANNUAL REPORT

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



Andrew D. Hevesi
Assembly 28th District

CHAIR
Committee on Children and Families

COMMITTEES
Banks, Codes, Labor, Health

Honorable Carl Heastie
Speaker of the Assembly
932 Legislative Office Building
Albany, New York 12248

December 15, 2022

Dear Speaker Heastie,

As Chair of the Assembly Standing Committee on Children and Families, I am honored to present to you the 2022 Annual Report. This year, our committee has focused on ensuring the state's caregivers and essential child care providers are able to provide the resources needed for our children to grow up and grasp the opportunities available to them. At the same time, we have endeavored to ensure the momentum of our successful reformation of the juvenile justice system in previous years remains unimpeded, working to help both youths and their families understand the full extent of the rights they are entitled to under these reforms.

The impact of the child care crisis cannot be overstated. According to a recent report by the New York City Economic Development Corporation, an estimated 519,000 New Yorkers were not working due to taking care of a child at home as of January 2021. These obstacles have been present even before the COVID-19 Pandemic had occurred and were exacerbated by the pandemic and the rising cost of child care. As of August 2022, employment numbers for child care workers is still 8.4% behind what they were in the beginning of 2020, before the Pandemic began. The brunt of this impact falls not only on the child care workers themselves, but the children under their care. Compounding matters is the racial disparity between child care workers. From 2012 to 2019, wages across the sector declined, and the wage gap between Black early childhood educators and white early childhood educators has widened significantly. The Committee remains committed to advancing legislation that will improve access, affordability, and quality of child care services in New York for both the children and families of new York and the child care workers. I am extremely proud of the FY 2021 – 2022 budget, and to have fought for and delivered a budget that makes huge strides in addressing the needs of children and families across New York State and continues the work done towards reforming our child care system to ensure more security for our state's providers, workers, and the families that need them.

For child care, in this year's budget we:

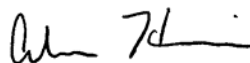
- Added additional child care subsidies throughout New York State;

- Increased eligibility for child care subsidies to 300% of the Federal Poverty Level statewide;
- Increased the market rate to the 80th percentile
- Provided \$343 million in upfront stabilization grants to providers that may be used to cover a range of costs, including provider expenses for personnel costs, rent, facility maintenance and improvements, personal protective equipment (PPE), public health emergency-related supplies, goods, and services necessary to resume providing care, mental health supports for children and early educators, and reimbursement of costs associated with the current public health emergency;
- Included a five-year property tax abatement for property owners who create or expand child care centers in New York City
- Reimbursed providers for up to 24 absences for providers per year for last year and will continue to cover these costs for three future years;
- Provided \$15.6 million in startup funds to expand child care for all SUNY and CUNY campuses
- Provided an additional \$50 million in funding for existing facilitated enrollment child care providers in six regions of the state over the next two years;
- Included \$1.1 billion in funding expand access to Universal Prekindergarten;
- Invested \$2 million in funding for Runaway and Homeless Youth
- Provided \$25 million for child care scholarships for essential workers;
- Provided \$4 million for Youth Sports
- Provided \$2.5 million for YouthBuild

The Committee has intensified their focus on ensuring that the benefits of the Raise the Age Initiative are maintained and effectively implemented within the New York State Justice System. Among the initiatives that have received continued support this year from the committee are bills such as A.5891C, which has been sponsored by Assemblywoman Joyner. This bill would amend the procedures required for the custodial interrogation of children adjudicated into one of legal categories created by Raise the Age, ensuring these children are given access to legal counsel before being questioned so they may have a better understanding of their rights. This bill successfully passed the Assembly and is awaiting action in the Senate.

Overall, the Committee on Children and Families has a wide net of policy initiatives which we plan to implement and support this upcoming session. Thank you kindly for your continued support of the Assembly Standing Committee on Children and Families. I look forward to seeing what comes next in the upcoming Legislative Session to greatly help New York State's children and families across New York State for generations to come.

Sincerely,



Andrew D. Hevesi, Chair
Committee on Children and Families

**2022 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**Andrew D. Hevesi
Chair**

Committee Members

Majority

Khaleel Anderson
Monique Chandler-Waterman
Sarah Clark
Taylor Darling
Maritza Davila
Mathylde Frontus
Jessica Gonzáles-Rojas
Kimberly Jean-Pierre
Jennifer Lunsford
Demond Meeks
Marcela Mitaynes
Clyde Vanel

Minority

Marjorie Byrnes (Ranker)
Ari Brown
Jeffery Gallahan

Committee Staff

Rebecca Rasmussen - Executive Director/Committee Clerk

Program and Counsel Staff

Jennifer Sacco – Assistant Secretary for Program and Policy
Janice Nieves – Assistant Secretary for Program and Policy
Fred Floss – Legislative Analyst
Gabriella Cavanagh – Associate Counsel

TABLE OF CONTENTS

I. INTRODUCTION.....5

II. SUMMARY OF COMMITTEE ACTION.....8

A. CHILD CARE.....8

1. Legislative Initiatives.....8

2. Budget Initiatives.....9

B. JUVENILE JUSTICE/YOUTH PROGRAMS.....10

1. Legislative Initiatives.....10

2. Budget Initiatives.....11

C. CHILD WELFARE.....12

1. Legislative Initiatives.....13

2. Budget Initiatives.....16

III. PUBLIC HEARING.....18

APPENDIX A - 2022 Summary Sheet.....19

APPENDIX B - 2022 Bills Signed Into Law.....20

APPENDIX C - 2022 Bills Passed Assembly.....21

APPENDIX D - 2022 Bills Reported.....23

I. INTRODUCTION

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over legislation affecting: 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; 4) adult protective services; 5) residential and non-residential domestic violence services; and 6) other services and programs for children and their families, including Family Court processes.

In New York State, there are 62 counties and 58 local social services districts. Each county represents a local district, with the exception of New York City, which operates as one district for all five counties. The Office of Children and Family Services (OCFS) oversees local district provision and administration of child welfare, child care, youth programs, adult protective and other publicly funded services for children and families. In addition, in New York City, the Administration for Children's Services (ACS) is responsible for the provision and administration of child welfare services, juvenile justice services and child care assistance.

Each local social services district is required by law to provide child protective services, preventive services where a risk of foster care exists, and foster care services for children who are at imminent risk in their own homes. After a child protective investigation, a district will make a determination regarding the need for preventive services, as well as foster care. The district may provide preventive and foster care services directly or through contract with a private not-for-profit agency. Preventive services may help the family avoid foster care or help a child to return home from foster care. Such services may include counseling, drug treatment and home management skills.

If a child is placed in foster care, that decision must be affirmed by a Family Court judge. The court will also determine whether the local district has made reasonable efforts to reunite the child with his or her family and set forward a permanency goal for the child. Foster children may reside in a variety of settings, including foster family homes, group homes and residential institutions. Foster parents receive subsidy payments, comprised of federal, state, and local funds, and issued by the local social services district.

Local social services districts also issue subsidy payments to child care providers on behalf of low-income families eligible for child care assistance. This assistance is comprised of federal, state, and local funds and helps families maintain employment while their children are being cared for in a safe environment. Outside of New York City, child care providers are licensed or registered by OCFS, which also conducts inspections to ensure compliance with state regulations. In New York City, the New York City Department of Health and Mental Hygiene is the licensing agency for child care providers, while ACS contracts with and issues payments to providers. These payments may also come in the form of a voucher given directly to the eligible family. Statewide, child care is provided in a variety of settings such as child care centers, group family day care homes and family day care homes. Informal child care is also available statewide, for providers that serve no more than two children or serve children for no more than three hours a day. Unlike child care centers and family day care homes, these providers are not required to be registered or licensed. However, due to amendments made by the federal government in 2014, the re-authorization of the Child Care

Development Block Grant Act (CCDBG) requires these providers to receive background checks and meet additional requirements similar to child care centers and family day care homes. The CCDBG is a block grant to state, territory, and tribal governments that provides support for children and their families with paying for child care. The key goals of the 2014 CCDBG re-authorization are to protect the health and safety of children in care through more consistent standards and monitoring of standards; improve the quality of care, including through increased supports for child care providers; and enable families to more easily access child care assistance that supports stable and continuous care and that can be coordinated with other programs.

The juvenile justice system in New York State is comprised of state, local and privately operated programs for youth. Youth may be placed by the Family Court in a private voluntary agency, contracting with either the local social services district or OCFS. OCFS operates secure, limited-secure, and non-secure juvenile justice facilities, where adjudicated youth may be placed as juvenile delinquents or by the Criminal Court as juvenile offenders. The “Close to Home” reform enacted in the SFY 2012-13 budget requires that adjudicated youth from NYC be placed with the Administration for Children’s Services (ACS) rather than OCFS. This reform lowered the number of youth placed with OCFS by transferring NYC youth in non-secure facilities to, and by placing all newly adjudicated youth with ACS.

In 2017, the enacted budget included language to increase the age of juvenile jurisdiction, thereby ensuring that more youth will receive necessary services and diversion rather than becoming more deeply entrenched in the criminal justice system. Under the new law, youths aged 16 or 17 charged with a misdemeanor offense would have their cases heard in Family Court. For youths aged 16 and 17 charged with a felony, their cases would originate in a separate Youth Part in Criminal Court with a family court judge presiding, where non-violent felonies would be subject to removal to Family Court.

Last year, the Legislature passed and the Governor signed a measure into law that would raise the lower age of youth eligible to be charged as a juvenile delinquent from age seven to age twelve. Some youth, depending on the type of crime committed, would still be considered juvenile delinquents. Instead of being charged as such, youth would be referred for services through an alternative system administered by the local social service districts to be assessed and receive services to address any potential trauma or issues the youth is facing.

OCFS provides after-care services to youth leaving placement, based in statewide Community Multi-Services Offices. Each youth leaving placement in an OCFS-operated facility receives after-care services to help with the transition back into the community. Pursuant to the “Close to Home” plan submitted by ACS; the city provides after-care to youth transitioning out of placement in voluntary agencies.

Localities also operate and provide juvenile justice programs and services. Counties operate detention facilities where a youth may be held prior to adjudication or placement. Counties also operate or contract with providers for non-mandated services for youth involved, or at risk of involvement, in the juvenile justice system. These programs include alternatives to detention and residential care, where an at-risk youth may receive services such as supervision and counseling.

While the state provides funding for alternative programs, the number and types of programs that are available vary statewide.

Local social services districts are also responsible for providing adult protective services for adults who, because of mental or physical impairments, are unable to manage their own resources, carry out activities of daily living, or protect themselves from physical, sexual, or emotional abuse, and have no one willing or able to assist them. Districts are mandated to accept and investigate reports of persons alleged to need protective services and provide such services without regard to income. These services may include arranging for medical and mental health services, assisting in relocating the adult to a safe location, providing drug treatment and assuming guardianship of the adult.

Domestic violence services are also provided by each local social services district, as required by the New York State Domestic Violence Prevention Act of 1987. OCFS issues regulations establishing standards for such services, which include both non-residential and residential domestic violence programs. The residential programs are licensed by OCFS and include shelters with ten beds or more, safe dwellings for victims and their children and safe home networks providing emergency services coordinated by a not-for-profit organization. OCFS also sets the per diem rate for residential domestic violence programs.

II. SUMMARY OF COMMITTEE ACTION

A. CHILD CARE

The availability of child care is tied to both the social and economic development of New York State. Quite often, the child care expenses for a family of four can exceed the cost of food, rent and other household expenses, resulting in the cost of quality child care becoming the single largest expense in the family's budget. The Committee on Children and Families has continued to stress the critical need for accessible, affordable, safe, and quality child care. Parents must have reliable child care in order to maintain their employment, and young children need quality settings for appropriate educational and social development. This year, the Assembly fought to ensure that the State budget would preserve funding for quality child care, while also making quality child care more accessible and safer for children of low- to moderate-income families. In response to the COVID-19 pandemic, the Federal government allocated funds through the CARES Act to be used exclusively for child care expenditures.

1. Legislative Initiatives

Increased Monthly Rent Subsidy for Foster Children Living in Independent Circumstances

A.1777C Hevesi; Reported from Committee

This bill would increase the rent subsidy to a foster child living independently from 300 dollars per month to 725 dollars per month and expand the maximum age of eligibility for a foster child to receive the subsidy to twenty-four years old. The bill would also do the same for foster children at risk to reenter foster care from a family household if a social services official determines that a lack of adequate housing would be a factor in the aforementioned risk. Finally, this subsidy would be increased for children currently in foster care who wish to reunite with their foster family.

Establish Caseload Requirements for Preventive Service Workers

A.3873 Burke/S.6264 Ryan; Reported from Committee

This bill would establish minimum caseload requirements for preventive workers, to no more than 12 families per caseworker per month. The bill would also require the state to reimburse local social services districts at 100% for their costs associated with ensuring caseload standards for preventive service workers as long as they maintain the same spending levels as the previous fiscal year before the enactment of the bill.

Differential Rate Payments for Child Care Providers

A.7095 Clark/S.6077A Brisport; Reported from Committee

This bill would require local social services districts to establish differential payment rates at 15% higher than the actual cost of child care or the market rate, whichever is less, for child care subsidies for children who are experiencing homelessness and children being cared for during nontraditional hours.

Inform Child Care Providers of Cytomegalovirus Effects

A.7560B Rosenthal L/S.6287C Mannion; Signed Chap. 653

This bill would require OCFS in consultation with DOH to annually distribute materials developed by DOH related to Cytomegalovirus to child care providers and their staff. The materials would include information related to the symptoms, risks, transmission, and prevention of Cytomegalovirus and the virus' effects on those who are pregnant, those who may become pregnant, and children.

Modifications to the Child Care Availability Taskforce

A.8740 Clark/S.7846 Brisport; Signed Chap.133

This bill amends the duties of the Child Care Availability Taskforce by shifting the focus to not only examine the effects of additional federal funding provided to programs and policies, but to also include an examination of the impact of the COVID-19 pandemic on child care services, the implementation of universal child care throughout New York State, as well as recommendations for potential solutions related to chronic child care workforce issues.

Expansion of Child Care Assistance Eligibility

A.10209A Lunsford/S.9029A Brisport; Passed Assembly

This bill would expand the child care assistance eligibility to families making up to 85 % of the state median income from 200% of the state income standard (federal poverty level).

2. Budget Initiatives

Child care subsidies provide low-income families with access to quality child care. The Assembly has found that child care assistance is most successful when a dedicated, stable funding source is provided from year to year. A total of \$7 billion in child care subsidies was appropriated in the final budget to expand child care across the state. Additionally, increased federal funding was provided over a three-year period starting in SFY 2018-2019, with at least \$290 million, to be allocated for the continuation of the State's efforts to comply with the 2014 re-authorization of the Child Care Development Block Grant (CCDBG).

The Enacted budget for SFY 2022-2023 allocated \$1.66 billion to increase eligibility for subsidies up to 300% of the federal poverty level (FPL), as well as increase the market rate to the 80th percentile. Co-payments for families receiving subsidies will be limited to 10 percent of family income above the poverty level. Local social service districts will be required to pay for up to 24 absences per child per provider per year. The finalized budget also incentivizes child care expansion with the inclusion of a five-year property tax abatement for property owners creating a new or expanding an existing child care center in New York City.

Under the provisions of the 2022-2023 budget year, child care subsidies rose to \$1.32 billion dollars. In addition to the \$832 million in child care grants for child care providers, the state received \$2.4

billion in federal funding for child care costs associated with recovering from the COVID-19 pandemic.

- \$343 million for stabilization grants for child care providers, including personnel costs, rent, facility maintenance and improvements, PPE, public health emergency related supplies, goods, and services necessary to resume providing care, mental health supports for children and early educators, and reimbursement of costs associated with the current public health emergency;
- \$50 million for in capital allocations for child care;
- \$15.6 million in startup funds to expand child care to all SUNY and CUNY campuses;
- \$1.1 billion in funding to increase access to Universal Prekindergarten.

The Legislature was also able to secure funding for the Advantage After-School Program in the amount of \$5 million. This program provides structured after-school activities in order to reduce negative behaviors and offer a safe environment for children.

B. JUVENILE JUSTICE/YOUTH PROGRAMS

The Committee has jurisdiction over issues facing families and youth at every stage in the juvenile justice process. Policies concerning preventive services, alternatives to detention and placement programs, treatment of youth in care and after-care supervision all fall under the Committee's purview. The Committee has continually emphasized the need for an integrated, community-based approach in order to prevent youth from being placed in State-operated facilities. For those who must be placed, the Committee traditionally supports a rehabilitative approach to treatment while in care, as well as intensive after-care services so that youth can effectively and safely integrate back into their communities.

1. Legislative Initiatives

a. Providing Free Background Checks to Not-For-Profit Mentoring Programs

A.4481A Ramos; Reported to Ways and Means

This bill would waive the processing fees related to criminal background checks for mentoring programs run by not-for-profit corporations or by an educational institutions or school district that match youth with adult volunteers to provide them with positive role models for their development.

b. Expanding Access to Discovery Materials for Juveniles

A.4952B Joyner/S.4554A Bailey; Reported to Ways and Means

This bill would make changes in law relating to the legal process of discovery of materials for juvenile delinquents that conform to the precedent set in discovery rights in criminal proceedings. It would repeal provisions requiring such materials to only be discovered when requested by the respondent, allowing them access in their initial appearance to related reports and a copy of records.

This would add new language setting a discovery deadline in accordance with the respondent's initial appearance rather than just the scheduled fact-finding hearing date to focus the attention of the presentment agency, and judges on a hard deadline that does not shift along with the scheduled date of the fact-finding hearing.

c. Updates to Custodial Interrogation of Juveniles

A.5891C Joyner/S.2800C Bailey; Reported from Committee

This bill would provide for additional protections and procedures when a youth is taken into custody by law enforcement and during youth interrogations. This bill would strengthen the current provisions in law that a youth be released to their parent or person legally responsible rather than being brought to a detention facility or station house. Additionally, the bill requires that a youth consult with an attorney (either by telephone, video conference or in person) before being questioned. This consultation cannot be waived prior to the questioning.

d. Sealing of Records in PINS Cases

A.7621A Hevesi/No Same As; Amended on 3rd Reading.

This bill would amend the family court act as it relates to Persons in Need of Services (PINS) to ensure that court records which are terminated in favor to the respondent are automatically sealed. Furthermore, if a youth has been adjudicated as a PINS, this bill would allow the record to be sealed if the court finds it is appropriate to do so in the interest of justice.

e. Ensuring Appropriate Determination of Juvenile Delinquency

A.8739 Hevesi/S.7789 Bailey; Signed Chap. 38

This bill amends Chapter 810 of the laws of 2021 by making technical changes related to the law defining the age in which a youth would be considered a juvenile delinquent and to establish differential response programs for children under the age of twelve.

2. Budget Initiatives

The Fiscal Year 2022 Executive Budget continued support for the Raise the Age Initiative, in which multiple agencies work together to raise the age criminal responsibility from 16 to 18. These agencies include but are not limited to the Office of Children and Family Services (OCFS), the Division of Criminal Justice Services (DCJS) the Department of Corrections and Community Supervision (DOCCS), the Office of Court Administration (OCA), and the Justice Center for the Protection of People with Special Needs (JC). The executive budget includes \$250 million in appropriations to support State and Local costs for comprehensive programs related to this initiative, which includes division, probation, and other services for 16- and 17-year-old youths impacted by the juvenile justice system, remaining consistent with the levels of funding allocated in the Fiscal Year 2021-2022 budget.

The Legislature also approved \$46.1 million in funding for the Summer Youth Employment Program (SYEP). This funding represents an increase of \$1 million in funds from last year's budget and will ensure that the program continues to provide paid employment to youth during the summer months. Further investments include:

- \$12 million for YouthBuild Programs;
- \$5 million for youth sports activities and education grant programs for youth under 18;
- \$14 million for positive youth development programs providing community-level services promoting youth development;
- \$31 million to towards outreach, research, and gun violence prevention programs, including utilizing \$2.5 million towards the creation of the Office of Gun Violence Prevention;
- \$7.3 million for restorative justice programs, including re-entry initiatives and gun violence prevention;
- \$50 million in grants towards capital investments for crime reduction strategies in communities impacted by gun violence;
- \$25 million in grants to provide security for nonprofit groups from hate crimes.

Education Law requires OCFS to provide for the educational needs of the children in its custody. Over the past several years, various changes in the law have authorized OCFS to contract with BOCES to provide special education, career, and technical education services to youth in OCFS juvenile justice facilities. This year's final budget included provisions to make permanent the authority for such contracting.

The Executive budget included Article VII language authorizing a Juvenile Offender (JO), an Adolescent Offender (AO) under 21 or a youth under the age of 18 to be detained in a local correctional facility with adults in certain instances after a hearing is held to determine if it is in the interest of justice. The final enacted budget rejected this proposal.

C. CHILD WELFARE

Child abuse and neglect continue to be a reality in the lives of many children in New York State. Victims of abuse and neglect can suffer long-term adverse social and psychological consequences. Therefore, it is imperative that children in these situations are protected and that families are able to receive appropriate services in order to prevent further trauma, thereby lessening the after-effects of abuse.

The foster care system provides temporary placement, care, and services to children and families in crisis while promoting the goal of family reunification. In an effort to achieve family reunification and stability, Federal and State laws have driven the development of preventive, protective, and rehabilitative programs to provide needed services. Adequate care for these children and their families is critical, and it is imperative that a wide array of services is provided to support the reunification of stable and healthy families.

For many children who cannot be reunified with their families, adoption may be the final step in obtaining a permanent family environment. Such permanency is crucial to a child's development

and greatly enhances successful outcomes into adulthood. The Committee has continuously stressed the need for effective and timely permanency planning, incentives for adoption and continued post-adoption support for families in need.

1. Legislative Initiatives

a. Increasing the Maximum Age Limit for Shelter Services to Homeless Youth

A.2263 Fernandez/S.813 Biaggi; Passed Both Houses

This bill would increase the maximum age for homeless youth who have entered a transitional independent living program to receive shelter services for a period of up to eighteen months, or up to twenty-four months when authorized in the applicable municipality's approved comprehensive plan, provided that the municipality has notified the office of children and family services. The maximum age would be raised from twenty-one to twenty-four years of age.

b. Terminating Adoption Subsidies when Adoptive Parent is no Longer Supporting the Child

A.2477 Hevesi/ S.4055 Persaud; Reported To Ways and Means

This bill would establish a process for the local social services districts to utilize to ensure that adoption subsidies are not being paid in instances where the adoptive parent is no longer providing support for the child. On an annual basis, the district would require the adoptive parent to certify that they are providing care for the child pursuant to the adoptive subsidy agreement and remind their parent to alert the district if they are no longer caring the for child.

c. Adding Kinship Caregivers to List of Indigent Persons Eligible for Counsel in Custody Proceedings

A.2581A Hevesi/S.6074A Salazar, Reported to Ways and Means

This bill would expand the list of indigent persons eligible for counsel under the family court act by adding kinship caregivers who are seeking custody or guardianship pursuant to Art 6 of the family court.

d. Establish a Task Force to Reduce Exposure to Adverse Childhood Experiences

A.4908 Solages/S.8320 Brisport; Vetoed Memo 51

This bill establishes a taskforce consisting of ten members to be appointed by specific departments and agencies to assess and evaluate the impact of ACE's and provide recommendations for preventive and trauma-informed policies. The members of the task forces are each required to have experience in areas such as juvenile justice, social services, public health, childhood development,

minority and ethnic groups, and education prekindergarten through grade 12, and will be designated specific roles by the governor. Within two years of the effective date, the task force members will be required submit a report of their findings to the governor, the legislature, and the appropriate committees.

e. Creating Financial Assistance for Foster Children in Transitional Living Services

A. 5490A Walker; Reported to Ways and Means

This bill establishes a program to assist foster care children in achieving financial independence during their transition to independent living. OCFS would be required to enter into an agreement with financial institutions to establish savings accounts for foster children over the age of sixteen, as well as partner with other institutions to match those amounts of money deposited into the accounts. Foster care youth participating in the program would be required to participate in financial literacy and independent living classes and they would receive incentives for such participation. The program itself will be reported on and evaluated by the OCFS itself to assess its effectiveness.

f. Expanding the List of Mandated Reporters for Youth Organizations

A.7462B Galef/S.6635B Harckham; Reported from Committee

This bill would expand the list of mandated reporters to include an employee or volunteer of an organization that primarily interacts with youth and has or should have policies which require such employee or volunteer to report suspected child abuse or maltreatment the Statewide Central Register for Child Abuse or Maltreatment.

g. Establish Confidential Reporting of Child Abuse to the State Central Register

A.7879A Hevesi/S.7326A Brisport; Reported, Referred to Rules

This bill would require a person making an allegation of child abuse or maltreatment to the State Central Registry to provide their name and contact information during the call. New language is added to the social services law that would prevent the Office of Children and Family Services from releasing information identifying a person who made a report when either the subject or other persons involved in the report make a request of a copy of the record, unless the caller in question gives them permission to do so or the copy is included in a demand for discovery.

h. Study on the Number of Foster Children Diagnosed with a Developmental Disability

A.9080A Hevesi/S.8046A Mannion; Vetoed Memo 59

This bill would require OCFS to conduct a study to determine the number of children in foster care who have been diagnosed with developmental disability. The study would include information related to the demographics of the foster care youth, an evaluation of placement guidelines and regulations, and analyzing the extent to which the foster care youth are prepared for a transition from foster care to an independent living situation.

i. Allow Child Advocacy Centers Access to State Central Registry Information

A.9664 Woerner/S.8677 Kaplan; Signed Chap. 611

This bill would expand the definition of provider agency to include child advocacy centers operated by private, nonprofit agencies to ensure such entities are also able to have their employees and volunteers receive a background check before interacting with children.

All child advocacy centers must comply with the standards set by OCFS and exist to respond to cases involving child victims of sexual abuse and serious physical abuse. These individuals have regular and substantial contact with children, therefore it is essential that they have the ability and capability to vet prospective and current personnel through a comprehensive background check. A comprehensive background check includes access to the State Central Register of Child Abuse and Maltreatment (SCR). This bill adjusts an oversight in the current law where currently, only county-run child advocacy centers have access to the SCR as "provider agencies" whereas private, nonprofit incorporated agencies do not, despite the fact that they meet the OCFS program standards for child advocacy centers.

j. Increase Salaries for Foster Care Direct Care Workers

A.10104 Darling; S.8851A Brisport; Reported to Ways and Means

This bill would direct that funding be appropriated from the foster care block grant to local social services districts for the purpose of increasing the salaries of foster care agency staff. Local social services districts would be required to provide the increased salaries for 3 years through increase rates to the foster care agencies. This would include increased salaries for direct care staff, caseworkers, case planners, and supervisors.

k. Adding Medical Specialist to Local Social Service Child Abuse Prevention Teams

A.10183 Lunsford; Passed Assembly

This bill requires multidisciplinary teams to make efforts to have at least one child abuse medical specialist available for consultation. By 2025, multidisciplinary teams would be required to have at least one child abuse medical specialist as a member of the team, unless they can show OCFS that they were unable to include one because of a lack of availability or due to fiscal hardship. Such specialist may include a physician, nurse/licensed nurse practitioner, or other licensed medical professional that have received special child abuse training.

I. Establishing the Statewide Kinship Navigator Program

A.10210 Hevesi/No Same As; Reported to Ways and Means

This bill would establish the Statewide Kinship Navigator Program which will provide assistance and information to kinship caregivers related to benefits that may be available to them. This assistance will include referral services, free legal consultation for caregivers who need to understand their legal rights and assistance applying for publicly funded benefits.

The program also includes statewide coordination of services, including: information on the availability of, and eligibility criteria for, application procedures; the establishment and operation of a toll-free telephone number that can be used to inquire about information regarding rights and services of caregivers; local respite services; and training related to the care of children. The bill also would include the consolidation of existing kinship navigator programs approved by OCFS and the expansion of service provisions needed to comply with federal standards.

m. Clarifying the Status of Child Abuse and Maltreatment Reports

A.10212 Frontus/No Same As; Passed Assembly

This bill would update the notice provided to individuals in Article 10 proceedings related to potential incidents of child abuse or maltreatment, in which they have either accepted an allegation of or consented to a finding of abuse or maltreatment. The notice would clarify that any report made to the SCR where the court makes a finding of abuse or neglect will remain indicated in the database for ten years after the youngest child that was indicated on the report's 18th birthday unless they were vacated or dismissed.

Additional updates to the notice include a reference to the recently enacted changes to the SCR language, informing individuals that in neglect findings, after eight years have passed the report becomes legally sealed, unless it was sealed earlier in an administrative proceeding, as well as providing a clearer explanation of the implications of an indicated report on the SCR in relation to employment and volunteer opportunities involving children.

2. Budget Initiatives

In 2018, the Federal Government passed the Family First Preventive Services Act (FFPSA) as part of a bipartisan budget agreement. Amongst other things, FFPSA aims to limit the amount of foster care placements in congregate care settings and instead focuses on placing more children in foster family homes. Continued from last year's final budget was the Family First Transition Fund, which will assist local social services districts in preparing for compliance with FFPSA. This \$3 million fund is available to local social districts for services to support, recruit, and retain current and prospective foster families including kinship caregivers. The Final Budget also included \$75 million in federal appropriations to assist the State in the implementation of and ensuring compliance with

the requirements of FFPSA. Additionally, the final budget included Article VII language that relates to the placement of foster care youth into Qualified Residential Treatment Centers.

Despite a difficult economic climate, the Legislature worked to preserve vital programs in the area of child welfare. Through the support of the Legislature, many of these programs received continued funding during the SFY 2022-2023, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The Assembly was able to direct the funding appropriated from the foster care block grant to local social services districts for the purpose of increasing the salaries of foster care agency staff. Local social services districts would be required to provide the increased salaries for 3 years through increase rates to the foster care agencies. This would include increased salaries for direct care staff, caseworkers, case planners, and supervisors.

The final budget for the State fiscal year includes \$11 million to align behavioral health services in Medicaid and CHP, utilizing the Ambulatory Patient Group (APG) rate for these services in the process. These services include Children and Family Treatment and Support Services, Children's Home and Community Based Services, Youth Assertive Community Treatment, residential rehabilitation for youth services, and Article 29-I voluntary foster care agency health services. The budget also invests \$390.7 million into the Foster Care Block Grant, a \$7.2 million dollar increase from last year's allocation.

The enacted State Fiscal Year 2022-23 budget included Article VII language that would extend the current child welfare financing structure by five years, until June 30th, 2027. This language would also require local social services districts to either begin or continue to pay at least 100% of the Maximum State Aid Rates (MSARs).

III. PUBLIC HEARING

The Status of Primary Prevention Programs

On October 18, 2022, the Assembly Standing Committee on Children and Families hosted a public hearing to examine the status of primary prevention programs. Primary Prevention Services are defined in terms of state services designed to prevent child abuse and maltreatment before it occurs by identifying and stifling the factors that play a role in them. This is accomplished through investing in programs that promote the welfare of families in New York, such as behavioral health and parenting skill classes. These services are designated as the primary tier of a three-tier framework created through the Family First Prevention Services Act (FFPSA), which was passed in the Federal Budget of 2018 to provide aid to children and ensure their safety.

The hearing provided an opportunity for the Committee to receive feedback and recommendations from individuals with experience in providing or receiving primary preventative services. Throughout the hearing, numerous witnesses shared their thoughts and experiences regarding the most critical obstacles impeding these services from achieving their success and taking root in our communities. The valuable testimony provided by stakeholders identified multiple factors across the state which reduce the efficacy of Primary Prevention Services and offered many different potential solutions to combat them.

The chair of the Committee and committee members are continuing to review and discuss the evidence presented and to explore possible solutions including appropriate legislation and to work in conjunction with the Office of Children and Family Services (OCFS) and the NYC Administration for Children's Services (ACS) to assist and improve the lives of children and families and protect our state's most vulnerable from child abuse and neglect.

2022 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS

REFERRED TO THE COMMITTEE ON

Children and Families

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

ASSEMBLY	SENATE	TOTAL
BILLS	BILLS	BILLS

BILLS REPORTED FAVORABLE TO:

Codes	4	0	4
Judiciary	0	0	0
Ways and Means	11	0	11
Rules	7	0	7
Floor	1	0	1
TOTAL	23	0	23

COMMITTEE ACTION

Held For Consideration	5	0	5
Defeated	0	0	0
Enacting Clause Stricken	6	0	6
REMAINING IN COMMITTEE	66	4	70

BILLS REFERENCE CHANGED TO:

Social Services

TOTAL	1	0	1
-------	---	---	---

APPENDIX B

2022 BILLS SIGNED INTO LAW

A.8739/S.7789	Hevesi/Bailey	Relates to juvenile delinquency proceedings for certain acts committed by a sixteen- or seventeen-year-old; amends the definition of juvenile delinquent; makes technical changes relating to such provisions.	Chap. 38
A.8740/S.7846	Clark/Brisport	Modifies the focus of the child care availability taskforce; makes changes to the list of what should be studied by such task force including the request for recommendations on potential solutions, partnerships or other ways to address chronic child care workforce issues and other related concerns.	Chap. 133
A.9664/S.8677	Woerner/Kaplan	Expands the definition of provider to include certain child advocacy centers for the purposes of access to information contained in the statewide central register of child abuse and maltreatment.	Chap. 611
A.7560B/S.6287C	Rosenthal, L /Mannion	Requires the provision of informational materials to child care providers and certain physicians regarding the impacts and dangers of congenital cytomegalovirus infection.	Chap. 653

APPENDIX C

2022 BILLS PASSED ASSEMBLY

Bill #	Sponsor	Description	Last Action
A.2150A/S.6900	Rosenthal,L/ Brisport	Requires cordless window coverings in child day care centers.	Passed Assembly
A.2263/S.813	Fernandez/Biaggi	Relates to the maximum age at which a homeless youth can continue to receive shelter services.	Passed Assembly
A.4908/S.8320C	Solages/Brisport	Relates to establishing a task force to identify evidence-based and evidence informed solutions to reduce children's exposure to adverse childhood experiences.	Vetoed Memo 51
A.5891C/S.2800C	Joyner/Bailey	Amends procedures required for the custodial interrogation of children to provide additional protections and for taking juveniles and sixteen- and seventeen-year-olds into custody.	Passed Assembly
A.6266/S.2586A	Hevesi/Brisport	Directs the social services district to take no action to establish paternity or a child support order when the applicant or recipient has established good cause to refuse to cooperate	Vetoed Memo 102
A.7093/S.6865	Clark/Kennedy	Relates to eligibility requirements for the receipt of child care assistance; removes requirement for an individual to work at least 17 1/2 hours per week for families with incomes up to 200% of the state income standard who are attending a post-secondary educational program.	Passed Assembly
A.7649/No Same As	Davila/No Same as	Relates to expiration dates of orders of protection and the duration of temporary orders of protection in juvenile delinquency cases; requires expiration dates for orders of protection under certain articles of the family court act to be plainly stated; provides that a temporary order of protection in juvenile delinquency cases may remain in effect for an initial period of up to thirty days and may be extended by the court for good cause, upon notice to the juvenile.	Passed Assembly

A.7661/S.6655A	Hevesi/Brisport	Provides that public welfare officials shall not be required to limit authorized child care services strictly based on the work, training, or educational schedule of the parents and makes technical changes.	Passed Assembly
A.9080A/S.8046A	Hevesi/Mannion	Relates to a study of the number of children in foster care who have a developmental disability.	Vetoed Memo 59
A.9090A/S.8231A	Kelles/Salazar	Requires the office of children and family services to submit an annual report about juvenile recidivism and cost of juvenile incarceration.	Vetoed Memo 81
A.9800A/S.8833A	Epstein/Brisport	Relates to reporting of youth placed in foster care settings and recruitment of foster parents; requires information including the total number of youth placed in foster care, the reasons why such youth were placed and the efforts the state has taken to recruit and retain foster parents; repeals provisions relating to directing the office of children and family services to make information publicly available on the number of youth placed in foster care settings and recruitment of foster parents and the effectiveness thereof.	Passed Assembly
A.10183/No Same As	Rules (Lunsford)/No Same as	Relates to requiring the child abuse multidisciplinary team to make available a child abuse medical specialist for consultations; requires such child abuse specialist become a member of the child abuse multidisciplinary team by January 1, 2025.	Passed Assembly
A.10209A/S.9029 A	Lunsford/Ramos	Extends the length of time that child care assistance is available to eligible families.	Passed Assembly
A.10212/No Same As	Rules (Frontus)/No Same as	Relates to the sealing of notices given to respondents in child abuse and neglect proceedings in family court.	Passed Assembly

APPENDIX D

2022 BILLS REPORTED

Bill #	Sponsor	Description	Last Action
A.1777C/No Same As	Hevesi/No Same As	Increases the monthly rent from \$300 to \$725 the subsidy payable for housing for a foster child living independently in certain circumstances.	Amended and recommitted to Ways and Means
A.2477/S.4055	Hevesi/Persaud	Authorizes the social services department to terminate the subsidies that may be provided to a parent who adopts a disabled or hard to place child under certain circumstances.	Reported, referred to Ways and Means
A.2581A/S.6074A	Hevesi/Salazar	Relates to expanding the right to assistance of counsel to include respondents in guardianship proceedings and kinship caregivers in custody and guardianship proceedings.	Reported, referred to Ways and Means
A.3873/S.6264	Burke/Ryan	This bill would establish minimum caseload requirements for preventive workers, to no more than 12 families per caseworker per month. The bill would also require the state to reimburse local social services districts at 100% for their costs associated with ensuring caseload standards for preventive service workers as long as they maintain the same spending levels as the previous fiscal year before the enactment of the bill.	Reported, referred to Ways and Means
A.4481A/No Same As	Ramos/No Same As	Relates to the provision of criminal history background checks free of charge to mentoring programs operated by not-for-profit corporations.	Reported, referred to Ways and Means
A.4952B/S.4554A	Joyner/Bailey	Relates to the discovery provisions applicable to juvenile delinquency proceedings in family court with regard to the timing of discovery, disclosure prior to certain guilty pleas, DNA evidence, court orders, and the admissibility of discovery.	Reported, referred to Ways and Means
A.5017/S.5058	Lunsford/Kennedy	This bill would require local social services districts to reimburse providers	Reported, referred to

		for absences at a minimum of 12 absences in a 6-month period.	Ways and Means
A.5490A/No Same As	Walker/No Same As	Relates to establishing a program for financial transitional living services for foster children; establishes independent development savings accounts for foster children over the age of 16; requires foster children to attend financial literacy and independent living classes.	Amended and recommitted to Ways and Means
A.7095/S.6077A	Clark/Brisport	Establishes differential payment rates for child care services provided by licensed, registered or enrolled child care providers for providers providing care to children experiencing homelessness, child care providers providing care during nontraditional hours, or in other situations deemed appropriate by a local social services district.	Reported, referred to Ways and Means
A.7332A/S.6227	Hevesi/Brisport	Establishes standards for caseloads for child protective services workers; requires the state to pay for one hundred percent of the costs associated with compliance of such caseload standard; makes related provisions.	Reported, referred to Ways and Means
A.7462B/S.6635B	Galef/Harckham	Relates to including certain employees or volunteers of not-for-profit youth organizations whose primary purpose is to interact with youth through activities, events or gatherings as mandated reporters.	Reported, referred to Rules
A.7468A/S.3903A	Clark/Kennedy	Requires the office of children and family services to utilize a cost estimation model when determining the actual cost providers incur when providing child care; requires the office to prepare a report detailing such.	Reported, referred to Ways and Means
A.7621A/S.9391	Hevesi/Brisport	Relates to expungement of records in persons in need of supervision cases in family court.	Amended on 3 rd Reading
A.7879A/S.7326A	Hevesi/Brisport	Requires a caller making a report of suspected child abuse or maltreatment to the central registry to leave their name and contact information; prohibits the office of children and family	Reported, referred to Rules

		services from releasing information identifying a person who made such a report.	
A.10104A/S.8851A	Darling/Brisport	Increases salaries for foster care direct care workers; makes an appropriation therefor.	Reported, Referred to Ways and Means
A.10210/No Same As	Rules (Hevesi)/No Same As	Establishes the statewide kinship navigator program for kinship caregivers.	Reported, referred to Ways and Means